

Scoping Report

Environmental Impact Statement for the Great Plains Wind Energy Habitat Conservation Plan

Regulatory Agency:



Project Proponent:

**Wind Energy
Whooping Crane
Action Group
(WEWAG)**

February 2012



Table of Contents

1.0	Introduction	5
1.1	Overview	5
1.2	Notice of Intent	5
1.3	Scoping Process	5
1.4	Scoping Meeting Schedule	6
2.0	Agency Scoping	7
2.1	Agency Scoping Invitation	7
2.2	Agency Scoping Meetings	8
2.3	Agency Scoping Meetings Discussion.....	10
2.4	Agency Scoping Written Comment Summary.....	19
3.0	Tribal Consultation.....	34
3.1	Tribal Consultation Letters.....	34
3.2	Tribal Scoping Written Comment Summary	34
4.0	Public Scoping	34
4.1	Public Scoping Notification	34
4.2	Media Coordination	35
4.3	Toll-Free Project Information Line	37
4.4	Website	37
4.5	Public Scoping Meetings	37
4.6	Public Scoping Comment Summary	38
5.0	Summary of Future Milestones in the EIS Process	74



List of Tables

Table 1	Agency Invitees
Table 2	Agency Scoping Meeting Dates & Locations
Table 3	Agency Scoping Meeting Discussion Summary
Table 4	Agency & Tribal Scoping Comments Summary
Table 5	Public Scoping Meeting Dates & Locations
Table 6	Press Release Distribution
Table 7	Public Scoping Meeting Advertisement Publications
Table 8	Public Scoping Meeting Attendance
Table 9	Public Scoping Comments Summary
Table 10	Public Scoping Meetings Feedback

List of Appendices

Appendix A	Notice of Intent
Appendix B	Agency Scoping Meeting Invitation Letter & Mailing List
Appendix C	Agency Scoping Meeting Presentation
Appendix D	Scoping Meeting Materials and Photographs
Appendix E	Public Scoping Press Release, Newspaper Advertisement, and Newspaper Affidavits
Appendix F	Tribal Consultation
Appendix G	Public Scoping Meeting Notification
Appendix H	<i>Confidential:</i> Agency Scoping Comments
Appendix I	<i>Confidential:</i> Public Scoping Comments

Table of Abbreviations and Acronyms

Abbreviation	Definition
AWEA	American Wind Energy Association
BLM	Bureau of Land Management
BMP	Best Management Practices
CO	Colorado
CWA	Clean Water Act
EPA	Environmental Protection Agency
EA	Environmental Assessment
ESA	Endangered Species Act
EIS	Environmental Impact Statement
BGEPA	Bald and Golden Eagle Protection Act
HCP	Habitat Conservation Plan
ITP	Incidental Take Permit
KS	Kansas
LPC	Lesser Prairie-Chicken
MBTA	Migratory Bird Treaty Act
MOA	Memorandum of Agreement
MT	Montana
MTR	Military Training Routes
MW	Megawatt
ND	North Dakota
NE	Nebraska
NEPA	National Environmental Policy Act
NGO	Non-Governmental Organization
NHPA	National Historic Preservation Act
NM	New Mexico
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
NWR	National Wildlife Refuge
NPS	National Park Service
OE/AAA	Obstruction Evaluation/Airport Airspace Analysis
OK	Oklahoma
SD	South Dakota
SPGCHAT	Great Plains Crucial Habitat Assessment Tool
STAM	Species Take Avoidance Measures
USFWS	U.S. Fish and Wildlife Service
USACE	U.S. Army Corps of Engineers
T&E	Threatened & Endangered
TX	Texas
WEWAG	Wind Energy Whooping Crane Action Group

1.0 Introduction

1.1 Overview

The U.S. Fish and Wildlife Service (USFWS), also referred to as the Service, is preparing an Environmental Impact Statement (EIS) for the Great Plains Wind Energy Habitat Conservation Plan (HCP) in accordance with the National Environmental Policy Act (NEPA). A primary goal of the HCP is to develop a consistent, systematic, and predictable approach for wind energy development while supporting the conservation of certain species. The objective of the EIS is to evaluate the potential impacts that would result from the issuance of an Incidental Take Permit (ITP) in response to a permit application supported by the proposed HCP. This ITP would authorize potential Incidental Take associated with construction, operation, and maintenance activities of multiple commercial wind energy facilities within parts of North Dakota, South Dakota, Montana, Colorado, Nebraska, Kansas, New Mexico, Oklahoma, and Texas. Development of the HCP by the Wind Energy Whooping Crane Action Group (WEWAG) was recently initiated pursuant to section 10(a)(1)(B) of the Federal Endangered Species Act (ESA).

Species being considered for inclusion in the HCP include certain species listed as federally threatened or endangered species, or species having the potential to become listed during the life of the ITP and having some likelihood of occurring within the proposed Plan Area. Species currently considered for take coverage include:

- Whooping crane (*Grus americana*), endangered
- Interior least tern (*Sterna antillarum athalassos*), endangered
- Piping plover (*Charadrius melodus*), threatened
- Lesser prairie-chicken (*Tympanuchus pallidicinctus*), candidate

1.2 Notice of Intent

The scoping process was initiated by publishing the Notice of Intent (NOI) to prepare an EIS and conduct scoping meetings in the *Federal Register* on July 14, 2011. A copy of the *Federal Register* notice is included in **Appendix A** for further reference.

1.3 Scoping Process

The first formal step in the NEPA process is the scoping phase, the results of which are summarized in this report. Scoping is the process used by federal agencies in the early stages of preparing the EIS to solicit input on alternatives, issues, concerns, and opportunities that may arise as a result of project implementation. Scoping is intended to encourage agency, tribal, and public participation and solicit input on the impacts and scope of the proposed project.

This report summarizes comments, feedback, and input received from agencies, tribes, non-governmental organizations, and the public during the Great Plains Wind Energy EIS scoping period. Several alternatives to the Proposed Action were suggested by Agencies in the comments received (see **Table 4**). These will be considered in the development of the Draft EIS. Throughout the scoping period for this project, comments from interested parties were solicited and highly encouraged. Five different ways to submit input, comments, and/or concerns

regarding the project were available throughout the 90-day scoping period. The scoping period began on July 14, 2011 and closed October 12, 2011. Comments received by October 14 (or postmarked by October 12) are included in this report.

1.4 Scoping Meeting Schedule

The agency and public scoping meetings occurred on the same day, in the same venue, at each location within the proposed Plan Area. Agency meetings were scheduled in the afternoon from 2:00 – 4:00 PM and the public meetings were generally scheduled from 6:00 – 8:00 PM. The meetings occurred from August 9, 2011 through September 8, 2011. The following map highlights the scoping meeting locations.

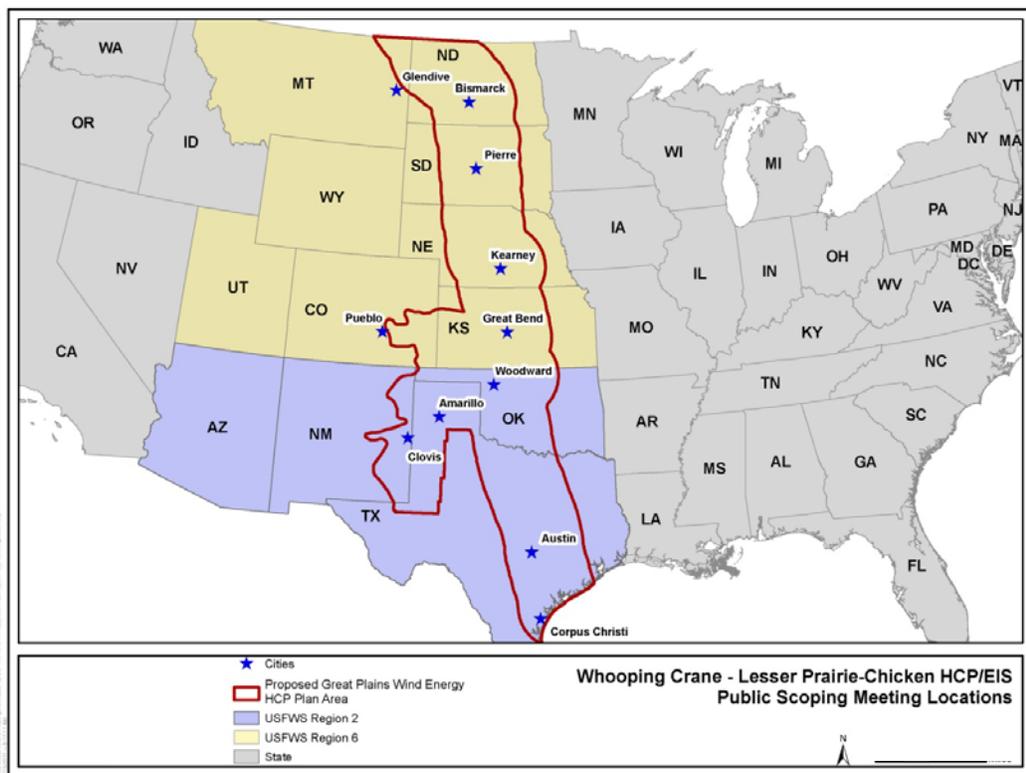


FIGURE 1: AGENCY AND PUBLIC SCOPING MEETING LOCATIONS

2.0 Agency Scoping

2.1 Agency Scoping Invitation

The Service prepared and distributed a letter introducing the Great Plains Wind Energy EIS and inviting agency representatives to participate in the scoping phase of the NEPA process. The invitation letters were mailed in nine batches corresponding to the nine states within the Plan Area. The agency scoping invitation letter template for each state is included in **Appendix B**.

Federal, state, and local agencies were included on the agency scoping invitation letter distribution list. A total of 199 Federal, 242 state, 793 county, and 24 local agency representatives were invited to participate in the scoping process. The number of Federal, state, county, and local agencies in each state that were invited is listed below in **Table 1, Agency Invitees**. For a complete list of agencies invited, see **Appendix B**.

Agency Type	Number of Agency Representatives Invited			
	Federal	State	County	Local
National	33	-	-	-
Colorado	22	32	13	3
Texas	57	46	354	7
New Mexico	17	20	14	2
South Dakota	9	20	39	2
North Dakota	18	35	43	2
Montana	10	24	8	2
Nebraska	8	30	52	2
Kansas	7	13	227	2
Oklahoma	18	22	52	2
Total	199	242	793	24

Out of the 1,258 agency representatives invited, a total of 175 individuals attended the agency scoping meetings, representing 56 agencies, as listed below:

1. Air National Guard (CO)
2. Barton County Admin (KS)
3. Bureau of Land Management (BLM)
4. Cherry County Wind Energy Committee (NE)
5. Clark County Commission (KS)
6. City of Great Bend (KS)
7. Colorado Energy Office
8. Colorado Division of Wildlife
9. Colorado State Land Board
10. Dawson County Commission (MT)
11. DeBaca County Commission (NM)
12. Emmons County Commission (ND)
13. Farmer's Electric Co-op (TX)
14. Graham County Economic Development (KS)
15. Hand County Commission (SD)
16. Kansas Corporation Commission
17. Kansas Department of Commerce
18. Kansas Department of Wildlife, Parks, and Tourism
19. Meade County Commission
20. Montana Dept. of Natural Resources and Conservation
21. Natural Resources Conservation Service

- | | |
|--|---|
| <ul style="list-style-type: none"> 22. Nebraska Game and Parks Commission 23. Nebraska Audubon Society 24. Nebraska Cooperative Fish & Wildlife Research Center 25. Nebraska Army National Guard 26. Nebraska Energy Office 27. Nebraska Department of Environmental Quality 28. New Mexico Department of Game and Fish 29. New Mexico State Lands Office 30. North Dakota Public Service Commission 31. North Dakota Natural Resource Trust 32. Nuckolls County Commission (NE) 33. Oklahoma Association of Conservation District 34. Oklahoma County Commissioner 35. Oklahoma Department of Wildlife Conservation 36. Oklahoma Department of Ag, Food and Forestry 37. Oklahoma Energy Office | <ul style="list-style-type: none"> 38. Oklahoma Municipal Power Authority 39. Oklahoma State University 40. Platte River Recovery Implementation Program (NE) 41. South Dakota Game, Fish & Parks 42. South Dakota State Historical Society 43. The Nature Conservancy 44. Tinker Air Force Base (OK) 45. Texas Military Forces 46. Texas Comptroller of Public Accounts 47. Texas Parks & Wildlife Department 48. Travis County (TX) 49. US Army Corps of Engineers 50. USDA Farm Service Agency 51. US Forest Service 52. US Geological Survey 53. USDA Rural Development 54. US Fish and Wildlife Service 55. Valley County Commission (MT) 56. Vance Air Force Base (OK) |
|--|---|

2.2 Agency Scoping Meetings

The purpose of the agency scoping meetings was to provide agency representatives with a presentation of the Great Plains Wind Energy EIS that included an overview of the project and HCP options for obtaining an ITP. The agency meeting presentation is included in **Appendix C** for further reference. Following the presentation, the meetings were used to receive input regarding any issues, resources, or alternatives recommended for evaluation in the EIS. Eleven (11) agency meetings were held as part of the EIS scoping efforts. **Table 2, Agency Scoping Meeting Dates and Locations**, outlines the Agency Scoping Meeting dates and locations

TABLE 2: AGENCY SCOPING MEETING DATES AND LOCATIONS		
Date	City, State	Address
Tuesday, August 9, 2011	Pueblo, CO	Pueblo Convention Center, 320 Central Main Street
Wednesday, August 10, 2011	Amarillo, TX	Amarillo Civic Center, 401 South Buchanan Street
Thursday, August 11, 2011	Clovis, NM	Clovis Civic Center, 801 Schepps Boulevard
Tuesday, August 23, 2011	Pierre, SD	Best Western Ramkota, 920 W. Sioux Avenue
Wednesday, August 24, 2011	Bismarck, ND	Bismarck Civic Center, 315 South 5 th Street

TABLE 2: AGENCY SCOPING MEETING DATES AND LOCATIONS		
Date	City, State	Address
Thursday, August 25, 2011	Glendive, MT	Dawson County Courthouse, 207 W. Bell Street
Tuesday, August 30, 2011	Kearney, NE	Holiday Inn, 110 Second Avenue
Wednesday, August 31, 2011	Great Bend, KS	Highlands Hotel, 3017 W 10 th Street
Thursday, September 1, 2011	Woodward, OK	Pioneer Room, 1220 9 th Street
Wednesday, September 7, 2011	Austin, TX	UT Thompson Center, 2405 Robert Dedman Drive
Thursday, September 8, 2011	Corpus Christi, TX	American Bank Center, 1901 N Shoreline Boulevard

In addition, attendees had the opportunity to walk around the meeting room to review the display banners and table maps and ask questions and express thoughts to Service and WEWAG representatives. The table maps were primarily provided for input on critical areas and to gather supplementary data for the Plan Area existing conditions.

Photographs were taken during the agency scoping meetings. Representative photographs from each of the meetings are included in **Appendix D** for further reference.

For all agency scoping meetings, information was provided in the following ways:

- Handouts
 - Fact Sheet: Project/Process Overview
 - Fact Sheet: Species of Concern
 - Comment Form
- Table Maps
 - Plan Area maps were provided for the meeting location state and surrounding states. This allowed for an attendee from South Dakota to attend the North Dakota meeting and still be able to review the South Dakota data, for example.
- Display Banners:
 - Banner 1 – Key Definitions
 - Banner 2 – Study Overview
 - Banner 3 – Defining the NEPA Process
 - Banner 4 – EIS Scoping
 - Banner 5 – Potential Alternatives
 - Banner 6 – Identifying Resource Issues
 - Banner 7 – Habitat Conservation Plan (WEWAG content)
 - Banner 8 – Conservation Benefits (WEWAG content)
 - Banner 9 – Wind Energy (WEWAG content)

Appendix D contains copies of the meeting materials including handouts, table maps, and display banners.

2.3 Agency Scoping Meetings Discussion

Following the presentation, all agency representatives had the opportunity to ask questions and provide comments on the project. The comments and responses for each meeting are documented in **Table 3, Agency Scoping Meeting Discussion Summary**.

TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY	
Question Summary	Response Summary
Agency Meeting: Pueblo, CO (August 9, 2011)	
Does the HCP cover all associated infrastructure?	The coverage is up to the Industry group; but the Service will consider the infrastructure in the EIS.
Will the lesser prairie-chicken (LPC) remain in the HCP even if it is not listed?	Yes, the LPC will remain in the HCP even if it is not listed. Conservation measures can be put upfront in HCPs to conserve species and keep them off the list. Should the species become listed incidental take authorization for the LPC would become effective at the time of listing.
What would a modified list of species look like?	The list of species could include up to all listed species and any unlisted species that industry feels there is potential for incidental take from the covered activities and chooses to include in the HCP and requests coverage in the ITP. The Service will continue to work with the HCP proponents to determine what that final list of covered species should include.
What happens when other (non-WEWAG) wind companies want to develop wind in the plan area?	It is WEWAG's decision whether to add more companies to this HCP, but a threshold of full build-out development is necessary to adhere to as part of the ITP. Other companies not part of the HCP have the option to pursue incidental take coverage through the development of their own HCP and apply for a separate ITP.
Does the HCP have to minimize and mitigate and not avoid impacts?	Although "Avoid" is not part of the regulatory language, the Service considers avoidance to be part of the minimization required in statute and regulations for ITPs and HCPs. Thus, in developing measures to minimize to the maximum extent practicable, proponents need to consider appropriate avoidance measures. The proponents must then mitigate the effects of any remaining take of the covered species to the maximum extent practicable.
What should my agency comment on?	The Service is looking for comments related to potential land use conflicts, impacts on aspects of the human environment, and information for areas you have responsibility over.
Is there a listing of Alternatives?	The Alternatives to the proposed action have not been developed. The proposed action has not been completely developed. Input from this process will help to define the proposed action and develop the list of Alternatives to be considered in the draft EIS.

TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY

Question Summary	Response Summary
Are the 19 companies in WEWAG looking at all wind opportunities in the planning area or just their development plans?	WEWAG companies are looking at their development plan. They could add more, but will need to establish a maximum build-out of development/operation for the life of the HCP and ITP. Any incidental take authorized in an ITP would be based upon the maximum build out for these 19 companies. However, the Service must consider the effects of other wind development in the plan area by other companies that are reasonably foreseeable in the cumulative effects analysis of the EIS.
Does the HCP include any avoidance measures, since the criteria listed only include minimize and mitigate?	The regulatory language in statute and regulation on refers to minimize and mitigate, however, the Service includes avoidance as part of minimizing impact to covered species.
Agency Meeting: Amarillo, TX (August 10, 2011)	
Can the team contact the DOD Energy Siting Clearinghouse as part of this project?	Yes, the HCP and EIS team will contact the DOD Energy Siting Clearinghouse in order to obtain correct buffers.
Agency Meeting: Clovis, NM (August 11, 2011)	
How has existing wind development in the Plan Area been allowed?	Wind companies have either applied for individual ITPs or they have built without a permit and are assuming the risk of potentially taking a listed species. If take of a listed species occurs and, the wind company does not have an ITP, it can be pursued for a criminal and/or civil violation of the federal Endangered Species Act.
Will transmission be part of this process?	The HCP can only cover those activities under the control of the wind energy companies. Their facilities end at the substation prior to the tie-in to transmission. However, USFWS is will need to discuss the impacts of transmission as part of our analysis in the draft EIS..
Who holds the proof of compliance?	An ITP holder is required to monitor not only the biological goals and objectives of an HCP, but also will need to monitor and report compliance related issues. The proof of compliance referred to under the Transfer permit structure would be held by the permit holder, if this ITP structure is used and the ITP is issued..
Is WEWAG paying for the HCP? Can anyone else join?	The HCP is the proponent document and therefore paid for by the proponent - WEWAG. They applied for and received an ESA Section 6 HCP development assistance grant. These grants are nationally competitive and provide funds to assist in the development of HCP, but do not fully fund these planning efforts. The request for proposals (RFP) is announced on Grants.gov, roughly on an annual basis.

TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY

Question Summary	Response Summary
What if the ITP is denied?	HCPs are not a requirement, they are voluntary, and the wind companies are applying in order to seek authorization for incidental take of species listed under the ESA. If the ITP is denied, companies can choose to revise the HCP and reapply, develop individual HCPs, develop their projects without an ITP, develop projects outside the planning area, or request reconsideration of or appeal the denial.
Do existing wind farms apply to this HCP?	The possibility of having the operations of existing wind farms covered by the HCP exists, provided that they have not precluded any of the minimization measures and can mitigate the effects of any potential take in the future. The Service can not cover them for past actions. Wind companies with existing projects to be covered would have to agree to comply with all of the permit conditions.
What is the penalty for take?	Violations of the Section 9 prohibition against take of a listed species can be pursued under civil or criminal proceedings. The penalties are listed in Section 11(a) and (b) of the ESA.
Do the USFWS guidelines for siting interact with the HCP and ITP?	The guidelines provide BMPs for siting and operation. This information would be pertinent and could be utilized as part of an HCP at the proponent’s discretion, but the HCP must meet the ITP issuance criteria. The guidelines are for individual siting decisions, and this HCP is being developed at the scale of multiple sites on a regional level.
What is the status of Section 7?	The Federal action that the Service will be consulting on under ESA Section 7 is the potential issuance of the ITP. We will initiate intra-Service section 7 consultation on the preferred alternative once draft EIS is published. The section 7 analysis will include the direct effects of permit issuance, indirect effects of the HCP implementation, and cumulative impacts in the action area. The results of the section 7 consultation and the public comments on the draft EIS will be used to inform our permitting decision.
How will the USFWS track take?	This has not been determined at this point and will need to reflect how take will be monitored. Determination of the type and amount of take is always based upon effects to individuals, but monitoring and tracking of take may be through surrogate species, acres of habitat impacted or lost, and/or individuals affected. We anticipate that tracking take will be handled differently for each covered species, depending on appropriate monitoring programs.

TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY

Question Summary	Response Summary
<p>What happens to property owners who have private property included in the Plan Area? We need to make this work, this could help with the state's economy.</p>	<p>All existing private property rights are maintained, as well as, any local, state, or other Federal statutes and regulations. The development of an individual property owner's land will be between the landowner and wind energy company.</p> <p>Alternatively, lands that are important to the covered species may serve as mitigation areas and may provide income to the landowner to maintain habitat for the covered species to offset impacts elsewhere.</p>
<p>Does the HCP cover all species or just the LPC?</p>	<p>Currently, the Service has recommended that WEWAG consider the four species listed in the scoping materials (whooping crane, LPC, interior least tern, and piping plover)</p> <p>The proposed HCP Plan Area covers more than just the lesser prairie-chicken. The Plan Area is based upon a 200-mile wide corridor around the whooping crane migration flyway. A modified version of the lesser prairie-chicken's current range was added to the Plan Area to cover this species. The Service has received comments about increasing the Plan Area, but this is a decision of the HCP proponent, WEWAG.</p>
<p>Do the green lines on the map have the opportunity to move and change?</p>	<p>The boundaries of the Plan Area are still being discussed and have the potential to change.</p>
<p>Are discussions taking place with the airport?</p>	<p>Airport representatives have been notified of these meetings and some representatives have attended the Agency Scoping Meetings. The technical team is coordinating with the airport on exclusion zones.</p>
<p>If other companies wanted to prepare an HCP, would they need to prepare an EIS?</p>	<p>The level of NEPA analysis that the Service would need for other efforts is cannot be known without information on the scope and context of such projects. An EIS may or may not be necessary, but an Environmental Assessment (EA) is likely to be needed.</p>
<p>Is a decision expected within a two year timeframe?</p>	<p>The current time frame is that a decision could be made by the end of 2013, but due to the number of companies (19) , size of the Plan Area, and complexity of the action, this process could be longer.</p>
<p>Siting of transmission lines is a different process?</p>	<p>Yes, transmission lines would be difficult to combine as part of this HCP. However, utilities may develop their own HCP. The Service has been in discussions with transmission companies to develop an HCP for the whooping crane.</p>
<p>Agency Meeting: Pierre, SD (August 23, 2011)</p>	
<p>What happens when the ITP is issued and private development starts, where National Historic Preservation Act (NHPA) does not apply? Will the Service include Section 106 consultation in the HCP process?</p>	<p>The Service recognizes that the issuance of the ITP may be the only federal nexus for these private development projects. The Service would like to issue programmatic agreements with each state for NHPA compliance. If an agreement is not developed, the HCP could still spell out the NHPA compliance process as a permit condition.</p>

TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY

Question Summary	Response Summary
Does the Service recognize that the Plan Area covers every tribe in SD and all but one has a Tribal Historic Preservation Officer?	It is not a matter of the plan “covering” every tribe, but which tribes have cultural, historical, or religious interests within the planning area. The Service is working with tribal liaisons in Regions 2 and 6.
Agency Meeting: Bismarck, ND (August 24, 2011)	
Is the “Just Wind” project covered in this HCP? Do they meet the HCP requirements?	No, the Just Wind project is not covered in this HCP, because this HCP has not been developed yet.
What is the relationship between this HCP and projects already underway or on the ground?	Existing projects could still get in to the HCP and have coverage, if they agree to comply with all of the permit conditions. If not, they would have to prepare their own HCP and apply for a separate ITP for their project.
What caused the Service to initiate this project?	The Service has been meeting with wind energy companies for the past couple of years, working cooperatively to find a programmatic approach to wind energy development and ESA compliance. WEWAG came to the Service to initiate the process.
Agency Meeting: Glendive, MT (August 25, 2011)	
Do private landowners have any reason to be concerned? Could this HCP/ITP stop private landowners from developing their land?	No, this is a programmatic review of wind energy development in the Plan Area. If a project does not affect a threatened and endangered (T&E) species, the project would not be affected. If T&E species would potentially be taken, a private landholder can voluntarily prepare an HCP and receive an ITP for protection from prosecution from illegal take.
Do wind energy companies have to follow this process?	The project proponent is WEWAG, which includes 19 companies and about 80 percent of the anticipated wind energy development in the Plan Area. Other companies would have to develop their own HCP, or could choose to take a risk and not develop one.
How do the tribes get involved as sovereign nations?	Tribal liaisons from the USFWS Regions 2 and 6 have just begun formal government-to-government consultation with the tribes.
What is the schedule for the HCP/EIS?	The HCP/EIS schedule is in flux. The preparation of the HCP has been delayed, yet it is essential for development of the EIS. The Draft EIS should be out sometime in 2012.*
What if other species are discovered during the term of the ITP?	The HCP can be amended at any time. Part of the provisions of the HCP and ITP is the “no surprises” policy that the Service will not ask for more from the Applicant. If something changes, anything would be voluntary, but the Service may have to pay for additional studies.

TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY

Question Summary	Response Summary
<p>Is there anything that can be done to keep whooping cranes from hitting the towers?</p>	<p>Evidence indicates that cranes avoid structures, but they are very tied to this migration corridor. There have been no incidents of whooping crane takes in the wind energy industry, but there always is the possibility that on a foggy day there could be a take.</p>
<p>Agency Meeting: Kearney, NE (August 30, 2011)</p>	
<p>Once a project is proposed, what level of participation will federal and state agencies have at that time?</p>	<p>The level of participation by federal and state agencies will partly depend on which permit issuance structure is selected and on what is identified in the HCP.</p>
<p>Will there be a set number of take established for this project?</p>	<p>Yes. The Service must identify the anticipated level of take of each covered species as a result of the covered activities under the HCP that will be authorized by the permit. In doing so, the Service must also analyze the effects of such taking and ensure that it would not jeopardize the survival and recovery of the species.</p>
<p>How will the HCP work with the state regulatory processes, since incidental take in Nebraska is currently not allowed?</p>	<p>It is ultimately up to the applicant to ensure that their covered activities will be in compliance with all other laws, including State ESAs. However, the Service would ensure that such States would be very involved in the HCP development process to ensure that every effort is made to either avoid take of such species in those states or develop conservation strategies that would satisfy such states.</p>
<p>Will the ITP have terms and conditions for compliance?</p>	<p>Yes, the ITP will have terms and conditions that refer to the HCP conservation program (avoidance, minimization, and mitigation measures). The Service may also add terms and conditions as deemed necessary for permit issuance. These would be worked out with WEWAG prior to issuance.</p>
<p>How will you be in compliance with Migratory Bird Treaty Act (MBTA)?</p>	<p>The HCP will need to incorporate plans addressing MBTA., or it will be required of the WEWAG companies prior to implementation of a project under the otherwise lawful activity requirement.</p>
<p>Why does the Service feel that this “regional approach” is better than “local approach”?</p>	<p>The regional approach offers larger benefits by planning for species conservation at the landscape level. This comprehensive approach allows for identifying the most strategic areas for development and mitigation efforts, as opposed to a piecemealing approach that does not allow for looking at cumulative impacts and strategic planning. f. A regional approach is also more streamlined and efficient, even though it requires a larger up-front investment of time and resources, because it will eliminate the need to prepare full analysis documents for each WEWAG project as it is proposed.</p>

TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY

Question Summary	Response Summary
Will the Service address the development step-wise so that low risk areas can be developed first?	The HCP/ITP may provide a phased- development/phased-mitigation approach. Whether such an approach is included will depend on WEWAG’s proposed development and the species’ needs.
What is the permit duration?	The proposed permit duration is for a 15-year build-out, followed by a 30-year operation and decommission or repowering phase; therefore, we are considering a 45-year permit duration.
What happens if the actual impacts to listed species are greater than what was originally anticipated in the HCP?	The HCP must identify changed circumstances that may occur along with contingency responses to address any additional impacts. However, should any circumstances not identified in the HCP occur that cause further impacts, the No Surprises rule assures that the Service would not require of the permittees further commitments of land, water, or financial resources or restrictions of use of resources, as long as the HCP is being properly implemented and none of the species are jeopardized. In such cases, the Service would work with the permittee to negotiate any voluntary measures and/or work with other Federal and State agencies to address the impacts.
Will the HCP look at operational adjustments, like turbines shutting down for a few weeks during migration?	Yes, the Service will consider operational adjustments, as appropriate, in the HCP.
Agency Meeting: Great Bend, KS (August 31, 2011)	
What is an example of a qualified third-party holder for an ITP? What are examples for this project?	Most HCPs with a third-party permittee have been for county-wide development, where the County holds the permit and issues certificates of inclusions to developers. For this HCP, there has been some discussion about forming a 501(c)3 entity to hold the permit, but. , no specific applicant has been proposed as such.
Is there a nexus for state involvement?	States have been invited to the table; state wildlife agencies are part of this HCP development. They are the primary management agencies for all these species and much of the expertise on these species in each state is with the state wildlife agencies.
What are examples of whooping crane mitigation measures?	The Service and WEWAG are discussing potential mitigation measures, which will ultimately depend on off-setting the impacts of take. Some potential considerations are ensuring availability of enough suitable habitat for cranes during migration and at wintering grounds. Mitigation could include ensuring adequate food at wintering, providing adequate stopover habitat during migration, and marking transmission lines.

TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY

Question Summary	Response Summary
Who will monitor industry's activities?	The HCP must include a monitoring plan for compliance with the HCP, as well as effectiveness of the conservation measures and impacts of the species in the plan area. This plan will require scheduled reports, which will be reviewed by the Service and others, as identified in the HCP.
How does the HCP marry with state laws? Will mitigation occur in the states that development occurs in?	The issuance of an ITP provides authorization for take of a Federally listed species for an otherwise lawful activity. Therefore, all State and local laws must be in compliance, either in the HCP or during project implementation to gain coverage under the ITP. Mitigation will be based impacts and the species' needs. A mixed mitigation approach may be considered – some mitigation may be local to the occurrence of impacts, while some may be off-site or in another state to provide increased recovery benefit for the covered species. We recognize that some State agencies may desire that mitigation be implemented in the state where the impacts occur. Thus, we continue to encourage State participation in the HCP development.
What is the buffer for development around this habitat?	A buffer is incorporated into the build-out model; critical habitat is excluded from build-out. The buffer currently surrounds Refuges at a three-mile radius.
What are the alternatives and who is helping develop them?	A technical team for the HCP is composed of species experts, policy specialists, wind energy companies, USGS, and others. The development of alternatives will be a collaborative process between the technical team, WEWAG, the Service, and the States.
Agency Meeting: Woodward, OK (September 1, 2011)	
Will the proposed ITP be available to any companies outside of WEWAG?	Any other companies outside of WEWAG would need to develop their own ITP. Once WEWAG has gone through the HCP/ITP process, the HCP will become public record and available to other companies, making it easier for them to complete their particular HCPs.
Is the Clean Line project related to this project?	No, the Clean Line project is not part of this HCP. The Service is, however, working with the Clean Line proposal separately. Some wind projects proposed by WEWAG under the HCP may interconnect with the Clean Line project.
Why is this HCP being developed now, when wind is all over the Plan Area already?	HCP development is an applicant-driven process, whereby the project proponent decides whether to apply for an incidental take permit. WEWAG recognizes that full build-out of wind developments planned in the Plan Area could result in take and initiated this process because they wish to be in compliance with the ESA and conserve the covered species.
How much is this process going to impact other wind development?	Regardless of this process, other wind companies would decide whether to pursue application of a permit and HCP development based on the potential risk of take and their desire to be in compliance with the ESA.

TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY

Question Summary	Response Summary
How do other resource topics and issues fit in and get assessed?	The HCP addresses just the covered listed and unlisted species that may be taken. To meet NEPA obligations, the Service must conduct for all aspects of the human environment that may be impacted by the proposed permitting decision.
Agency Meeting: Austin, TX (September 7, 2011)	
How will you authorize take for the whooping crane – how many takes?	We don't know until we see the HCP. No takes of whooping cranes have occurred to date; however, two sandhill cranes were lost due to collisions with wind turbines; however, these were not birds in migratory flight, but a group of cranes that were feeding within the wind farm area. All information suggests that whooping cranes avoid wind farms.
How will the ITP be structured to have the flexibility to account for unknown changes over time, such as loss of habitat due to drought?	Some of these types of unknown changes would be covered under the HCP as a reasonable likelihood of occurrence of a changed circumstance. The ITP would reference the HCP.
What kind of flexibility does the industry have for technology changes for wind turbines?	If new technology changes have a negative impact that was not covered in the original HCP and ITP, the Service may request that the applicant modify the HCP. This process would be voluntary, under the "No Surprises" clause. If a jeopardy situation arises, that would create a different circumstance where the applicant would be required to work with the Service to address the problem.
How will the developer coordinate with the states for state-listed species?	The Service has asked the states to cooperate in the development of the HCP, but developers will still have to comply with other regulations, both state and federal.
How will the developer coordinate with the states for state-listed species?	The Service has asked the states to cooperate in the development of the HCP, but developers will still have to comply with other regulations, both state and federal.
Agency Meeting: Corpus Christi, TX (September 9, 2011)	
What would be a "qualified" third party for the Programmatic HCP and Primary Permit HCP scenarios?	A qualified third party would be an entity that does not have an interest in wind energy projects (i.e., non-governmental organization (NGO) or non-profit organization).
How can the Permit Area differ from the Plan Area for the whooping crane wintering area?	The Service recognizes that there may be more exposure for whooping cranes in the wintering grounds where there may be more than two or three flights per day while feeding, but inclusion of the wintering grounds within the Plan Area offers opportunities for mitigation.
If one company outside of WEWAG causes a significant take, how does that affect this HCP/ITP?	WEWAG has the "No Surprises" assurances until the species reaches jeopardy and then the cumulative impacts could become significant.
Will the HCP and ITP need to be reviewed periodically?	There will need to be periodic biological and compliance monitoring with annual reporting. The NEPA analysis will need to be reviewed every five-years and that is also the best time to conduct a comprehensive review of the entire HCP.



TABLE 3: AGENCY SCOPING MEETING DISCUSSION SUMMARY

Question Summary	Response Summary
If there is a new study or new information about one of the species, how do we get it included in the Plan?	The HCP isn't final until the ROD is signed; please provide any updates to Laila Lienesch.

Note: * Draft EIS schedule information provided was current at time of the Agency Scoping Meeting.

2.4 Agency Scoping Written Comment Summary

Twenty-three (23) agencies commented during the scoping period. The most common topics included:

- Air Space
- Air Quality
- Alternatives
- Construction Activities
- Cultural/Historic Resources
- Habitat Protection
- Information/Data Provided
- Land Use
- NEPA Process
- Project Siting and Wildlife
- Water Resources
- Wind Energy No-Go Zones



Table 4 - Agency and Tribal Scoping Comments Summary. Outlines agency written comments received by resource topic.

TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY		
Comment Category	Comment Summary	Agency/Tribe
Alternatives	<ul style="list-style-type: none"> • Recommends that the applicant expand its area of review to include the entire migratory flyway utilized by listed Great Plains species, not just the areas utilized by the whooping crane, lesser prairie-chicken, interior least tern, and piping plover. • This expansion should include offshore areas utilized by listed species during foraging and migration activities. • Without the expansion of all species considered, as well as their habitat, the USACE will not be able to adopt or tier off this EIS. 	USACE Galveston District
	<ul style="list-style-type: none"> • Due to the large area encompassed by the proposed corridor, the inclusion of additional species should be considered to broaden the current and future utility of the document. • Although such an approach may increase initial drafting costs and time frames, the addition of other "criteria" species now will provide for dividends in the future. 	Cherokee Nation
	<ul style="list-style-type: none"> • Encourages inclusion in the HCP of other listed and candidate species found within the planning area that may be placed at risk due to the construction and operation of commercial wind facilities, such as the American burying beetle. 	US Department of the Interior, National Park Service, Intermountain Region
Agency Coordination	<ul style="list-style-type: none"> • Asks if project compliance with the EIS and ITP/HCP will occur at the state field office regional level. • Recommends state agencies be included in the site specific review process. 	Nebraska Game and Parks Commission, Environmental Services Division

TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
	<ul style="list-style-type: none"> • Requests to regionally integrate Clean Water Act (CWA) permitting with ESA habitat conservation planning. • As the HCP and EIS are prepared, the USACE would like to coordinate with the USFWS to the maximum extent practicable. • Coordination will ensure the resulting EIS may be incorporated by the USACE for the purpose of exercising their regulatory authority for any HCP-related activities requiring Department of the Army authorization. • Provides points of contact for Omaha District and Albuquerque District Durango Regulatory Office 	USACE South Pacific Division and Northwestern Division
Agency Coordination	<ul style="list-style-type: none"> • States that Region 6 will be the lead EPA office on this project. • Provided contact information for Region 6. • Expresses interest in participating in future agency and public meetings • Requests schedule for EIS development 	Environmental Protection Agency (EPA) Region 6
Airspace/ Department of Defense	<ul style="list-style-type: none"> • Believes the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota. 	North Dakota Department of Health, Environmental Health Section
	<ul style="list-style-type: none"> • Provides information concerning the proposed airspace expansion of the Powder River Training Complex EIS. • Complex will extend into southwestern and south central North Dakota and northwestern and north central South Dakota. 	Ellsworth AFB
	<ul style="list-style-type: none"> • Expresses concern about the effect on Low Level Military Training Routes (MTRs) that wind turbine sitings would have, because Vance AFB trains nearly one-third of all US Air Force pilots. • Numerous wind turbines on or very near their military training routes prevent students from receiving the low level flying training and familiarization that they require. 	Vance AFB
	<ul style="list-style-type: none"> • Requests identification of Department of Defense land on EIS maps. 	US Army Garrison of Fort Hood



TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
Airspace/ Department of Defense	<ul style="list-style-type: none"> • With regard to the planning and construction of wind energy facilities, the jurisdiction of the FAA is limited to the airspace into which wind turbines might project. • Notice of obstructions must be reported to the FAA, pursuant to 14 Code of Federal Regulation Part 77. • Requests proponents to submit a form 7460-1. • FAA’s Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) program makes a determination regarding the obstruction and will indicate whether the obstruction may have an adverse effect upon the safe and efficient use of the navigable airspace by aircraft and upon air navigation facilities. • Such determinations are considered advisory, and are not major agency actions subject to review under NEPA, or an undertaking as defined under Section 106 of the NHPA. 	Federal Aviation Administration (FAA) Office of Environment and Energy
Biological Resources	<ul style="list-style-type: none"> • Asks how the applicant will comply with the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA) when neither of these Acts allow for take. • Expresses concern about the potential impacts of new inter- and intrastate transmission on all included species, particularly lesser prairie-chickens. • Maps reviewed during scoping meetings appear to having misconstrued distribution of least terns and piping plovers in Colorado. • Recommends a query of the USFWS Whooping Crane Sighting database to ensure that all confirmed observations are included. 	Nebraska Game and Parks Commission, Environmental Services Division Colorado Division of Wildlife



TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
Conservation/ Mitigation	<ul style="list-style-type: none"> • Recommends that EIS address how mitigation will be calculated and how it will be directed. • Asks if mitigation for a given project will always occur within the same state as the project. • Recommends mitigation funds/activities required for wind energy development in Nebraska be used within Nebraska. • Asks who will be responsible for mitigation accounting or if each state be responsible for the mitigation accounting. • Asks if costs of mitigation will be adjusted for inflation over time. • Recommends clearly defined specific purposes and objectives for mitigation. • Recommends monitoring be a component of any required mitigation. 	Nebraska Game and Parks Commission, Environmental Services Division
	<ul style="list-style-type: none"> • Asks what mitigation measures would be possible if permitted levels of take are exceeded. • Asks what BMPs or STAMs will be implemented. • Asks if WEWAG will utilize the BMPs/STAMs outlined by groups such as the New Mexico Wind and Wildlife Collaborative or the Colorado Wind and wildlife Collaborative. • Asks if WEWAG is planning on providing specific mitigation steps for each species 	State of New Mexico Department of Game and Fish
	<ul style="list-style-type: none"> • Recommends a voluntary program, which would be initiated whenever a whooping crane is observed and confirmed near a development. • Recommends voluntary scale-back of wind turbines is initiated until the birds have left the area. 	Colorado Division of Wildlife
Construction Activities	<ul style="list-style-type: none"> • Provides “Construction and Environmental Disturbance Requirements” document that represents the minimum requirements of the North Dakota Department of Health. • The requirements ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. 	North Dakota Department of Health, Environmental Health Section

TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
	<ul style="list-style-type: none"> States that if any work needs to be completed on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineers. 	North Dakota Department of Transportation
Cultural/ Historic	<ul style="list-style-type: none"> Expresses concern that the proposed action has the potential to indirectly affect historic properties within the permit area. The issuance of such a permit with the intention of facilitating development and the indirect increased potential for adverse effects to historic properties within a defined permit area should be disclosed The relationship between that increased development and increased potential affects to historic properties should be explained, at a minimum, within the regulatory framework of 36 CFR 800. Commercial wind energy developments and associated transmission lines proposed near the Lewis and Clark National Historic Trail have the potential to adversely impact the scenic, natural, and cultural resources of the historic trail, as well as the visitor experience. States that it is unclear how the EIS and potential issuance of the ITP will take into consideration historic/cultural resources. Expresses concern that the issuance of the ITP for a specific area will encourage further development that may affect historic/cultural resources. The proposed GPWE HCP plan area for South Dakota contains areas with a high potential to contain historic properties, including the entire Missouri River corridor and its tributaries. The proposed plan area contains seven Indian reservations. Requests that the EIS address the potential for increased risk of affecting cultural resources. 	<p>Montana Historical Society, State Historic Preservation Office</p> <p>US Department of the Interior, National Park Service, Intermountain Region</p> <p>South Dakota State Historical Society, Department of Tourism and State Development</p>
Exclusion Zones	<ul style="list-style-type: none"> Recommends avoiding known areas where specifically identified landscape features concentrate wildlife during migration or for feeding, breeding, wintering, or roosting activities, such as National Wildlife Refuges, high-elevation mountaintops, or ridgelines. 	USFWS, Hagerman National Wildlife Refuge



TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
Exclusion Zones	<ul style="list-style-type: none"> • Recommends the expansion of exclusion zones to include high-value stop-over landscapes for migratory birds, such as sandhill crane wetlands in Cherry County, Central Table Playas in Custer County, the Central Platte River Valley, and Rainwater Basin wetland complex. • Provided maps displaying these areas. 	Nebraska Game and Parks Commission, Environmental Services Division
Habitat Conservation Plan (HCP)	<ul style="list-style-type: none"> • Recommends including the Interior Least Tern and Piping Plover in the HCP due to inability of the species take avoidance measures to adequately cover these two species. • Recommends that consideration be given to whether it would be feasible to create a stepwise plan where perceived low-risk areas within the HCP plan area are developed first, and then monitored and additional development is informed by what is learned. • Asks whether projects in pre-construction development, such as the Southwest Power Pool to the Federal Energy Regulatory Commission’s 75-megawatt project in Custer County, will be included as part of the HCP. • Asks if existing wind energy facilities will be covered by the HCP. • Asks how the Service intends to determine a level of take compatible with whooping crane recovery relative to other sources of mortality, particularly other sources of mortality that may increase in future years. • Asks if the USFWS intends to determine a level of take compatible with whooping crane recovery as it pertains to additional wind development that does not fall under the HCP, but occurs in the whooping crane migration corridor, possibly in sensitive and irreplaceable habitats. • Asks how unknowns, such as the location and magnitude of future transmission lines and the potential impact of those transmission lines, will be taken into account 	Nebraska Game and Parks Commission, Environmental Services Division



TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
Habitat Conservation Plan (HCP)	<ul style="list-style-type: none"> • Asks who will be monitoring the covered wind energy projects. • Asks what will be the required timing, duration and intensity of mortality monitoring. • Asks how the results will be reported and evaluated. • Asks if there will be set standards for monitoring protocols for the various species of concerns • Recommends that the HCP and ITP should cover new transmission corridors specific to the covered wind generation projects. • Asks how the HCP/ITP would affect a situation where only one or a few projects turn out to cause disproportionately high mortality, or habitat loss/fragmentation, while other projects cause little or none. Would that one project be sanctioned, or would the collective group of WEWAG be affected? • Asks how the HCP would affect projects developed by a non-participant and then transferred to a WEWAG member, or projects developed by a WEWAG member and then transferred to a non-participant. • Asks what happens if any of the proposed covered species are listed, down-listed, or delisted from ESA protection during the life of the HCP. Would WEWAG still be required to follow the STAMs as outlined? • Asks if there are any assurances built into the HCP that provide a specific limit on take. For example, is there some number of whooping cranes that would have to be killed by wind turbines to trigger some form of corrective action? What if populations decline without a direct link to the wind farms? • Asks if the HCP/ITP is flexible enough to conserve species if the assumption of 80 percent development by the WEWAG members is inaccurate • Asks what would happen if the total build out in megawatts exceeds the estimated build out during the lifetime of the HCP. If WEWAG realizes that during the life of the ITP and HCP that they will exceed the estimated build out for the proposed area, would they have to submit another request for a new or modified ITP? 	State of New Mexico Department of Game and Fish



TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
Habitat Conservation Plan (HCP)	<ul style="list-style-type: none"> • Recommends including provisions for protecting not only current habitat, but historical and potential recovery habitats as well. • States that the HCP provides an opportunity to provide consistent guidance to the wind industry while providing adequate active prairie-chicken lek protection. 	Colorado Division of Wildlife
Habitat Protection	<ul style="list-style-type: none"> • States that USFWS lands near Hagerman appear to be in the proposed permit area located in Grayson County, Texas. • The Hagerman National Wildlife Refuge is situated within the Central Flyway and provides important feeding and nesting habitat for tens of thousands of Neotropical migrant songbirds, shorebirds, raptors, wading birds, and ducks annually. • Factors of wind energy development that should be considered during the EIS process include potential risks to birds, bats, and monarch butterflies. 	USFWS, Hagerman National Wildlife Refuge US Department of the Interior, National Park Service, Intermountain Region State of New Mexico Department of Game and Fish Colorado Division of Wildlife
	<ul style="list-style-type: none"> • Supports efforts to protect all native species, their habitats, and the processes that sustain them. 	
	<ul style="list-style-type: none"> • Asks if WEWAG will be required to use the Southern Great Plains Crucial Habitat Assessment Tool (SPGCHAT) as part of their planning and mitigation efforts. If so, will there be restrictions on development in the different categories of crucial habitat? 	
	<ul style="list-style-type: none"> • States that due to small populations of sensitive species and low-quality habitat in some areas, potential habitat may not be currently occupied. • Recommends the USFWS consider direct and indirect (e.g., fragmentation) impacts to current, historical and potential recovery habitats during the EIS process. 	



TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
Incidental Take Permit (ITP)	<ul style="list-style-type: none"> • Requests the justification for selection of the time period [45 years] for the ITP. Were other time periods less than 45 years considered and if so, why were the others eliminated? • Asks how the applicant plans to adjust for species that will become listed over the life of the ITP. • Asks how WEWAG will interface with state regulators through the ITP/HCP process. • Asks how the applicant plans to address state-listed species which are not federally listed. • States that Nebraska Game and Parks Commission does not have the ability to issue incidental take permits. 	Nebraska Game and Parks Commission, Environmental Services Division
	<ul style="list-style-type: none"> • States that the four proposed structures for the administration of the ITP are confusing. The EIS should clearly explain the differences and implications of each potential administrative structure. • Recommends that the HCP and ITP should cover new transmission corridors specific to the covered wind generation projects. • Asks what the consequences for WEWAG would be in the event of a violation. • Asks about the cumulative potential for mortalities or habitat loss/fragmentation to result from projects which are not covered by the permit, and may not be monitored, or not monitored with comparable effort, or reported? 	State of New Mexico Department of Game and Fish
Information/Data Provided	<ul style="list-style-type: none"> • Provides link to recent Environmental Assessment titled “Eastern New Mexico Rural Water System”, www.usbr.gov/uc/albuq/envdocs/ea/EasternNM/index.html. 	Bureau of Reclamation Albuquerque Area Office

TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
<p>Land Use</p>	<ul style="list-style-type: none"> States that the USDA-NRCS is responsible to review all public NEPA documents as they impact prime farmlands, as per the Farmland Protection Act of 1981, 7 CFR 658. Offers to review the GPWE EIS as it relates to prime farmlands. States the agency is in similar processes related to species of concern habitats in the Great Plains of Texas. States that USDA-NRCS actions are taken in cooperation with private landowners and managers in a voluntary manner to apply conservation practices that provide the most benefit to species and minimize loss due to habitat degradation. 	<p>USDA-NRCS Texas State Office</p>
	<ul style="list-style-type: none"> States the USACE is responsible for those portions of the HCP covering Montana, North Dakota, South Dakota, Nebraska, Kansas, southeastern Colorado, eastern New Mexico, and west Texas. 	<p>USACE South Pacific, Albuquerque, and Omaha Districts</p>
	<ul style="list-style-type: none"> States the project does not appear to have any adverse affects on NDDOT highways. 	<p>North Dakota Department of Transportation</p>
	<ul style="list-style-type: none"> States the Department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. 	<p>North Dakota Department of Health, Environmental Health Section</p>
<p>Lesser Prairie-Chicken</p>	<ul style="list-style-type: none"> States that the estimate of 2,000-3,000 lesser prairie-chicken in NM by the Sutton Avian research Center is inaccurate. Populations of lesser prairie-chicken in NM have ranged from approximately 3,000 birds in 2010, to over 9,400 birds in 2008, and a current estimate of 6,100 birds in 2011 with an 11-year average (2001-2011) of around 5,900 birds. Asks if the Southern Great Plains Crucial Habitat Assessment Tool (SPGCHAT) will incorporate new information that is expected from ongoing studies of lesser prairie-chicken response to wind projects 	<p>State of New Mexico Department of Game and Fish</p>



TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
Lesser Prairie-Chicken	<ul style="list-style-type: none"> • Requests that the USFWS consider establishing a consistent buffer distance between wind developments and lesser prairie-chicken leks. • Expresses concern about the potential impacts of new inter- and intrastate transmission on all included species, particularly lesser prairie-chicken. 	Colorado Division of Wildlife
NEPA Process/EIS	<ul style="list-style-type: none"> • States that this EIS project will use considerable Federal/USFWS resources. The USFWS should strive towards the completion of a NEPA document that contains approval/clearance criteria and processes that can be applied universally (i.e., development of an objective process that can be applied by any project developer located within the corridor). • It is of particular importance that such universality apply to the process for ITP (to decrease costs and time frames associated with such processes). 	Cherokee Nation
	<ul style="list-style-type: none"> • Recommends proactively addressing direct and indirect impacts that could be significant during EIS development. 	Colorado Division of Wildlife
	<ul style="list-style-type: none"> • Recommends NEPA studies are coordinated with Section 106 of the NHPA. • Once Section 106 studies are received, agency reviews under both Section 106 and NEPA will be completed. 	The Colorado Historical Society

TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY		
Comment Category	Comment Summary	Agency/Tribe
NEPA Process/EIS	<ul style="list-style-type: none"> • Recommends the potential cumulative impacts to the Lewis and Clark National Historic Trail from existing and potential future wind development covered under the ITP/HCP be discussed in the EIS. • Suggests the area of interest for the Trail to include 20 miles on either side of the Missouri River based on the potential for turbine visibility given the regional terrain and average wind turbine height. • Recommends that adequate information regarding potential impacts, including cumulative impacts, to all listed and candidate species in the planning area be considered in the EIS. • While the focus of the ITP/HCP is listed species impacts, states there will likely be significant impacts to other resources from issuance of the ITP/HCP that must be analyzed in the EIS. Need to also consider potential ways to avoid, minimize or mitigate these other impacts. • Recommends the analyses of other potential resource impacts in the EIS be rigorous enough to identify avoidance areas for these resources. • While not mentioned in the <i>Federal Register</i> notice, the National Park Service (NPS) is interested in being included in consultation under Section 106 of the National Historic Preservation Act regarding potential impacts from the proposed undertaking to the Lewis and Clark National Historic Trail. 	US Department of the Interior, National Park Service, Intermountain Region
NEPA Process/EIS	<ul style="list-style-type: none"> • States that Western, jointly with USFWS Region 6, is currently preparing a programmatic EIS on wind development within the Upper Great Plains service territory, and will contain a full set of minimization measures recommended for wind developers who apply for interconnection to Western’s transmission system. • Recommends that both EIS documents (GPWE and the Upper Great Plains) contain the same minimization measures. 	Department of Energy, Western Area Power Administration

TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
Siting	<ul style="list-style-type: none"> • Requests wind energy project location, design, operation, and lighting should be carefully evaluated to prevent bird mortality, as well as adverse impacts caused by habitat fragmentation, disturbance, and site avoidance. • Recommends that wind power projects be sited on areas with poor wildlife habitat such as heavily disturbed lands while also taking into consideration potential effects on human lives. 	USFWS, Hagerman National Wildlife Refuge
	<ul style="list-style-type: none"> • Expresses concern that wind energy facilities can have negative impacts on wildlife and habitat in Nebraska if they are not planned and sited appropriately. • States that wind energy development, if sited incorrectly, could result in a loss of crucial habitat by causing whooping cranes to discontinue using habitats they may have used in the past. 	Nebraska Game and Parks Commission, Environmental Services Division
Transmission	<ul style="list-style-type: none"> • Due to the foreseeable increase in transmission capacity requests, requests that USFWS partner with the utility industry on any recommendations regarding power lines, including minimization measures that would require developers to offset the impacts of project sites by marking power lines. • Recommends the USFWS have an open dialogue with Western via the Avian Power Line Interaction Committee to address wind development and transmission provider concerns. 	Department of Energy, Western Area Power Administration
Water Resources	<ul style="list-style-type: none"> • States that if any designed project work is proposed in jurisdictional water pursuant to Section 404 of the Clean Water Act (CWA), the USACE District that has jurisdiction will need to review the project for 404 requirements. 	USACE Tulsa District

TABLE 4: AGENCY AND TRIBAL SCOPING WRITTEN COMMENTS SUMMARY

Comment Category	Comment Summary	Agency/Tribe
<p>Water Resources</p>	<ul style="list-style-type: none"> • Recommends care be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. • Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. • The USACE may require a water quality certification from the Department of Health for the project, if the project is subject to their Section 404 permitting process. • Any additional information which may be required by the USACE under the process will be considered by the Department of Health in our determination regarding the issuance of such a certification. 	<p>North Dakota Department of Health, Environmental Health Section</p>
<p>Whooping Crane</p>	<ul style="list-style-type: none"> • Questions the ability of the HCP to address various levels and types of uncertainty over the proposed 45-year period of the ITP. In particular, the whooping crane migration corridor could experience changes due to increased population numbers and a potential increase in sites used during migration. • States that occurrence data reveal that whooping cranes use some sites and landscapes so frequently that they cannot be replaced or mitigated. Asks if the FWS would provide an ITP for wind energy development in critical habitat or high-value stopover habitat. 	<p>Nebraska Game and Parks Commission, Environmental Services Division</p>
	<ul style="list-style-type: none"> • Questions the somewhat arbitrary 200-mile wide buffer surrounding the centerline of whooping crane sightings. • Recommends expanding the plan area to more fully include the entirety of the whooping crane migration corridor and provide the greatest level of protection. 	<p>Colorado Division of Wildlife</p>

3.0 Tribal Consultation

In accordance with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, the Service is responsible for assessing the impacts of activities, considering tribal interests, and assuring that tribal interests are considered in conjunction with federal activities and undertakings. The Service recognizes that tribal governments are sovereign nations located within and dependent upon the United States. The Service has a responsibility to help fulfill the United States government’s responsibilities toward tribes when considering actions that may affect tribal rights, resources, and assets.

3.1 Tribal Consultation Letters

Tribal consultation began following the publication of the NOI. Tribal consultation was conducted in accordance with the National Historic Preservation Act (NHPA) of 1966 and Executive Order 13175 to maintain the Service’s government-to-government relationship between Native villages and tribes via a letter to over 148 Native villages and corporations. To continue with government-to-government coordination and consultation, the Service will maintain communication with the tribes throughout the planning process and during future planning efforts. **Appendix F** includes the template letter that was sent from the Service to the tribes and tribal organizations requesting input and notifying them of the scoping process.

3.2 Tribal Scoping Written Comment Summary

The Service received one tribal comment from the Cherokee Nation. The concerns outlined in their letter were primarily regarding the importance of uniform application process for an ITP for wind developers and a recommendation to include other criteria species in the NEPA process. The comment is summarized in **Table 4**. **Appendix F** includes the tribal comments received through the 90-day scoping period.

4.0 Public Scoping

4.1 Public Scoping Notification

The EIS study team prepared and distributed a notification postcard inviting recipients to eleven public scoping meetings hosted at the locations listed in **Table 5, Public Scoping Meeting Dates and Locations**. A copy of each of the four week’s notification postcards are provided in **Appendix G** for further reference.

TABLE 5: PUBLIC SCOPING MEETING DATES AND LOCATIONS		
Date	City, State	Address
Tuesday, August 9, 2011	Pueblo, CO	Pueblo Convention Center, 320 Central Main Street
Wednesday, August 10, 2011	Amarillo, TX	Amarillo Civic Center, 401 South Buchanan Street
Thursday, August 11, 2011	Clovis, NM	Clovis Civic Center, 801 Schepps Boulevard
Tuesday, August 23, 2011	Pierre, SD	Best Western Ramkota, 920 West Sioux Avenue
Wednesday, August 24, 2011	Bismarck, ND	Bismarck Civic Center, 315 South 5 th Street

TABLE 5: PUBLIC SCOPING MEETING DATES AND LOCATIONS		
Date	City, State	Address
Thursday, August 25, 2011	Glendive, MT	Dawson County Courthouse, 207 West Bell Street
Tuesday, August 30, 2011	Kearney, NE	Holiday Inn, 110 Second Avenue
Wednesday, August 31, 2011	Great Bend, KS	Highlands Hotel, 3017 West 10 th Street
Thursday, September 1, 2011	Woodward, OK	Pioneer Room, 1220 9 th Street
Wednesday, September 7, 2011	Austin, TX	UT Thompson Center, 2405 Robert Dedman Drive
Thursday, September 8, 2011	Corpus Christi, TX	American Bank Center, 1901 North Shoreline Boulevard

The meetings were organized by geographic location and grouped into four groups by week, as shown in **Table 5**. The notification postcard included information about the EIS along with an invitation for recipients to attend any of the three scoping meetings in that week's group of meetings. Over 1,000 individuals, non-governmental organizations, and other key stakeholders and interested parties in the plan area received a meeting notification postcard. The postcard notification distribution follows:

- Week 1 – 192 postcards
- Week 2 – 238 postcards
- Week 3 – 328 postcards
- Week 4 – 255 postcards

4.2 Media Coordination

Press Release

Press releases were developed and distributed to announce the scoping meetings, explain the EIS scope, describe the format and goals of the scoping meetings, and provide meeting information. The press release contained pertinent facts and background about the ESA, the HCP and ITP, the study corridor, and affected species. In addition, information regarding the public comment period and opportunities, contact information, and references to available information resources (e.g., the Service's website, project information line, etc.) were included. The press release was developed and distributed at two key junctures: first, an initial release was sent to the complete corridor-wide media database to announce all of the scoping meetings on July 13, 2011, prior to the first scoping meeting held in Pueblo, CO on August 9, 2011; then, reminder advisories were sent to regional media at least 10 days prior to each of the four sets of EIS scoping meetings (for a total of five press release distributions).

The media distribution methodology included all major media outlets located within 100 miles of the cities where each scoping meetings were scheduled. Additionally, major media within all state capitals were included. **Appendix E** contains copies of the press releases used for the scoping meetings. **Table 6, Press Release Distribution**, outlines the press release submittal dates.

Meeting Group	Meeting Location	Distribution Dates
All Groups	ALL	Thursday, July 18 - Thursday, July 25, 2011
Group 1	Pueblo, CO Amarillo, TX Clovis, NM	Thursday, July 28, 2011
Group 2	Pierre, SD Bismarck, ND Glendive, MT	Thursday, August 11, 2011
Group 3	Kearney, NE Great Bend, KS Woodward, OK	Thursday, August 18, 2011
Group 4	Austin, TX Corpus Christi, TX	Thursday, August 25, 2011

Newspaper Advertisements

Newspaper ads announcing the scoping meetings were placed in the papers of record and in each of the cities where scoping meetings were scheduled. Additionally, in areas where large Spanish-speaking populations were identified, including the Amarillo and Austin, TX meeting locations, Spanish-language advertisements were published in the Spanish-language papers of record. Newspaper advertisements were placed at least fourteen days prior to each scoping meeting. **Appendix E** includes affidavits from each newspaper publication. **Table 7, Public Scoping Meeting Advertisement Publications**, identifies the meeting advertisements published for the scoping meetings.

Meeting Group	Meeting Location	Paper of Record	Publication Date
Group 1	Pueblo, CO	Pueblo Chieftain	Monday, July 25, 2011
	Amarillo, TX	Amarillo Globe-News	Tuesday, July 26, 2011
		El Mensajero	Wednesday, July 27, 2011
	Clovis, NM	Clovis News Journal	Thursday, July 28, 2011
Group 2	Pierre, SD	Capital Journal	Tuesday, August 9, 2011
	Bismarck, ND	Bismarck Tribune	Wednesday, August 10, 2011
	Glendive, MT	Glendive Ranger Review	Thursday, August 11, 2011



TABLE 7: PUBLIC SCOPING MEETING ADVERTISEMENT PUBLICATIONS			
Meeting Group	Meeting Location	Paper of Record	Publication Date
Group 3	Kearney, NE	Kearney Hub	Tuesday, August 16, 2011
	Great Bend, KS	Great Bend Tribune	Wednesday, August 17, 2011
	Woodward, OK	Woodward News	Wednesday, August 17, 2011
Group 4	Austin, TX	Austin American-Statesman	Wednesday, August 24, 2011
		El Mundo	Thursday, August 18, 2011
	Corpus Christi, TX	Corpus-Christi Caller-Times	Thursday, August 25, 2011

4.3 Toll-Free Project Information Line

A toll-free project information line was established to provide the public with an overview of the project, and details on the scoping meeting dates, times, and locations. The information line also provided an opportunity to be added to the project mailing list and leave a comment for the Service. The toll-free number secured for this project is 1-800-815-8927. Two (2) comments were left on the project information line during the scoping period. Comments left on the information line are included in *Section 4.6 Public Scoping Comment Summary*.

4.4 Website

The Service developed a project webpage through the Southwest Region website to provide general information regarding the project. The website also provides maps of the Plan Area, materials from the scoping meetings, and contact information for comment submittal. The address to the project webpage is: www.fws.gov/southwest/es/wind.html.

4.5 Public Scoping Meetings

The public scoping meetings were held in an open house format from 6:00 PM – 8:00 PM (5:00 PM – 7:00 PM in Glendive, MT). The purpose of the meetings was to provide the public with an overview of the project, answer questions regarding the project, and receive input regarding any issues and alternatives recommended for evaluation in the EIS. The table maps and display banners were the same materials as provided at the agency scoping meeting. A formal presentation was not given. The meeting materials are listed in **Section 2.2, Agency Scoping Meetings** and included in **Appendix D** for further reference.

Attendees were asked to sign-in upon arrival to the meeting and received handouts including the following:

- Fact Sheet: Project/Process Overview
- Fact Sheet: Species of Concern
- Comment Form

A total of 240 members of the public, non-government organizations, elected officials, and other key stakeholders attended the eleven (11) scoping meetings hosted by the Service. **Table 8, Public Scoping Meeting Attendance**, lists the number of attendees for each of the public scoping meetings.

TABLE 8: PUBLIC SCOPING MEETING ATTENDANCE		
Meeting Group	Meeting Location	Attendance
Group 1	Pueblo, CO	8
	Amarillo, TX	28
	Clovis, NM	15
Group 2	Pierre, SD	12
	Bismarck, ND	7
	Glendive, MT	7
Group 3	Kearney, NE	23
	Great Bend, KS	33
	Woodward, OK	39
Group 4	Austin, TX	25
	Corpus Christi, TX	43
Public Scoping Meeting Grand Total		240

4.6 Public Scoping Comment Summary

During the scoping period, comments could be submitted in a variety of ways, including by mail, telephone (toll-free information line), e-mail, fax, and at the public scoping meetings. At the meetings, a comment form was provided asking respondents to provide feedback regarding issues to be considered in the scope of work and plan area. Meeting attendees were encouraged to complete and submit comments by October 12, 2011. All public comments included in this scoping report were received or postmarked by October 12, 2011; however, the Service will continue to accept comments throughout the EIS process.

Sixty-eight (68) public comments were submitted during the scoping period. The most common topics included questions, comments, and concerns regarding:

- Biological Resources
- Habitat Conservation Plan (HCP)
- Incidental Take Permit (ITP)
- Land Use
- Lesser Prairie-Chicken
- Mitigation
- NEPA Process/EIS
- Permitting
- Siting
- Whooping Crane

Table 9, Public Scoping Comments Summary, summarizes the public comments.

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Agency Coordination	<ul style="list-style-type: none"> States that NPS and USACE have placed restrictions on activities that disturb beach resources (e.g., in Padre Island National Seashore), and NPS is considering more. Recommends inviting the National Marine Fisheries Service (NMFS) to become a cooperating agency because they have jurisdiction over federally-listed sea turtles in the marine environment, which would be affected by offshore wind farms. Recommends inviting the U.S. Navy to become a cooperating agency because they have expressed concerns about wind farms onshore and offshore impacting radar systems, and their air safety and training programs. Expresses concern regarding the lack of coordination during a previous proposal, where Nebraska USFWS agents had no knowledge that an agreement was signed by BP Wind Energy North America, Southwest Power Pool, and by Nebraska Public Power District. During this previous proposal, Federal Energy Regulatory Commission did not notify USFWS about building a wind facility in an environmentally sensitive location with endangered species. 	General public
Aviation/Air Space	<ul style="list-style-type: none"> States that Doss has a flight school at Pueblo Memorial Airport with 2,000 students/year using training areas around Fowler Airport – C080 Flight areas are greater than or equal to 500 feet AGL and extend from 12 to 28 miles from the PUB navigation aid from the northeast to southwest of the airport. Wants to know more about the height of the towers in this area. Jet Stream Ag Aviation also operates a crop dusting operation out of Fowler Airport 	Doss Aviation Initial Flight Screening
Biological Resources	<ul style="list-style-type: none"> Recommends mandatory buffer zones of approximately 5 miles from sage-grouse leks and core areas, and two miles from prairie-chicken leks and core areas. Recommends that the measures to avoid take of birds should be integrated with measures to avoid take of bats. Expresses concern regarding the impacts of construction and maintenance of wind-energy facilities on the ecosystem. States that bird and bat mortality from wind turbines is not the only ecological threat. 	Conservation Law Center and American Bird Conservancy Maryland Conservation Council and Chesapeake Audubon Society



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
	<ul style="list-style-type: none"> For Greater Sage-Grouse, it is recommended that a 5-mile buffer may be needed between a tower and a lek. Wind energy development should avoid large contiguous blocks of 10,000 acres or more because of potential displacement of greater prairie-chickens, depressed productivity, or associated impacts. 	Montana Audubon
	<ul style="list-style-type: none"> Recommends that Species Take Avoidance Measures development for the large number of species listed get the same level of scrutiny as for the four publicized species (whooping crane, lesser prairie-chicken, interior least tern, piping plover). STAMs should be consistent with HCP/ITPs that have been historically issued for various species. 	Save our Scenic Hill Country Environment, Inc.
	<ul style="list-style-type: none"> Recommends clearly identifying definitive standards and thresholds for both species and habitat impacts, especially the whooping crane, interior least tern, piping plover, lesser prairie-chicken, and those unidentified species that may benefit from inclusion in such an HCP (such as various bat species) based on quantifiable limits and durations, as well as definitive mechanisms whereby negative impacts are identified, modified, mitigated and where necessary, halted. 	Natural Resources Defense Council

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
<p>Biological Resources</p>	<ul style="list-style-type: none"> States that the USFWS must avoid the areas that are known to be important for species protected under the ESA to assure takings will not appreciably reduce the likelihood for survival and recovery of species. Through project siting, wind energy projects should avoid impacts to sensitive species and habitats including resident avian and bat species and migration corridors. Requests that thorough, seasonal surveys be performed for sensitive plant species and vegetation communities, and animal species, and a full disclosure of survey methods and results be provided to the public and other agencies to allow for analysis for proper siting and avoidance of these sensitive areas. Encourages USFWS to conduct a full survey, disclosure, and analysis of the habitat for the following species, avoid habitat for these species, and minimize the indirect impacts to the following species: black-footed ferret (<i>Mustela nigripes</i>), Gulf Coast jaguarundi (<i>Herpailurus yagouaroundii cacomithi</i>), ocelot (<i>Leopardus pardalis</i>), Texas kangaroo rat (<i>Dipodomys elator</i>), Attwater’s prairie chicken (<i>Tympanuchus cupido attwateri</i>), black-capped vireo (<i>Vireo atricapilla</i>), golden-cheeked warbler (<i>Dendroica chrysoparia</i>), brown pelican (<i>Pelecanus occidentalis</i>), Eskimo curlew (<i>Numenius borealis</i>), Northern aplomado falcon (<i>Falco femoralis</i>), red-cockaded woodpecker (<i>Picoides borealis</i>), Sprague’s pipit (<i>Anthus spragueii</i>), concho water snake (<i>Nerodia paucimaculata</i>), dunes sagebrush lizard (<i>Sceloporus arenicolus</i>), Houston toad (<i>Bufo houstonensis</i>), ground beetle (<i>Rhadine exillis</i> and <i>infernalis</i>), Helotes mold beetle (<i>Batrisodes venyivi</i>), Cokendolpher cave harvestman (<i>Texella cokendolpheri</i>), robber baron cave meshweaver (<i>Cicurina baronia</i>), Madla cave meshweaver (<i>Cicurina madla</i>), Bracken bat cave meshweaver (<i>Cicurina venii</i>), Government Canyon Bat Cave meshweaver (<i>Cicurina vespera</i>), Governmetn Canyon Bat Cave spider (<i>Neoleptoneta microps</i>), Tooth Cave spider (<i>Neoleptoneta myopica</i>), Tooth Cave pseudoscorpion (<i>Tartarocreagris texana</i>), Bee Creek Cave harvestman (<i>Texella reddelli</i>), Kretschmarr Cave mold beetle (<i>Texamaurops reddelli</i>), Tooth Cave ground beetle (<i>Rhadine persephone</i>), Bone Cave harvestman (<i>Texella reyesi</i>), Coffin Cave mold beetle (<i>Batrisodes texanus</i>), American burying beetle (<i>Nicrophorus americanus</i>), scaleshell mussel (<i>Leptodea leptodon</i>), Higgins eye mussel (<i>Lampsilis higginsii</i>), Dakota skipper (<i>Hesperis dacotae</i>), Arkansas River shiner (<i>Notropis girardi</i>), fountain darter (<i>Etheostoma fonticola</i>), Neosho madtom (<i>Noturus placidus</i>), pallid sturgeon (<i>Scaphirhynchus albus</i>), Topeka shiner (<i>Notropis topeka</i>), Arkansas dater (<i>Etheostoma cragini</i>), black lace cactus (<i>Echinocereus reichenbachii</i> var. <i>albertii</i>), blowout penstemon (<i>Penstemon haydenii</i>), large-fruited sand verbena (<i>Abronia macrocarpa</i>), Navasota Ladies’-tresses (<i>Spiranthes parksii</i>), slender rushpea (<i>Hoffmannseggia tenella</i>), South Texas ambrosia (<i>Ambrosia cheiranthifolia</i>), Texas prairie dawn (<i>Hymenoxys texana</i>), Texas wild-rice (<i>Zizania texana</i>), and Western prairie fringed orchid (<i>Platanthera praeclara</i>). 	<p>Center for Biological Diversity</p>



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Biological Resources	<ul style="list-style-type: none"> Expresses concern for the welfare of raptors, grouse, cranes, and other species which inhabit and will be impacted by the proposed development and ITP. States that wind turbine facilities cause avian fatalities and habitat disruption whether or not they are generating electricity. Recommends examining case study of bird impacts and mortality from Altamont Pass, CA project in <i>The Journal of Wildlife Management</i>, Volume 72, Issue 1, pages 215–223. 	North American Falconers' Association
	<ul style="list-style-type: none"> States that the Great Plains region is an important corridor for migrating prairie falcons. States that wind farms are devastating to migrating birds and destroy their habitat. States that duck, doves, and meadowlarks have greatly diminished near wind turbines near Cooper Wildlife Area near Ft Supply, OK, and quails avoid the turbines. States that the unique wetland complexes, including playas, of western Custer County support the whooping cranes, long-billed curlew and many important shorebirds and other migrating birds. With the persistent droughts in the states of Kansas, Oklahoma, and large portions of Texas, the wetland playas of Central Nebraska play a critical role in sustaining whooping cranes during migration. Recommends that bats be considered in the process States that a plow does more harm to wildlife than wind turbines. 	General public
Construction	<ul style="list-style-type: none"> Recommends that any facilities built in the project area utilize, at a minimum, the USFWS Land Based Wind Energy Guidelines (USFWS 2011), as revised, and the recommendation and guidelines contained in Wind Turbine Guidelines Advisory Committee (2010), upon which the USFWS guidelines are based, and all applicable state guidelines. 	The Nature Conservancy
Cumulative Impacts	<ul style="list-style-type: none"> Recommends that cumulative effects analysis must encompass the full range of habitat for potentially affected species (e.g., breeding grounds, migration route, wintering areas, and total range of affected populations). 	The Nature Conservancy
	<ul style="list-style-type: none"> The cumulative impacts of the potentially large number of industrial wind projects and of their associated transmission system additions should be clearly addressed in the EIS/HCP/ITP. 	Save our Scenic Hill Country Environment, Inc.



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Cumulative Impacts	<ul style="list-style-type: none"> • Recommends that the duration of the HCP/ITP(s) should be specified in the scoping stage to direct the cumulative effects analysis. • Recommends that the applicant and USFWS should be very attentive to the proper assessment of cumulative impacts for an HCP/ITP at this scale. Recommends that cumulative effects analysis must encompass future activities likely to occur over the life of the proposed HCP/ITP(s). • Cumulative effects analysis must encompass the full range of habitat for potentially affected species. 	Conservation Law Center and American Bird Conservancy
	<ul style="list-style-type: none"> • Recommends working with other affected parties or agencies such as Federal Energy Regulatory Commission (FERC) and State Department to obtain the best cumulative account of comparable energy-generating sources and other development that may be affecting the species in question. 	Center for Conservation Biology
	<ul style="list-style-type: none"> • Asks what the cumulative effect would be if many ITPs are granted throughout the Central Flyway. Is it truly worth the risk? • Concern regarding the potential impact to crops from electromagnetic field produced by generators. • Concern regarding the effects of electricity on the reproduction of cattle (and other animals) in the vicinity of a wind development 	General public
	<ul style="list-style-type: none"> • Siting of this development should contain appropriate stipulations regarding wildlife and avian resources inventory, mitigation, and monitoring, including the cumulative effects of expanded development in both space and time 	New Mexico Audubon Council
Decommissioning	<ul style="list-style-type: none"> • States that a Pre-Construction Permit should be required for all commercial wind energy projects, with agency pre-requisites of a facility decommissioning plan, along with funding for timely dismantling. • The decommissioning process detailed in the guidelines must be made mandatory. A financial mechanism should be required to ensure that the facility’s owner has monies available to implement the decommissioning process. 	North American Falconers’ Association



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Energy	<ul style="list-style-type: none"> States that the consequence of wind's intermittency will necessitate overbuilding the wind installations to a degree which will make their electricity unaffordable. Believes that nuclear power is a far more suitable source of electricity than industrial-scale renewable for several reasons including: 1) due to its higher capacity factor and freedom from intermittency reduces the need for redundancy, the cost of nuclear-generated electricity will be lower to the individual rate payer; 2) the only feasible back-up for wind and solar power is natural gas turbines and neither clean coal nor energy storage methods are currently commercially viable; 3) the significantly small footprint of nuclear reactors results on smaller impacts on the biological footprint; and 4) MCC believes the thorough analysis of the health risks associated with nuclear power have been exaggerated. 	Maryland Conservation Council and Chesapeake Audubon Society
	<ul style="list-style-type: none"> Questions regarding the amount of power to be sent through the associated transmission lines? Questions regarding whether the electricity meets code. 	General public
Exclusion Zones	<ul style="list-style-type: none"> Recommends that the portion of the lesser prairie-chicken historic range that is not presently in the plan area should be excluded for planning purposes. Please consider exclusion zones where potential exists for harm to an endangered species, in spite of mitigation measures proposed by wind developers. These are specific locations that should not have wind generation facilities, due to the potential harm to endangered species. States that land between Cheyenne Bottoms and Quivira National Wildlife Refuge (NWR) should be off limits to turbines because the birds fly back and forth. States that there are sensitive areas that should never have wind development, such as migratory bottlenecks, wetlands, and lands that have historic use by endangered species. 	General public
	<ul style="list-style-type: none"> Recommends that areas recognized as high or medium sensitivity be avoided, while areas with low sensitivity provide better opportunities for wind development. The Service should require the ITP permittees to avoid areas of high or medium sensitivity if they are going to receive take authority under the ESA. 	Center for Biological Diversity



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
<p>Exclusion Zones</p>	<ul style="list-style-type: none"> • To protect the integrity of the no-development zones, a large buffer zone precluding construction of wind turbines, power lines, and other vertical structures has to be established around each area of currently occupied or potentially occupiable habitat to account for the lesser prairie-chicken’s well documented avoidance of such structures. Suggest that this buffer zone be a minimum of 1 mile in width, extending out from the edges of the currently occupied or potentially occupiable habitat, unless and until research demonstrates conclusively that shorter or longer buffer distances are appropriate. • Recommends that wind infrastructure be prohibited within a 2-mile buffer zone of any designated critical habitat or newly found habitat areas. This buffer zone should be included in the no-development zones for piping plover. • Recommends that designated areas of critical habitat in the Great Plains population of piping plovers to be considered strict no-development zones. Flight corridors found and documented should also be considered no-development zones. • Recommends that no wind infrastructure be permitted within 0.5 mile of known interior least tern breeding sites within the project area. • Funding should be used to secure lands within identified no-development zones that are not already under some form of conservation ownership. The geographic focus of such habitat protection should be on currently ecologically functional landscapes with large percentages of native grassland and a high probability of sustaining prairie-chicken populations into the future. • Recommends that a minimum of a 10-mile buffer from areas of designated whooping crane critical habitat: Cheyenne Bottoms and Quivira, KS; Big Bend reach of the Platte River, NE; Salt Plains, Oklahoma; Aransas, TX and a minimum of 2 miles from all other areas should be included in a strict no-development zone. • Avoidance of habitat areas used by cranes during migration and wintering seasons should be the essential first part of the mitigation hierarchy specified in the HCP. Although currently identified critical habitat should be included in areas to be avoided, the currently identified areas of critical habitat (<i>Federal Register</i> December 16, 1975; August 17, 1978) are not sufficient. • Areas to be avoided should be identified by incorporating important wetland areas identified by each state’s Wildlife Action Plan and by developing a consultation process to identify key sites. • At any existing or grandfathered facilities in identified avoidance zones, mitigation of potential power line impacts should be practiced by burial of lines or using approved line marking techniques. 	<p>The Nature Conservancy</p>

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Exclusion Zones	<ul style="list-style-type: none"> • Recommends that critical habitat within the nine-state region for the whooping crane, piping plover, Mexican spotted owl and any other species covered by the HCP/ITP(s) be excluded from wind energy development. • Wind farms should not be constructed in areas within a wetland mosaic suitable for whooping crane use or within five miles of suitable stopover habitat where that habitat is isolated and there is no suitable alternative nearby. • Recommends that sensitive, essential, and exceptional areas, refuges, migratory routes, and other locations should be excluded from wind energy development. • Recommends that projects should not be constructed within USFWS grassland and wetland easements; in unregimented landscapes in the rare Coteau des Prairies, South Dakota; and in areas where partnerships with private landowners are being formed to protect habitat for imperiled species or where those species could be reintroduced. 	Conservation Law Center and American Bird Conservancy
	<ul style="list-style-type: none"> • Notes that there is whooping crane critical habitat within the migratory corridor and WEWAG area of interest, as well as many other sites documented to host whooping cranes during migration. In addition, confirmed siting locations have been documented for several decades that demonstrate the importance of remaining natural habitat along the corridor. These areas and those habitats generally adjacent to them should be considered sensitive habitat and all efforts to locate sites away from them implemented. • States that ITPs should not be given out to wind farms that build within two miles of: National Wildlife Refuges; State Wildlife Management Areas; National or State Parks; Designated Wilderness Areas and Wilderness Study Areas; BLM Areas of Critical Environmental Concern; Important Bird Areas; or Areas where HCP species can be found breeding. 	International Crane Foundation
	<ul style="list-style-type: none"> • Supports the Kansas Governor’s ban on utility scale wind farms in the “Heart of the Flint Hill” area. 	Sierra Club, Kansas Chapter
General	<ul style="list-style-type: none"> • Commends USFWS for recognizing the importance of landscape scale planning in addressing the increasing development of wind energy. 	Center for Biological Diversity

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
<p>General Opposition</p>	<ul style="list-style-type: none"> • Oppose the issuance of the Incidental Take Permit. • Recommends choosing a no action alternative as the preferred alternative to the request for an ITP • Recommends evaluating each developer’s proposal separately. • Wind energy projects are unlikely to offer a quantity of reliable electricity sufficient to compensate for their adverse biological impact. 	<p>Maryland Conservation Council and Chesapeake Audubon Society</p>
	<ul style="list-style-type: none"> • States that the USFWS has demonstrated that it is either unwilling or unable to enforce provisions of the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and the Endangered Species Act once projects are in place. 	<p>North American Falconers’ Association</p>
	<ul style="list-style-type: none"> • Expresses interest in being kept updated on the proposed power lines. • States that "streamlining" and "saving time" are not concepts that should be considered for these issues. • States that every person living in the United States is a stakeholder in the protection and treatment of our wildlife resources. Whether they are on public or private land, they are public property. • States that the birds are covered under the MBTA and it is inappropriate to use the proposed broad approach. • States that this process is costing the people of this country too much money. • States that a lawsuit may be filed. • States that the project is a waste of money and time, and that the government has no place in their business. • Does not grant permission to enter, trespass, site, and/or build a wind development on the individual’s property. • States that the enormous amount of U.S. tax revenue that has been used to study and protect these rare endangered birds may be wasted as wind energy companies "win" with the ITPs. • Strongly urges the USFWS to deny this permit and uphold its duty as the protector of our vast and fragile migratory bird resources. • Does not think this permit should even be considered 	<p>General public</p>
	<ul style="list-style-type: none"> • States that they do not believe that an ITP should be issued for whooping cranes. As of September 2010, there were just over 400 whooping cranes in the wild. They also believe that the American public will not support allowing wind farms to have an ITP for this iconic bird. 	<p>Montana Audubon</p>



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
General Opposition	<ul style="list-style-type: none"> States that they have strong support for the development of EIS/HCP/ITPs for industrial wind projects due to their potential to have significant impacts for decades on a number of endangered, threatened, and other species. However, states that due to the uniquely large number of species and land area involved, industrial wind development EIS/HCP/ITPs should be species, area, project, developer, and operator-specific. These considerations support the No Action Alternative. 	Save our Scenic Hill Country Environment, Inc.
General Support	<ul style="list-style-type: none"> Strongly supports the development of responsibly sited and mitigated renewable energy projects to meet the challenge of climate change by reducing cumulative greenhouse gas emissions. Supports wind-power development provided that it is sited, designed, constructed, and operated to responsibly minimize harmful impacts on the environment. Supports wind power if there are mandatory requirements (not voluntary guidelines) for “four-tiered protocol” and pre-siting studies to protect wildlife. States general support for wind projects and a concern that species are being placed too high on the list. Expresses concern over slowing down the development of wind energy projects Recommends letting the free enterprise system work, and supports the taxes that will be generated by wind projects. States that wildlife adapts to change 	Natural Resources Defense Council New Mexico Audubon Council North American Falconers’ Association Rep. Ronald Ryckman General public
GIS/Mapping	<ul style="list-style-type: none"> Provides various maps of containing information about confirming sightings, threatened and endangered species, and other projects within Custer County, Nebraska. 	Center for Biological Diversity

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Habitat Protection	<ul style="list-style-type: none"> • Recommends surveys for piping plovers and potential plover habitat to identify known areas of critical habitat since not all areas used by breeding plovers are known. These surveys should also specifically look for movement and/or flight corridors between alkali lake breeding habitat and nearby river nesting areas, which may complement each other in years of different precipitation regimes and river flows. • Additional areas to be protected should be identified as being of sufficient size to harbor several crane family groups and either containing water during the migration seasons or having the capability to pump water during the migration seasons if it is lacking. • Geographic priority for additional migration stopover habitat should be given to: (1) the southern third of the migration corridor in Oklahoma and Texas, where water is more likely to be lacking and/or droughts to be more severe; and (2) in areas between existing known stopover areas, such that the gaps between areas are no more than approximately 50-100 miles. 	The Nature Conservancy
	<ul style="list-style-type: none"> • Believes placing wind turbines in whooping crane habitat is not compatible with Interior Secretary Salazar's "Smart from the Start" initiative. 	General public
Habitat Conservation Plan (HCP)	<ul style="list-style-type: none"> • Concurs with the inclusion of the four species for the proposed HCP, but also suggest that the following additional species also be included: Attwater prairie-chicken, Sprague's pipit, Dakota skipper, and dune sagebrush lizard (sand dune lizard) (further details supporting this justification were provided). • Area of coverage is acceptable for whooping crane and lesser prairie-chicken; however, in order to adequately account for existing known breeding populations of interior least tern, the buffer should be expanded east into southeastern SD, NE, OK, and northeastern TX to include nesting populations on the Missouri, Platte, Red, Canadian, and Arkansas Rivers. If Sprague's pipit is included then the project boundary should be extended west in MT to include Blaine, Phillips, and Valley counties. If Attwater prairie-chicken is included as a covered species, then the project boundary should be extended east in the southeastern corner of the project area to include the portions of the following counties in TX that are within the historic range of Atwater's prairie-chicken, and outside the current project area: Brazoria, Chambers, Galveston, Harris, Jefferson, Liberty, and Orange. 	The Nature Conservancy



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Habitat Conservation Plan (HCP)	<ul style="list-style-type: none"> • Recommends the use of strong standardized effectiveness monitoring, adaptive management, and reporting measures in the development of the HCP and ITP; these issues and appropriate protocols for each should be upfront concerns when developing the HCP and structuring the permit. • Expresses concern with the sharing of monitoring data. Recommends that USFWS be actively engaged in the ongoing implementation of the HCP as it is applied to new facilities and the public must have an opportunity to comment on the requirements that are necessary to protect species from facility impacts. • Believes that the goals of the HCP will be best addressed with an approach that follows the mitigation hierarchy of “avoid, minimize, mitigate.” The Conservancy encourages the adoption of the “Development by Design” approach which follows the mitigation hierarchy and can accommodate the needs of both wind development and the covered species. Impact minimization guidelines for the whooping crane should also include operational minimization, allowing for facility shutdown in case of unexpected mortality events or other disasters during the project lifetime. • Recommends the HCP have an established process during the planning period to identify currently occupied and potentially occupied habitat that reflects a lesser prairie-chicken recovery goal. • Recommends that, in general, the HCP should not seek to direct a significant amount of any mitigation funds toward research; a majority of mitigation funds should go toward on-the-ground habitat and species conservation and/or restoration. 	The Nature Conservancy



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Habitat Conservation Plan (HCP)	<ul style="list-style-type: none"> • States that the applicants and USFWS must ensure no take of ESA-listed species not adequately covered under the HCP/ITP to avoid liability for take. • Besides the four proposed listed and candidate species, the EIS for HCP should evaluate several additional Listed, Candidate, and non-listed species if suitable or potentially suitable habitat exists within the HCP plan area. • Recommends consideration of these listed species which have not been targeted for STAMs: Mexican spotted owl, gray wolf, lesser long-nosed bat, gray bat, Ozark bid-eared bat, Mexican long-nosed bat, and Indiana bat. Please evaluate the following candidate and non-listed species: greater sage grouse, Sprague’s pipit, Baird’s sparrow, McCown’s longspur, long-billed curlew, red knot, mountain plover, pronghorn, and various non-listed bat species, including the eastern small-footed bat and northern long-eared bat. The HCP/ITP(s) should focus on impact prevention and avoidance rather than mitigation, beginning with appropriate siting to protect whooping cranes and other species. Warns that incorporation of the current draft USFWS wind guidelines into the HCP without selected modifications may not be appropriate. • Recommends that the HCP must include an adaptive mechanism to update avoidance and mitigation measures with new results of ongoing research. • Recommends that adaptive management should be an important part of the HCP. Adaptive management provides a structured method for managing uncertainty and complexity while at the same time achieving goals. • Recommends that the HCP implement a robust mortality monitoring program. The monitoring program should feed information into an adaptive management approach towards decision making about future wind-farm proposals. Design and implementation of the monitoring program should be overseen by an independent science advisory group (including representatives from multiple agencies, academia, and NGOs). • States that ESA Section 7 consultation is required for each project if wind projects are allowed in designated critical habitat. 	Conservation Law Center and American Bird Conservancy

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Habitat Conservation Plan (HCP)	<ul style="list-style-type: none"> States that the availability of a regional HCP can enable companies to divert resources that might otherwise be spent on redundant conservation planning to actual species preservation. Benefits include reduction of administrative burdens on the USFWS limited resources by enabling numerous projects to rely on that regional HCP rather than inundating USFWS with individual HCPs. Two factors which are critical for the advantageous use of a regional HCP: 1) regional HCP should reduce the NEPA and ESA Section 7 consultation burdens (i.e., time, cost, and opportunities for litigation) and 2) it should ensure that No Surprises assurances be attached to the regional HCP and all projects authorized, therefore, so that industry participants can develop projects confidently. 	Akuo Energy
	<ul style="list-style-type: none"> Asks for clarification on the new (if any) transmission lines associated with a wind project. Because the HCP would only cover facilities to the wind farm collection point but not new transmission built to an existing substation, they are concerned that any new transmission lines not covered might constitute the biggest threat to whooping cranes. 	Nebraska Public Power District
	<ul style="list-style-type: none"> States that two critical factors that will ensure that a regional HCP will advantageously appeal to industry: 1) a regional HCP must reduce the NEPA and Section 7 consultation burdens (i.e., time, cost, and opportunities for litigation), and 2) it must ensure that No Surprises assurances attach to the regional HCP and all projects authorized under the HCP. 	E.ON Climate & Renewables
	<ul style="list-style-type: none"> States that the HCP should not cover wind turbine arrays and associated roads, easements, etc. placed in sensitive, high priority conservation areas upon which a species regularly depends for essential biological functions, such as migration stopover, breeding, or overwintering (i.e., areas deemed irreplaceable or otherwise too sensitive for development). States that the HCP should also not cover wind turbine arrays placed in locations deemed likely to have a high likelihood for collisions by the target species. States that a plan of operations for responding in a timely way to avoid fatalities of approaching migrants or otherwise dispersing birds should be included in the permit application. 	Environmental Defense Fund



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Habitat Conservation Plan (HCP)	<ul style="list-style-type: none"> States that the HCP needs to require that commercial wind farms conduct extensive preconstruction studies (e.g., USFWS protocol, year-round, historical use) to ensure that HCP species are not using areas being considered for development, and should include inventory work for nesting and migrating HCP species, as well as displacement studies. Data collected pre- and post-construction should be required to be turned over to the state government’s Natural Heritage Program or its equivalent. States that the HCP needs to include measurable criteria on how key habitats will be avoided by commercial wind farms (e.g., wetlands, riparian areas, and water bodies). Buffers used to protect HCP species may need to be larger in areas that are in the flight path of migrating HCP birds. States that the HCP needs to include clear, measurable criteria on how key habitats used by HCP species will not be fragmented. The HCP/DEIS needs to consider all of the siting issues identified as impacting HCP species. For example, transmission lines must be located underground, turbines may need to be turned off during specific times of the year, and fencing may need to be minimized or avoided. 	Montana Audubon
	<ul style="list-style-type: none"> States that the USFWS could use this opportunity presented by large, new template of an HCP to develop and propose new regulations implementing the ESA. For example, Section 7’s critical habitat designation and cost/benefit calculations, but also include more comprehensive requirements for Biological Assessments and their Section 10 counterparts as well as running totals of takes compared to recruitment and breeding pairs. 	Society for Conservation Biology
	<ul style="list-style-type: none"> Recommends that USFWS adhere to the guidelines on the proper siting of wind energy facilities and require mandatory avoidance of sensitive biological communities through the HCP process. Due to the actions permitted in the HCP allowing for both direct and indirect mortality of whooping cranes, the HCP should require avoidance of crane migration corridors and power lines related to wind farms should be placed underground to avoid mortality. Recommends that USFWS assure that existing data on sensitive biological communities is compiled and analyzed during the HCP and DEIS process to assist with proper siting of wind energy projects. Example of Improperly Sited Farm is given: British Petroleum Alternative Energy wind turbine farm in western Custer County, Nebraska which has numerous sightings of whooping cranes in unique playa wetland habitats and the potential for take is high. 	Center for Biological Diversity



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
<p>Habitat Conservation Plan (HCP)</p>	<ul style="list-style-type: none"> States that it is incumbent on WEWAG to consider how cumulative impacts of their activities will have on landscape-level conservation of [the whooping crane]. A thorough understanding of the biology, threats, and effects of the proposed activity on this imperiled species must be considered with the scope of the HCP/ITP. Recommends addressing the following in the HCP: 1.) Death and injury of whooping cranes from direct collision with turbines and associated power lines; 2.) Direct habitat loss and fragmentation of migratory habitat corridor from cumulative wind energy sites within the whooping crane migratory path; 3.) whooping crane disturbance displacement and effect on habitat availability in the migratory corridor); 4.) Disruption of local or migratory movements for whooping cranes, with consequent increase in energy expenditures; 5.) Quantification of population level effects of whooping cranes under current conditions and those potentially incurred from wind energy development within the migratory corridor; 6.) Implementation of whooping crane monitoring to provide pre-construction baseline data and post-construction data for adaptive management and mitigation measures. 	<p>International Crane Foundation</p>
	<ul style="list-style-type: none"> Asks if the Service and wind companies are willing to modify the project boundaries. Asks if the HCP will specifically include proposed off-shore wind facilities along the Texas coast. Asks if the HCP will include explicitly designated no-go/avoidance areas. Recommends that fragmentation of habitat could be a consideration to the issuance of an ITP (and therefore considered in the HCP). Questions regarding the funding source for the study. Requests that the limitations on how many wind operations can go up in a specified amount of land, area, or county be addressed. Requests consideration of issues on re-seeding efforts, reducing width of right-of-ways on operation access roads, and restrict grazing during these periods of healing. 	<p>General public</p>
<p>Information Request</p>	<ul style="list-style-type: none"> Asks for information on obtaining wind turbines for their family farm. Requests a map of the landmark wind energy corridor from Canada to Mexico. 	<p>General public</p>



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
<p>Incidental Take Permit (ITP)</p>	<ul style="list-style-type: none"> Expresses concern about proposed permit options that would delegate essential governmental functions such as enforcement or providing public comment opportunity on the impacts of proposed facilities on covered species to a non-governmental entity, such as the “Qualified Third Party.” Strongly recommends that any such above-mentioned entity be independently funded and governed from WEWAG who would be conducting projects with potential “take” under the HCP and ITP. If such an option is selected, sufficient measures must be in place to ensure: (1) Avoidance and minimization measures are implemented appropriately and there are clear guidelines for dealing with non-compliance; (2) mitigation measures are implemented in an appropriate time-frame; (3) monitoring is tied to biologically based measures to ensure the effectiveness of mitigation projects; (4) adaptive management is directly tied to monitoring data; (5) there is adequate funding for monitoring and adaptive management measures; and (6) monitoring data is accessible to stakeholders and the public. Recommends that the initial project period for the HCP and ITP be limited to 30 years, given the uncertainties inherent in such a large-scale project with numerous covered species and the decreasing accuracy of predictive impact models after a 25-30-year timeframe. Believes a 45-year HCP and ITP are too long because 1) current land-use change models lose accuracy after approximately 25 years; 2) current projections for energy development are forward looking approximately 25 years; and 3) while land-use change models have been used for decades, there are few models that have been applied specifically to energy development impacts on species (references provided). 	<p>The Nature Conservancy</p>
	<ul style="list-style-type: none"> Requests that the ITP should not allow direct killing (lethal take) of whooping cranes and believes that no amount of lethal take of whooping cranes is acceptable. Advises that an independent oversight and advisory committee is important and needed regardless of the ITP structure that is used. Does not believe the level of sub-delegation and self-regulation implied for Programmatic Structure (Option 1) is appropriate, particularly without a regulatory supervision. The proposed programmatic option does not contain the necessary safeguards for audited self-regulation including adequate oversight. 	<p>Conservation Law Center and American Bird Conservancy</p>



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Incidental Take Permit (ITP)	<ul style="list-style-type: none"> An ITP should only apply in cases that all necessary, described measures have been taken to avoid direct and indirect impacts. Provides comments on the four ITP structures: 1) The Programmatic ITP structure would reduce administrative burden on USFWS, reduce regulatory burden on industry applicants, and provide the reduced litigation risk and stability of expectations that are critical to long-term, successful alternative energy development planning. 2) The Umbrella ITP is discouraged because it will require more time and effort on both the USFWS and individual companies seeking a separate project ITP. Concerned that each ITP application would need to undergo separate NEPA review and ESA Section 7 consultation, adding to administrative burden, and various project permits may ultimately contain terms that differ from the regional HCP. 3) Because of its similarity to the Programmatic ITP, the Primary Permit ITP has all NEPA compliance completed up front, however, the notice of intent indicates that this permit structure involves a higher level of continued authority by the USFWS. Akuo agrees with the NOI that each partial transfer is not a major federal action that would require additional NEPA and ESA Section 7 compliance but believes the USFWS should analyze it further if necessary. 4) Under the Co-Permitted ITP, the NOI states that no additional NEPA and ESA Section 7 consultation would be necessary. Akuo agrees but believes that additional verification or confirmation is warranted to ensure that the structure would work as described. Discourages any structure that does not allow for the addition of new permittees without additional NEPA and ESA Section 7 compliance because such structures would turn a “regional” HCP into “multi-party” HCP that requires new applicants within the Plan Area to develop independent HCPs and obtain individual ITPs. 	<p>Environmental Defense Fund</p> <hr/> <p>Akuo Energy</p>

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
<p>Incidental Take Permit (ITP)</p>	<ul style="list-style-type: none"> States that any ITP structure that does not provide the reduced NEPA and Section 7 consultation burdens and provide No Surprises assurances to all projects authorized under the ITP should be rejected for the implications that the Great Plains ITP structure will have for future regional HCPs under development. Given the four structures under consideration, the Umbrella ITP would not provide the previously stated assurances, and E.ON strongly urges the USFWS to reject the Umbrella ITP structure. The Programmatic ITP structure would reduce administrative burden on USFWS resources, reduce regulatory burden on industry applicants, and provide the reduced litigation risk which would represent ideal situation for both the USFWS and industry. With the Primary Permit and Co-Permitted ITP structures, the NOI indicates that USFWS would be responsible for processing each partial transfer of the ITP to a new holder not requiring NEPA or Section 7 compliance. E.ON feels the USFWS should discuss this further and provide an explanation and confirmation of this analysis. With respect to the Co-Permitted ITP, requests clarification as to whether additional companies would be able to join as co-permittees after permit issuance, if so, what the process would be and whether the addition of new companies to the permit would require a new round of NEPA and Section 7 compliance. 	<p>E.ON Climate & Renewables</p>
	<ul style="list-style-type: none"> Of the four ITP structures, only the second, the Umbrella ITP, has the proper safeguards and in-depth analysis incorporated into the framework to be acceptable to our organization. It would ensure the needed involvement from the USFWS and step-by-step NEPA and ESA compliance. Other than the initial NEPA analysis and Section 7 consultation, the first structure lacks further study and it seems unlikely that every potential conflict and foreseeable contingency would be covered. While the third and fourth ITP structures would incorporate more Service involvement, has similar concerns regarding the lack of any further NEPA and ESA analysis on a project-by-project basis. The fourth structure, Co-Permittee ITP, presents another concern because it would be the preference given to current members of WEWAG or those who join prior to the permit application. They would have an unfair advantage regarding any future company that would want to develop wind energy in the area. 	<p>Sierra Club, National Chapter</p>



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Incidental Take Permit (ITP)	<ul style="list-style-type: none"> As a condition for a blanket HCP/ITP approach, the permittees should be required to comply with the USFWS Land-Based Wind Energy Guidelines which supports the need for individual project consideration. The Umbrella ITP structure, with its continued USFWS involvement during implementation, would appear to be the best blanket approach. The anticipated 45-year permit duration is too long based on uncertainty and should be significantly shortened to be more consistent with existing EIS/HCP/ITPs. 	Save our Scenic Hill Country Environment, Inc.
	<ul style="list-style-type: none"> Recommends any ITP structure that fully accommodates the enforcement capability of USFWS, particularly their authority under Section 7 of the ESA. States that USFWS must be able to ensure full compliance with federal wildlife laws. Recommends that USFWS clearly articulates the manner in which it will exercise their authority, as well as how it will ensure the continuing validity of all actions stemming from the proposed ITP. 	Natural Resource Defense Council
	<ul style="list-style-type: none"> Strongly oppose ITP for T&E and candidate species. 	North American Falconers' Association
Incidental Take Permit (ITP)	<ul style="list-style-type: none"> Opposes this blanket ITP requested for wind energy generation across the country. Such a blanket permit for unspecified taking of any and all migratory birds is incomprehensible. States that the broad ITP approach opposes the mission of the US Fish and Wildlife Service which is to protect wildlife. 	General public
Land Use	<ul style="list-style-type: none"> It would make sense for these wind companies, state wildlife departments in TX and NM, and the USFWS to step up and add acres to existing preserves to protect the lesser prairie-chicken. It is time for the government to be part of the solution to stop standing back telling landowners what they have to do on their lands. Government should stop spending money on private lands for wildlife where the public has little chance of ever seeing or enjoying it. 	General public



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Land Use	<ul style="list-style-type: none"> • States that the USFWS should not dictate what happens on private land, e.g. supporting wind farms or lesser prairie-chicken habitat. Private landowners should be able to use their farm/ranch resources as they see fit. • Recommends the use of federal lands for wildlife habitat (for lesser prairie-chicken), to reduce burden on private landowners. • Wind companies, state and federal wildlife departments should support new or expanded public preserves to protect the lesser prairie-chicken impacted by wind development. • States that the government or wind development companies that use this land need to purchase the land from people willing to sell their property. • Recommends that the public should be able to see where the money is spent on conservation and be able to go to these places without paying a landowner. • States that when a species is classified as endangered, landowners need to be compensated to maintain their habitat. • Concerns regarding the potential impacts to properties and homes adjacent to future wind development and associated transmission lines • Concerns regarding property rights • Provides information and concerns about the potential expansion of Cannon Air Force Base and its proximity to the Plan Area. • Recommends purchasing or expanding public preserves using money from the wind generator companies in order to help the lesser prairie-chicken. These preserves should be opened to the public for other activities such as hunting and hiking as long as they do not interfere with the birds. Hunting licenses or permits like the duck stamp could be used to manage these lands. 	General public

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Lesser Prairie-Chicken	<ul style="list-style-type: none"> States that there is variability in the actual potential impacts to lesser prairie-chicken based on multiple studies. States that the numbers of LPC in the past are greatly exaggerated due to an unsustainable population during the 1930s through the 1970s caused by farming practices. States that wind turbines will not have a detrimental effect on the current populations, nor prevent possible increases. Recommends that until research is done in and around existing wind turbines where there is a sustainable population of LPC, wind energy development should not be stopped due to these birds. Expresses disappointment that concerns about the lesser prairie-chicken may have prevented them from building wind turbines on their land in a previous project. Asks for a description of lesser prairie-chicken habitat to be given to landowners and wind developers. Suggests that land can be set aside for conservation. Recommends not spending a lot of money on places where the habitat is fair to poor. 	General public
	<ul style="list-style-type: none"> Recommends that buffers should be developed between lesser prairie-chicken lek sites and commercial wind farms that prevent fragmentation of habitat. 	Montana Audubon
	<ul style="list-style-type: none"> States that the lesser prairie-chicken in the state of New Mexico is threatened, and numerous, minor hazards including extirpation from most of its range, population declines, drought conditions, poor nesting habitat, and climate change impacts have all added up to place the lesser prairie-chicken in jeopardy. States that the lesser prairie-chicken is habitat-limited throughout its range with principal threats including habitat fragmentation, degradation, and outright loss due to anthropogenic activities and climate change. States that wind power development and the associated infrastructure have the potential to fragment habitat for the lesser prairie-chicken and reduce their connectivity between extant populations. Recommends that any development that reduces available habitat within the occupied range or that interferes with connectivity between existing populations. 	New Mexico Audubon Council
	<ul style="list-style-type: none"> States that the lesser prairie-chicken should not be a factor in [this] decision. The lesser prairie-chicken is hunted now. 	Rep. Ronald Ryckman
Mailing List Request	<ul style="list-style-type: none"> Request for being added to the mailing list. 	General public

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Mitigation	<ul style="list-style-type: none"> • Recommends that whooping crane mitigation funding be directed to three distinct purposes: protection of wintering habitat; protection of additional stopover habitat within the corridor; and additional research, in an approximate ratio of 2:1:1. • Protection of additional wintering habitat should be the highest priority for initial mitigation efforts. A goal of protecting sufficient high-quality habitat to support the recovery plan goal of 1,000 individuals within 10 years of project initiation should be set. • A mitigation fund should be created specifically to protect land within piping plover buffer zones by acquiring wind rights, perpetual conservation easements which specifically preclude wind development, or acquisition for conservation purposes. • Recommends that a portion of mitigation funding be dedicated toward comprehensive and long-term stewardship and management of lands protected with such funding. • Mitigation ratios should reflect habitat lost due to avoidance behavior <u>and</u> the project footprint. Compensatory mitigation should be required for construction within the lesser prairie-chicken’s historical range that lies within the area covered under the HCP. • A mitigation fund should be coupled with the establishment of a stewardship fund to support ongoing habitat management activities within the identified habitat zones. • Suggests that mitigation funding also be directed toward high priority research on the whooping crane. 	The Nature Conservancy
	<ul style="list-style-type: none"> • States that the use of mitigation is problematic and is less preferred than avoidance. • Recommends granting mitigation credits for permanent preservation only where mitigation areas are at substantial risk of being developed or converted. • Recommends for every acre of habitat lost to the construction of wind turbines, provisions be made for habitat mitigation following USFWS’s Mitigation Policy. • Recommends to mitigate every wetland acre within half mile of a turbine that is suitable whooping crane habitat, in particular, shallow wetlands in open, non-wooded areas free from human disturbance such as nearby roads or buildings with at least some water area less than 18 inches deep. • States that retroactive marking of existing power lines is not adequate mitigation for impacts because the MBTA requires marking. 	Conservation Law Center and American Bird Conservancy



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Mitigation	<ul style="list-style-type: none"> • States that wind energy companies that are participating in the Great Plains HCP should set a high standard for wildlife conservation excellence. • States that the goals of mitigation should be to achieve a specific, measurable net population benefits for each target species. The measures should include increases in population size and habitat area, early reproductive success, overwinter survival, and threat abatement as appropriate to the species. • Recommends adherence to the mitigation hierarchy of first avoiding impacts, then minimizing impacts, then offsetting impacts to all of the covered species and their habitats. • To establish a fundamentally sound offsetting program, suggests a stakeholder-driven process that identifies and quantifies: 1) appropriate locations and conservation actions for the offsets (i.e., credits), 2) impacts that must be offset (i.e., debits), and 3) a means of creating a new benefit with each transaction. • Proposes that project developers work with the Service and NGO partners to establish and utilize credit-debit systems that are: applicable across broad geographies instead of the typical single-site conservation bank; market-based so that buyers and sellers compete to buy and sell credits; integration with landscape-scale planning efforts; appealing to a broad range of regulated and non-regulated investors in ecosystem services able to provide industry benefits through streamlined permitting that reduces time delays and complies multiple regulatory processes; appealing to private landowners because they are financially competitive with alternative sources of income; able to offer permanent and temporary offset options; administered by third-party organizations; consistent, transparent, and fair to all participants; able to provide regulatory certainty to credit buyers; flexible; and implemented in a way that credit values are fully established before debiting is allowed. 	Environmental Defense Fund



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
<p>Mitigation</p>	<ul style="list-style-type: none"> • Recommends a number of mitigation measures that can minimize harm to the species involved (1) direct development activities to already-disturbed areas; (2) withdraw lesser prairie-chicken habitat from leasing areas; (3) define a “quiet zone” of no less than 1.5 miles from known lesser prairie-chicken leks and associated nesting and brood-rearing habitat; (4) defer leasing (energy and grazing) of parcels of known important lesser prairie-chicken habitat; (5) avoid vertical structures; (6) limit the density of cumulative disturbances in lesser prairie-chicken habitat; (7) use best management practices and stipulations as management tools; (8) incorporate on-the-ground measures in anticipation of a warming climate; (9) set aside funds for the protection and/or restoration of wetlands; (10) develop a method to ensure funds for private wetland improvements and grain production for cranes; (11) purchase markers for placement by current utilities on all current power lines and infrastructure in known crane-use areas; and (12) set aside funds for purchase of easements to protect crane and lesser prairie-chicken habitat. • Recommends the following to reduce impacts to cranes: 1) set the transmission lines or turbines back for the edges of wetlands and croplands to allow for takeoff and landing; 2) mark the transmission/power lines with the most effective bird flight diverters and aerial marker spheres; 3) use the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA; 4) develop relationships with nearby landowners and encourage the planting of grain crops for foraging habitats and discourage planting grain crops near wind turbine facilities; 5) bury power lines in area where there is high crane use for roosting and foraging; 6) where feasible, turbines should be shut down during periods when birds are highly concentrated in those areas; 7) minimize roads, fences, and other infrastructure; 8) Make efforts to co-locate new energy development with existing transmission lines to reduce impact; and 9) guy wires should not be used for power line tower support. 	<p>New Mexico Audubon Council</p>
	<ul style="list-style-type: none"> • Requests discussion of mitigation to protect the Service’s 2002 “Birds of Conservation Concern” as well as species protected under ESA. 	<p>Prairie Hills Audubon Society</p>
	<ul style="list-style-type: none"> • If a wind farm is to be located in suitable habitat for an HCP species, the HCP/ITP should ensure that construction of wind development should not occur during the breeding season. • If an ITP is issued, and a wind company reports that a species is taken, the USFWS should examine the circumstances under which the take occurred and including what measures should be taken to avoid future take. 	<p>Montana Audubon</p>



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Comment Topic	Comment Summary	Comment Author
Mitigation	<ul style="list-style-type: none"> • Recommends that advice from the American Bird Conservancy should be a requirement by the federal government: “To prevent serious impacts to birds, the wind industry needs to embrace simple bird-smart principles: site wind farms away from endangered birds and high concentrations of migrants, conduct proper monitoring before and after construction, and compensate and mitigate impacts.” • States that the most important thing is to determine that every possible action has been taken to minimize any potential take. This requires a review of the specific location, any activity involving the species of concern, and specific actions to mitigate accidental take. • Suggests that the portion of the LPC historic range that is not presently in the plan area could be a possible mitigation area if the area is viable for reclamation. • Asks how the mitigation ratio will be calculated, and will it vary by location and species? • Suggests that as part of this project, money gained from the power generation be used to set aside land for the protection of the lesser prairie-chicken in TX and NM. The simple way to save the bird is to create public preserves where the tax payers can feel they have some ownership in the prairie chicken. Hunting licenses and other permits such as conservation stamps could be used to manage and improve the reserves after the wind generation companies purchase it. • Suggests that part of the money gained from the power generation be used to set aside land for the protection of the prairie chicken in Texas and New Mexico. 	General public
	<ul style="list-style-type: none"> • States that there is no possibility of mitigation for a dead whooping crane, so turn the turbines off during migration time. 	Clean Economy Coalition, Texas
Monitoring/ Reporting	<ul style="list-style-type: none"> • Recommends careful monitoring to avoid terrible problems. • Requests information on the monitoring/compliance plan. • Permittees should also be required to publically disclose data on fatalities of all species of concern including bats. • If ITPs are issued based on the HCP, the USFWS should maintain a website that is accessible to the public that indicates: 1) which companies have ITPs for which species; 2) what species has been ‘taken;’ and 3) what actions, if any will be taken by the company or USFWS to prevent further harm. 	<p>General public</p> <p>Save our Scenic Hill Country Environment, Inc.</p> <p>Montana Audubon</p>

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
<p>NEPA Process/EIS NEPA Process/EIS</p>	<ul style="list-style-type: none"> • EIS should include: <ul style="list-style-type: none"> ○ Why the entire central flyway included ○ Bat protection ○ Inclusion of raptor protection ○ Inclusion of migratory land mammals protection <ul style="list-style-type: none"> ○ Maintenance of contiguous habitat for lesser prairie-chickens ○ Avoidance of habitat fragmentation for other species ○ Roads/fences ○ Electrical lines ○ Considerations of high concentrations of birds/bats and shutdown times ○ Regulations and follow-through • States that the EIS should address the funding of taken government lands (BLM) and how the monies will be used to promote the wildlife. • Asks if the placement of turbines would have an effect on the EIS. 	<p>General public</p>
	<ul style="list-style-type: none"> • States that it is extremely important that USFWS guarantees a firm, upfront commitment to a collaborative, transparent and scientifically-based process in both the assessment and administration of this project. • Moreover, there must be ample allowance for the continuous assessment of and modification based on evolving scientific developments and protocols—thereby providing crucial opportunities to assimilate potential technological advancements that may emerge, while also ensuring the greatest benefits to wildlife resources. 	<p>Natural Resources Defense Council</p>
	<ul style="list-style-type: none"> • Requests discussion of impacts to species listed under each state’s threatened and endangered species law, the impacts to species listed by the USFWS as Species of Concern. 	<p>Prairie Hills Audubon Society</p>
	<ul style="list-style-type: none"> • Recommends that besides the four proposed listed and candidate species, the EIS for the HCP should evaluate several additional listed, candidate, and non-listed species. • All of the species that USFWS has targeted for STAMs, and any additional ESA-listed species that currently use the HCP plan area or that may expand their distribution into the Plan Area naturally or through reintroduction, should be analyzed in the EIS for the HCP/ITP(s). 	<p>Conservation Law Center and American Bird Conservancy</p>
	<ul style="list-style-type: none"> • Recommends the EIS and HCP analyze the cumulative life cycle net impacts. For example, the pollution and habitat degradation that is prevented or displaced by wind as well as the direct impacts of wind generation. 	<p>Center for Conservation Biology</p>



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Offshore Wind Development	<ul style="list-style-type: none"> States that a Pre-Construction Permit with agency approval should be required with mandatory guidelines for any offshore projects. 	North American Falconers' Association
	<ul style="list-style-type: none"> Recommends an expansion of scope to include proposed wind farms offshore in Texas Gulf Coast and shoreline/offshore species such as sea turtles and migratory birds. Expanded scope is justified due to CEQ NEPA regulations, and related NPS and USACE actions in Gulf. States that during fog, the major mode of bird kill might be when the rotors are not turning. Recommends carrying out observations on strategically-located existing offshore oil rigs during those conditions, which might be useful to evaluate impacts of offshore wind generators. 	General public
Operation/Maintenance and Design	<ul style="list-style-type: none"> States that besides appropriate siting, take of birds should be avoided and minimized through design and operation measures. Recommends engineering wind turbines to prevent perching by avian predator or install anti-perching devices. Recommends burying all electrical lines underground to the maximum extent possible, especially on the wind farm site. Recommends using the minimum amount of pilot warning and obstruction avoidance lighting required by the Federal Aviation Administration (FAA). Recommends that construction and/or maintenance activities should be stopped if whooping cranes are observed on-site and birds should be left undisturbed until they leave the area. Recommends operation of turbines be temporarily ceased immediately within 2 miles of the known presence of a whooping crane. 	Conservation Law Center and American Bird Conservancy
	<ul style="list-style-type: none"> States concern regarding the impacts of construction and maintenance of wind-energy facilities. Cites a study by the National Research Council that states "the construction and maintenance of wind-energy facilities alter ecosystem structure, through vegetation clearing, soil disruption, and potential for erosion and this is particularly problematic in areas that are difficult to reclaim such as desert, shrub-steppe, and forested areas." 	Maryland Conservation Council and Chesapeake Audubon Society
	<ul style="list-style-type: none"> States that a reasonable level of down-time will likely be necessary to achieve adequate take avoidance of the whooping crane. Operational adjustments should be based on the best available data of migration patterns and real-time tracking data of individual movements, to avoid any fatalities. 	Environmental Defense Fund

TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
	<ul style="list-style-type: none"> • Recommends turning turbines off when cranes are migrating (mostly at night). • Concern regarding the percentage of time turbines would run compared to total hours in one year • Concerns regarding the potential impact of turbines and associated shadows on birds and animals. • Concern regarding potential fires caused by stray voltage 	General public
Other T&E Species	<ul style="list-style-type: none"> • Corrects the label on the scoping maps: interior least tern scientific name should be <i>Sternula antillarum athalassos</i>, and corrects its habitat to eliminate the Gulf Coast. • States that the Eastern Brown Pelican status to delisted in 2009 and its status should be updated on project materials. • Recommends adding T&E marine birds in offshore wind farm areas and related coastal areas. Also add 5 species of federally listed sea turtles that nest in Texas Gulf Coast near proposed wind farms offshore because FWS has jurisdiction over nesting beaches. • Expresses concern that Kemp’s Ridley sea turtle navigation would be impacted by electromagnetic fields from wind energy development. Recommends that the USFWS 2011 Bi-National Recovery Plan for the Kemp’s Ridley Sea Turtle (2nd Revision) be examined. • Asks if it’s likely that additional species (e.g. Sprague’s pipit) would be rolled into this plan. Would any be removed? 	General public
Permitting	<ul style="list-style-type: none"> • A pre-construction permit with agency approval should be required for all commercial wind energy projects, with a four-tiered evaluation of potential migratory bird impacts. 	North American Falconers’ Association



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Permitting	<ul style="list-style-type: none"> States that the USFWS is giving away the power and responsibility of protecting endangered species to ambitious and well-funded wind companies who wish to site wind projects in less than desirable locations. States that the USFWS should exercise its authority to put in place strict, mandatory guidelines regarding wind generation facilities. States that leaving the welfare of endangered species in the hands of wind developers is not a wise thing to do, because there are conflicting values at play. The USFWS is supposed to protect endangered species. States general concern with the permitting process for a specific wind project in Custer County, Oklahoma: BPAE/Orion was aware that the whooping crane habitat was a documented concern for their earlier proposed 80-Megawatt (MW) wind project in west Custer County, but a BPAE representative stated at a public meeting that there were no endangered species to be concerned with. BPAE received USFWS data that showed the potential to disrupt and fragment vital whooping crane habitat, and still the 80-MW project moved forward, as the third MET tower was erected in spite of agency recommendations. The only reason the BPAE wind project has not been completed in west Custer County is because wildlife groups such as the International Crane Foundation and The Center for Biological Diversity took action. 	General public
Public Involvement	<ul style="list-style-type: none"> Stated that notice of the meeting was not well known. Information found on the web page [USFWS] was very confusing and not very informative. The process seems to be cumbersome and extremely difficult to understand, which makes commenting on the project difficult. This process also seems like a government sheet meant to add to the coffers of the wealthy and privileged in the name of wildlife conservation. Suggests someone from the government explain the project and allow the public to comment. Asks why government agencies, which are public service agencies, did not ask landowners to participate in their planning process. Recommends putting a group of landowners on the planning team. 	General public
Siting	<ul style="list-style-type: none"> States that if alternative suitable stopover habitats exist in the area, wind energy development may be sited in the area so long as (1) the wind farm is at least five miles from any portion of the suitable habitat, (2) individual turbines are placed as far away from wetlands as possible, and (3) impacts to wetland habitats are avoided or minimized 	Conservation Law Center and American Bird Conservancy



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Comment Topic	Comment Summary	Comment Author
	<ul style="list-style-type: none"> • Recommends avoidance of siting structures in known whooping crane concentration areas. Avoid locating transmission/power lines near major mitigation, stopover, or wintering areas. • On the local level, if a transmission line or wind facility is located in or near a wintering are, avoid placing these in areas between potential roosting and foraging areas. • There are significant risks for crane species in New Mexico from collisions with power lines and wind-turbines which should be minimized and mitigated. 	New Mexico Audubon Council
	<ul style="list-style-type: none"> • Recommends locating turbines away from crane migration routes. • States concerns that BP Wind Energy North America has intentions of building a 75MW wind generation facility in the heart of a vital whooping crane migration corridor that has had 20 years of USFWS documented use during migration. • Expresses concern that if left to an ambitious wind energy company, any site is fair game, regardless of the impact to endangered species. • Mandatory siting regulations for turbines and transmission lines should protect key habitat and flight paths of endangered birds. • Believes that there are areas where it is not wise to construct a wind facility. • Asks if the placement of wind generators would be allowed in the shaded habitat areas shown on the scoping meeting maps, or only in non-colored areas. • Each project needs to be carefully evaluated to determine its impact on wildlife populations. • Recommends that wind development should be only on already-disturbed land. • States that wind projects need to be bird, wildlife-friendly • Recommends allowing at least 5 miles between wind sites for whooping crane feeding areas. • States that it is important that each wind site be considered individually for habitat, species, and history. 	General public



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Siting	<ul style="list-style-type: none"> States that farms should be located where human development has already significantly disturbed the area (e.g. near highways; power, phone, and rail lines; industrial and commercial development; CAFOs; quarries and mines). Turbines should be kept away from critical habitat, such as Cheyenne Bottoms and Quivira NWR, and five miles away from significant water bird resting sites along flyways/migration routes. States that wind farms should be set back 8-10 miles from scenic byways Recommends installing turbines greater than 2000 feet from residences, unless permission is given by the resident for a shorter distance. 	Sierra Club, Kansas Chapter
Socio-Economics/ Environmental Justice	<ul style="list-style-type: none"> Recommends keeping the human population and the economy of rural America a top priority - work for the landowners, developer, and the birds. States that no one has looked at the long range effect to farmers/ranchers if the lesser prairie-chicken endangered plan is put into action. States that their farm/ranch is located in Beaver County, Okla. Panhandle, which has been hit by a record-breaking drought. It will take a few years to recover from it even if adequate moisture comes next year. If the lesser prairie-chicken is placed on the endangered list, it would cause an additional hardship for their farm/ranch. Wind projects would help with the income. States that for the average farm/ranch to operate another source of income is needed. States that they have land in a choice area where Apex Wind Energy, Inc. plans to develop, and they need the income from this project. States that the NRCS has to pay landowners to provide food and water for the lesser prairie-chicken does not come as a help, as they have been surviving with what is there. States that if they do not comply with the increasing number of regulations, the average farmer-rancher will be the endangered species. States that Oklahoma has outstanding Senators and Representatives and do all they can, but the rural voice is in the minority. States that wind turbines have taken away my opportunity to hunt ducks and doves locally (in OK), reducing my quality of life. 	General public



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
Transmission	<ul style="list-style-type: none"> NPPD does not believe it is appropriate that wind development companies and/or the USFWS define mitigation for wind development that relies on the cooperation of the electric utilities without the electric utilities being involved. NPPD is willing to work with the wind development companies and has in the past; however, NPPD has not been part of this HCP process. As the largest transmission line owner in NE, NPPD respectfully requests that NPPD, as a stakeholder, be involved in any discussion relative to the modification of existing or new transmission lines NPPD owns. 	Nebraska Public Power District
Whooping Crane	<ul style="list-style-type: none"> Requests recognition and acknowledgement of the extremely imperiled status of the whooping crane. Close monitoring will be required and provisions will be needed to avoid take, either directly or indirectly to the greatest extent practicable. States that there is variability in the potential impacts to whooping cranes related to sandhill crane studies, particularly the likelihood of whooping crane collisions in the outer limits of the corridor. The issuing of an ITP to a wind development company will apply pressure to the whooping crane, a fragile species. With less than 300 whooping cranes in the wild population, it's unwise to sacrifice even one whooping crane to an ITP. States that an "incidental take" of females, that live up to 40 years, could potentially affect the behavior of generations of migrating whooping cranes. States concern that critical wetland habitat for whooping cranes may be limited during droughts to sustain these birds during migration. States that there are preferred stopover sites that whooping cranes historically choose, such as documented areas of west Custer County. States that Aransas National Wildlife Refuge staff and volunteers have concerns about the availability of blue crabs as a food source for the whooping crane population due to the continued drought in Texas, and the BP oil spill. Asks if it is worth the risk to lose even one of these stunning birds. Asks if the USFWS can assure the public that extinction of whooping cranes is not a potential concern. Please consider the importance of the preservation and protection of this majestic, rare, national treasure bird. [several commenters] States that disruption of vital habitat, coupled with unforeseen environmental disasters such as pollution and drought, could negatively affect the welfare of this species. 	Environmental Defense Fund General public



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Comment Topic	Comment Summary	Comment Author
Whooping Crane	<ul style="list-style-type: none"> States that whooping cranes can adapt and fly around turbines. 	Rep. Ronald Ryckman, Kansas
Wind Development	<ul style="list-style-type: none"> Citing Mark Jacobson of Stanford University research on wind potential, the MCC states that wind’s intermittency results in unreliable electricity and will necessitate overbuilding the wind installations to degree which will makes the electricity unaffordable. 	Maryland Conservation Council and Chesapeake Audubon Society
	<ul style="list-style-type: none"> States that it was not clear why the “Why Wind Energy” poster was included in the scoping presentation and on USFWS’s website due to several important considerations: 1) the vast transmission system required is costly, 2) energy production from wind generation is highly variable, 3) industrial wind energy development is highly dependent on governmental subsidies, 4) Although renewable energy projects [in Texas] receive tax incentives to encourage renewable energy project investment, the number of qualifying jobs related to the investments accounts for less than the percentage of investments. 	Save our Scenic Hill Country Environment, Inc.



TABLE 9: PUBLIC SCOPING COMMENTS SUMMARY

Comment Topic	Comment Summary	Comment Author
	<ul style="list-style-type: none"> States that electrical generation through wind turbines has proved uneconomical and is soaked in federal red ink. In searching for the highest and best use for real estate in northeast New Mexico, believes wind energy development will give more economic benefits to the community and at the same time allow for wildlife habitat. States that wind energy is losing its luster with many Americans because of the huge costs to taxpayers and the damage that they are doing to wildlife in this country. Believes that with the changing political climate, it is going to become harder and harder to site these wind farms, and that is what is prompting this push from the wind developers. States that wind farm developers, many of whom do not have their home offices in this country, should not be driving public policy about wildlife in U.S. Recommends doing everything possible to be certain that wind energy is truly 'green energy'. States that most like wind much more than petroleum coke, coal, and even gas, so if any problems are found, we can help. States that granting of an ITP will activate the BPAE wind farm again in west Custer County. This would be unfortunate for the whooping cranes that use this area during migration. Asks if the USFWS prepared for the consequences of issuing an ITP when the first whooping crane is lost. Expresses concern that the ITPs may push the whooping cranes to extinction 	General public

Public Scoping Meeting Feedback

Included in the comment form were two questions relating to attendance, meeting format, and meeting notification. A summary of the responses to each question are documented in **Table 10, Public Scoping Meetings Feedback.**

TABLE 10: PUBLIC SCOPING MEETINGS FEEDBACK

Question	Response
How did you hear about the meeting?	<ul style="list-style-type: none"> Website: 1 Newspaper: 7 E-Mail: 6 USFWS Notice: 5 Other: 7
Do you have any comments on	<ul style="list-style-type: none"> Should have provided an introduction (brief 15-20 minute presentation). Needed more prior information in order to make a comment or have a



TABLE 10: PUBLIC SCOPING MEETINGS FEEDBACK

Question	Response
how this meeting was conducted?	<p>question at the meeting.</p> <ul style="list-style-type: none"> • Unfamiliar acronyms were hard to understand. • Too long of a meeting time for no presentation. • Informal atmosphere was appreciated. • Subject area experts were approachable. • Layouts were professional. • Meeting was well conducted. • General presentation at the open house would work much better. • Format (open house) was good. • Visual aids (maps/banners) were helpful. • News article in the Woodward Journal was not clear as to format of the meeting. Thought it would be an open meeting with questions and answers heard by everyone. • USFWS representative was very courteous and listened to comments, but could not answer questions. • Top-level representatives should have been the ones at the scoping meetings. • Meeting in Clovis, NM was not well publicized. • Recommends having a video at the meeting showing a lesser prairie-chicken booming. • Meeting was very informal. • Introduction or prior information about what is involved in a "plan," its purpose and goal, and explanation of acronyms would have been helpful. • Poster information was hard to assimilate in order to ask a question or comment. • Subject area experts were approachable to go ask questions at own leisure. • Appreciates looking at the whole area ahead of time. • Length of meeting was good. Enough time was provided to study the maps and to digest the many factors displayed on boards. • Handouts were good to have for further study.

5.0 Summary of Future Milestones in the EIS Process

The Service will determine which alternatives to the Proposed Action and No Action should be carried forward for full analysis in the EIS. For each of the viable alternatives carried forward for full analysis, potentially affected resources will be identified and potential impacts will be evaluated. The EIS process will identify potential impacts to each resource and complete an analysis and, if needed, measures to mitigate those impacts will be included in the Draft EIS. When completed, the public, tribes, and agencies will be notified of the availability of the Draft EIS for review and comment. The publication of the Draft EIS will be announced in the Federal Register. A 90-day comment period will follow the publication of the Draft EIS, which will include agency and public meetings. Following the comment



period, the Draft EIS may be modified based on the agency, tribal, and public comments received. Similar to this scoping report, all comments and responses will be incorporated into the Final EIS.

When complete, the Final EIS will be made available to the public, tribes, and all agencies for a 30-day review period. The publication of the Final EIS will be announced in the *Federal Register* and advertised through similar media sources. A Record of Decision will be issued by the Service following the 30-day review period of the Final EIS.