

FINDING OF NO SIGNIFICANT IMPACT (FONSI)Environmental Assessment
for Proposed Issuance of an Eagle Take Permit
for the
Apple Blossom Wind Farm
Huron County, Michigan
December, 2021

In accordance with the National Environmental Policy Act (NEPA) of 1969, we, the U.S. Fish and Wildlife Service (Service), prepared an Environmental Assessment (EA) to analyze the impacts to the human environment associated with a bald eagle incidental take permit (ITP) application and the included Eagle Conservation Plan (ECP; Attachment A to the EA) for the Apple Blossom Wind Farm. Apple Blossom Wind, LLC (Apple Blossom, or Project Owner), an indirect wholly owned subsidiary of Sempra Renewables, operates the Project in Huron County, Michigan. The Project consists of 29 Vestas V126 turbines (with a capacity of 3.45 MW each) and other associated infrastructure. The Project became operational in 2017. The Applicant requested a 30-year ITP for operational activities of the Project to take up to 151 bald eagles over the 30-year permit term. The Service acknowledges that this estimate is likely a conservative estimate and protects eagles by ensuring that authorized take is not over-allocated across the population.

The EA analysis tiers off of the Eagle Rule Revision Programmatic Environmental Impact Statement (PEIS; Service 2016). Two alternatives were analyzed within the EA titled *Environmental Assessment for Issuance of an Eagle Take Permit for the Apple Blossom Wind Project*. The alternatives assessed included a No Action Alternative (no permit issued) and the Proposed Alternative: issue an ITP per the ECP (Attachment A to the EA). The Proposed Alternative allows the Applicant to operate a commercially viable wind energy facility while complying with the preservation standard set forth by the Bald and Golden Eagle Protection Act to maintain stable or increasing bald eagle populations (74 Code of Federal Regulations [CFR] 46836; 2009). The Applicant would be limited to the proposed take of bald eagles that is within the limits of the take thresholds analyzed in the 2016 PEIS.

Notifications were sent to nine potentially impacted tribal entities who have expressed interest in or have history with Huron County. The scope of tribal notification was based on tribal interests within 100 miles of the Project footprint. This notification was sent via email on September 21, 2021, prior to posting the draft EA for public comment with an invitation to provide comments. The Service received no comments, questions, or inquiries from tribes.

The draft EA was made public for 30 days to solicit public comments. The draft EA, as well as the ECP and other application materials, were made available on the Service's Midwest Eagle Webpage on September 23, 2021, and interested parties and stakeholders were notified through

targeted mailings. The Service did not receive any comments on the draft EA during the public comment period, and no substantive changes were made to the final EA.

The Service developed the EA and FONSI in accordance with NEPA of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508). The Service concludes that, with the implementation of the measures outlined in the EA and ECP, the Preferred Alternative for issuance of an ITP to the Project will not result in significant impacts to the quality of the human environment including bald eagles.

Therefore, it is my determination that the Preferred Alternative is not a major federal action significantly affecting the quality of the human environment under NEPA Section 102(2)(c). Accordingly, an Environmental Impact Statement is not required and the environmental review under NEPA is concluded with this FONSI (43 CFR 46.325). The Final EA prepared in support of this FONSI is incorporated by reference and attached (Attachment 1); these documents are also available on the Service's Midwest Eagle Permits webpage.

Tom Cooper
DOI Region 3 Migratory Bird Program
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REFERENCES

- 40 CFR (Code of Federal Regulations) Sections (§§) 1500-1508. 1970. Title 40 - Protection of Environment; Chapter V - Council on Environmental Quality; Parts 1500-1508. [National Environmental Policy Act of 1969 (NEPA), the Environmental Quality Improvement Act of 1970, as amended (42 United States Code [USC] 4371 et seq.), section 309 of the Clean Air Act, as amended (42 USC 7609) and Executive Order (EO) 11514, March 5, 1970, as amended by EO 11991, May 24, 1977).] Available online: https://www.energy.gov/sites/prod/files/NEPA-40CFR1500_1508.pdf
- 43 CFR 46. 2008. Title 43 - Public Lands: Interior; Part 46 - Implementation of NEPA. [73 Federal Register 61314, October 15, 2008, unless otherwise noted.]. Available online: <http://www.gpo.gov/fdsys/pkg/CFR-2011-title43-voll/pdf/CFR-2011-title43-vol1-part46.pdf>