

FINDING OF NO SIGNIFICANT IMPACT (FONSI)Environmental Assessment
for Proposed Issuance of an Eagle Take Permit
for the
Black Oak Getty Wind Project
Stearns County, Minnesota
September 2020

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 Black Oak Wind Farm and Getty Wind Project (collectively, the Black Oak Getty Wind Project, or the Project). Black Oak Wind, LLC (Black Oak Wind or the Applicant), a wholly owned subsidiary of AEP Renewables, LLC, operates the Project in Stearns County, Minnesota. The Project consists of 39 Vestas V110 turbines (each with a 2.0-megawatt capacity) and other associated infrastructure. The Project became operational in 2016. The Applicant requested a 30-year ITP for operational activities of the Project to take up to 32 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 Mississippi Flyway Eagle Management Unit 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 Black Oak Getty 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 ensures the Applicant complies 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) while operating a commercially viable wind energy facility. 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 seven potentially impacted tribal entities who have expressed interest in or have history with Stearns 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 June 4, 2020, prior to posting the draft EA for public comment with an invitation to provide comments. No responses were received from those tribes contacted.

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 June 5, 2020, 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
Chief, Interior Midwest Migratory Bird Program
U.S. Fish & Wildlife Service

Date

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-voll-part46.pdf>