



Finding of No Significant Impact (FONSI)

Environmental Assessment
For Proposed Issuance of an Eagle Take Permit
for the
Rock Creek Wind Project
Atchison County, Missouri
March 2019

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 included Eagle Conservation Plan (ECP; EA Appendix A) for the Rock Creek Wind Project (Project). Rock Creek Wind Project, LLC (the Applicant) operates the Project in Atchison County in northwest Missouri. The Project consists of 150 Vestas V110 2.0 megawatt wind turbines and associated infrastructure. Construction on the Project began in October 2016 and the Project became operational at the end of December 2017. The Applicant requested a 30-year ITP for operational activities of the Project to take up to 18.17 bald eagles per year (for a total of up to 546 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 *Proposed Issuance of an Eagle Take Permit for the Rock Creek Wind Project*. The alternatives assessed included a No Permit Issued Alternative and the Preferred Alternative: issue an ITP per the ECP (EA Appendix A). The Preferred 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 a stable or increasing bald eagle population (74 Code of Federal Regulations [CFR] 46836; 2009). The Applicant would be limited to the proposed take of bald eagles which is within the limits of the take thresholds analyzed in the 2016 PEIS.

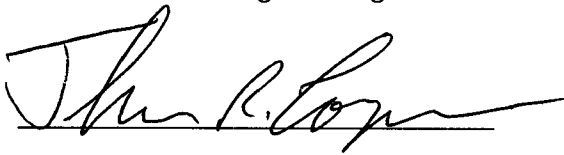
Coordination letters were sent to four tribes that were identified to have potential interests or resources near the Project on August 7, 2017. Comments were welcomed, but no responses were received.

Rock Creek Wind Project

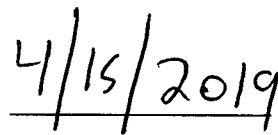
The Service published the Draft EA on the Midwest Region's Eagle Permit website on December 7, 2018, opening a 30-day comment period. We received one submission on the Draft EA; the Missouri Department of Conservation (MDC) provided a response to us on January 9, 2019. The MDC noted some general concern with the potential for cumulative effects from wind projects on bald eagles in the area (eagle management units, local area populations, and Project-scale), and indicated that issuing an ITP for the Project would be useful for the additional information that will be gathered through monitoring and reporting of eagle take at the Project. The MDC response letter is provided in Appendix E of the EA. There were no substantive comments received from the public comment period within the scope of the EA; therefore, no changes to the Draft EA were necessary based on public input.

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 Region 3 Eagle Permits webpage.



Tom Cooper
Chief, Region 3 Migratory Bird Program
U.S. Fish and Wildlife Service



Date

REFERENCES

40 Code of Federal Regulations (CFR) §§1500-1508. 1970. Title 40 - Protection of Environment; Chapter V - Council on Environmental Quality; Parts 1500-1508. 40 CFR 1500-1508. [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).].

43 Code of Federal Regulations (CFR) 46. 2008. Title 43 - Public Lands: Interior; Part 46 - Implementation of the National Environmental Policy Act of 1969. 43 Cfr 46. [73 Federal Register (FR) 61314, October 15, 2008, unless otherwise noted.]. Available online: <http://www.gpo.gov/fdsys/pkg/CFR-2011-title43-vol1/pdf/CFR-2011-title43-vol1-part46.pdf>