



Questions and Answers

Midwest Wind Energy Habitat Conservation Plan in Eight States

1. What action is the Service taking?

The Service published a Notice of Intent to prepare a Midwest Wind Multi-species Habitat Conservation Plan in the August 30, 2012 *Federal Register*. The purpose of the Notice of Intent is to let interested parties and the public know that we, in cooperation with our planning partners, are preparing this Multi-species HCP, and we would like to receive their input, suggestions and information at this stage in the planning process. The Notice of Intent opens a 30-day public comment period that will close on October 1, 2012.

The Multi-species HCP will cover participating wind energy facilities in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin.

2. Who are the Service's planning partners for this Multi-species HCP?

The planning partners include state conservation agencies from the eight states that will be covered by the Multi-species HCP as well as The Conservation Fund and the American Wind Energy Association. The American Wind Energy Association represents a consortium of wind energy companies.

3. Which wind energy companies are participating through the American Wind Energy Association in developing the Multi-Species HCP?

The American Wind Energy Association is a national trade association for the wind industry and is representing the interests of a group of wind energy companies in the development of this Multi-species HCP. This consortium of companies is known as the Wind Energy Bat Action Team. Member companies at this time include Acciona Wind Energy; Akuo Energy USA; Apex Wind Energy; BP Wind Energy; Clipper Wind Power, Inc.; Duke Wind Energy; EDP Renewables; Element Power; enXco; E.ON Climate & Renewables; EverPower Wind Holdings, Inc.; Iberdrola Renewables; Invenergy LLC; NextEra Energy Resources; Nordex USA; Tradewind Energy LLC; US Mainstream Renewable Power; and Wind Capital Group.

4. What is an HCP?

The Endangered Species Act prohibits the "take" of listed wildlife species through direct harm or habitat destruction. However, the ESA also allows the Service to issue permits for the "incidental" take of endangered and threatened wildlife. Permit holders can proceed with an activity that is legal in all other respects, but that may incidentally take listed wildlife.

To receive a permit, applicants must design, implement and secure funding for a conservation plan that minimizes and mitigates harm to wildlife impacted by their activity. That plan is commonly called a Habitat Conservation Plan or HCP. HCPs are legally binding agreements between the Secretary of the Interior and the permit holder.

5. Why do wind energy developers and operators need an Incidental Take Permit?

Threatened and endangered species have been harmed and killed by wind energy developments. This happens as a result of collisions with turbines, transmission lines, and towers; loss and degradation of

habitat from turbine and infrastructure construction; and fragmentation of large habitat blocks into smaller segments that may not support area-sensitive wildlife. Without an Incidental Take Permit, a wind energy developer or operator could violate the Endangered Species Act.

6. What species will be covered by this Multi-species HCP?

We are considering federally listed endangered or threatened species that could be killed or harmed by wind energy facilities as well as species that may become listed in the future. Listed species include the Indiana bat, gray bat, piping plover, interior least tern and Kirtland's warbler. Species that may become listed include the little brown bat, northern long-eared bat and eastern small-footed bat. The bald eagle, which is not endangered or threatened but protected by the Bald and Golden Eagle Protection Act, may also be included. The final list of species that will be included in the HCP has not been determined at this time.

7. What areas will be included in the Multi-species HCP?

The planning area includes all or portions of the following eight states: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin. The specific land that will be included in the HCP (i.e., covered land) has not been determined and could be all or portions of these states. The covered land will be the general locations where Incidental Take Permits could be issued. Land outside of the "covered land" will not be eligible for an Incidental Take Permit under this Multi-species HCP; however, owners or operators can develop their own HCP for their wind facility.

8. What actions will the Multi-species HCP cover?

Siting, construction, operation, maintenance and decommissioning of new and existing wind energy facilities are being considered for the Multi-species HCP. We anticipate that facilities of all sizes will be included, from single-turbine demonstration projects to large, commercial wind farms. Activities associated with the management of mitigation lands would also be covered.

9. How is the planning effort funded?

In 2010, the eight Midwest Region states received a grant from the Fish and Wildlife Service. The Grant is to develop the Multi-Species HCP, an environmental impact statement under the National Environmental Policy Act, green infrastructure that can be used to identify mitigation opportunities and an incidental take permitting program.

10. What approach does the Service envision for providing wind energy developers Incidental Take Permits under this Multi-species HCP?

We are considering basically two potential approaches or permitting structures: a template (also called an "umbrella" structure) or a programmatic approach. Under the template approach, the Service would issue individual permits to applicants that agree to implement the Multi-species HCP. Under the programmatic approach, each state agency would apply for and receive an Incidental Take Permit and would issue certificates of inclusion to wind energy companies that agreed to implement the Multi-species HCP at their facility. At this time, planning partners anticipate that the template option(issuing individual permits) would be the approach under this Multi-species HCP.

Under any permit structure that is ultimately selected, the Multi-species HCP will meet all Incidental Take Permit issuance criteria required under existing law and will be evaluated under the National Environmental Policy Act and Section 7 of the ESA. The planning partners envision that no additional NEPA or Section 7 analysis would be necessary when issuing the ensuing Incidental Take Permits to individual wind energy companies. The "No Surprises" assurances would also apply to the Multi-species HCP.

11. What type of information is the Service seeking?

The Service is requesting information and comments concerning the planning process, permitting approach (i.e., permit structure), biological aspects of the interaction of wind facilities and species, scientific data that may help inform the Multi-species HCP or monitoring of impacts, and any other information that interested parties would like to offer.

12. What is the Service's position on wind energy?

The use of wind to generate electricity has many advantages as a non-polluting, renewable energy source and the Service supports the development of clean energy. However, in certain circumstances, wind energy facilities have been documented to adversely impact wildlife, particularly birds and bats. The Service stands ready to work with industry and other governmental agencies and stakeholders to design, site and operate wind facilities that avoid and minimize harming wildlife.

13. How do I comment on the Notice of Intent?

You may submit your comments and additional information by any of the following means, comments must be received by October 1, 2012:

U.S. Mail:

Regional Director,
Attn: Rick Amidon
U.S. Fish and Wildlife Service, Ecological Services
5600 American Blvd. West, Suite 990
Bloomington, MN 55437-1458

Facsimile: 612/713-5292 (Attn: Rick Amidon)

E-mail: midwestwindhcp@fws.gov

14. Where do I find more information?

Information about the Notice of Intent to prepare a Midwest Wind Multi-species HCP is available on our website at www.fws.gov/midwest/angered. Information about the role that the Service plays in wind energy development and the impacts of wind energy development on wildlife can be found at www.fws.gov/midwest/wind.

For more information about the Midwest Wind Multi-species HCP and the Notice of Intent, you may also write or phone:

Rick Amidon
U.S. Fish and Wildlife Service, Ecological Services
5600 American Blvd. West, Suite 990
Bloomington, MN 55437-1458
Telephone: 612-713-5164