

# Environmental Impact Statement for the

Midwest Wind Energy  
Multi-Species Habitat Conservation Plan



## WELCOME

**to the Online Public Meeting for the  
Draft Environmental Impact Statement  
for the Midwest Wind Energy Multi-  
Species Habitat Conservation Plan**

May 2016

# Environmental Impact Statement for the

## Midwest Wind Energy Multi-Species Habitat Conservation Plan



# Purpose and Format of the Online Public Meeting

**Sean Marsan**

Deputy Assistant Regional Director  
Region 3, U.S. Fish and Wildlife Service

# Environmental Impact Statement for the



## Midwest Wind Energy Multi-Species Habitat Conservation Plan

# Purpose of the Online Public Meeting

- Provide information about the environmental review process for the Multi-Species Habitat Conservation Plan (HCP) Draft Environmental Impact Statement (EIS).
- Provide information about the Draft EIS contents, including the Draft HCP which is analyzed as Alternative A in the Draft EIS.
- Explain how to comment on the Draft EIS and Draft HCP.

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## Midwest Wind Energy Multi-Species Habitat Conservation Plan



# Online Meeting Format

- Q&A – Explanation
- Background
- Draft EIS Overview
- Comment Submittal Process
- Q&A Period
- Adjourn

# Environmental Impact Statement for the

## Midwest Wind Energy Multi-Species Habitat Conservation Plan



# Questions & Answers

**Jennifer Piggott**  
Facilitator  
ICF International

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## Questions & Answers

- Solicited questions to be submitted; none received by May 17.
- Throughout the presentation, you may send your questions to the host/facilitator using the 'Chat' webinar function.
- Q&A period at the end of the presentation:
  - At the close of the presentation, you may send more questions to the host/facilitator using the 'Chat' webinar function.
  - The facilitator will read aloud the questions received today.
  - Answers will be provided today, if possible, and as time permits.
- Answers that cannot be provided today will be developed and posted to the project website.

# Environmental Impact Statement for the

## Midwest Wind Energy Multi-Species Habitat Conservation Plan



# Background

**Rick Amidon**

Project Manager

Region 3, U.S. Fish and Wildlife Service

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# Wind Energy Development

- Wind energy facilities can be an important source of clean and renewable electric power generation, but they can impact birds and bats that pass near turning blades.
- Some of the species potentially affected by wind energy development are federally listed as threatened or endangered under the Endangered Species Act (ESA) or protected by the Bald and Golden Eagle Protection Act (Eagle Act).

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## Purpose of the HCP

- The purpose of the HCP is to provide a regional solution to avoid and minimize impacts to listed species and other species of concern
- Streamline the permitting process for the wind industry
- Provide a clearly defined permitting process for the wind industry to simplify planning purposes and provide certainty

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# Endangered Species Act

- Section 9 of the ESA prohibits “take” of federally listed fish and wildlife.
  - Take means to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct” (16 U.S.C. 1532(19)).
- Under Section 10(a) of the ESA, the Service may issue permits to authorize “incidental take.”
  - Incidental take is defined as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity.
  - The Service may issue an incidental take permit (ITP; permit) provided the Service’s issuance criteria are met.

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# Bald and Golden Eagle Protection Act

- Bald and golden eagles are protected under the Eagle Act, which prohibits take and disturbance of individual eagles and their nests.
  - *Take* includes actions that pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, and disturb eagles.
  - *Disturbance* includes activities that agitate or bother eagles to a degree that results in injury, a decrease in productivity (including nest abandonment), or substantial interference with normal breeding, feeding, and sheltering behavior.
- The Service may extend Eagle Act take authorization through an ESA Section 10(a) permit provided the permittee meets the terms of the permit and is in full compliance with the Eagle Act.

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# National Environmental Policy Act (NEPA) Compliance

- Issuance of an Incidental Take Permit (ITP) by the Service is a federal action subject to compliance with the National Environmental Policy Act (NEPA).
- To comply with NEPA, the Service prepared the Draft Environmental Impact Statement (EIS).
- The proposed for the Midwest Wind Energy Multi-Species Habitat Conservation Plan (HCP) is analyzed as Alternative A in the Draft EIS and is provided as an Appendix to the EIS.

# Environmental Impact Statement for the



## Midwest Wind Energy Multi-Species Habitat Conservation Plan



# Overview of the Draft Environmental Impact Statement (EIS)

**Rick Amidon**

EIS and HCP Project Manager  
Region 3, U.S. Fish and Wildlife Service

**Hova Woods**

EIS Project Manager (contractor)  
ICF International

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## Midwest Wind Energy Multi-Species Habitat Conservation Plan

### The Draft EIS

- The first step in the NEPA process for an EIS is scoping, which was initiated through the publication of a Notice of Intent in the *Federal Register* on June 12, 2015.
- The Notice of Availability for the Draft EIS and Draft HCP was issued in the *Federal Register* on April 15, 2016.
- After the 90-day public comment period closes, the Service will consider all comments received on the Draft EIS when preparing the Final EIS.

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### The Draft EIS

- The Draft EIS analyzes the potential direct, indirect, and cumulative environmental impacts of the Service's proposed action (to issue ITPs and implement the HCP) and alternatives on the human environment.
- Given the programmatic nature of the analyses in the Draft EIS, the Service will require applicants to complete a site-specific consistency evaluation process. This process will allow the Service to ensure the resources that may be affected are adequately addressed.
- A draft form that will streamline this future evaluation process is included as Appendix H to the Draft EIS.

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# The Draft EIS

The potential impacts analyzed in the Draft EIS include the following resource areas:

- Biological Resources
- Water Resources
- Geology & Soils
- Climate Change
- Air Quality
- Noise
- Visual Resources
- Transportation
- Land Resources
- Public Services & Utilities
- Public Health & Safety
- Socioeconomics & Environmental Justice
- Cultural Resources

# Environmental Impact Statement for the



## Midwest Wind Energy Multi-Species Habitat Conservation Plan

# The Draft EIS

- The Draft EIS analyzes the potential impacts of 4 alternatives:
  - **Alternative A: The Proposed Multi-Species HCP (Proposed Action)**
  - Alternative B: Reduced Permit Term Duration
  - Alternative C: Increased Cut-In Speed
  - Alternative D: No Action

# Environmental Impact Statement for the



## Midwest Wind Energy Multi-Species Habitat Conservation Plan



## Alternative A: The Proposed Multi-Species HCP

- The Multi-Species HCP was prepared by the Midwest Region of the Service and their planning partners for wind energy development within an 8-state Plan Area.
- The planning partners include The Conservation Fund, the state wildlife agencies for 7 of the 8 states, the American Wind Energy Association, and a consortium of wind energy companies.
- **The HCP (Alternative A) is identified as the Proposed Action and Preferred Alternative in the Draft EIS.**

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# Alternative A: The Proposed Multi-Species HCP

- The HCP is proposed to be implemented as both a “**template**” HCP and a “**programmatic**” HCP implemented through a master permittee.
- **Template HCP Process:** the Service will directly issue individual ITPs to applicants that agree to implement the HCP.
- **Programmatic HCP Process:** the Service will issue an ITP to a master permittee who will be responsible for issuing Certificates of Inclusion (COIs) to wind energy companies that agree to implement the HCP upon the Service’s concurrence.

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# Alternative A: The Proposed Multi-Species HCP

- Duration of the HCP is 45 years. Individual ITP authorizations will be issued for a period of 30 years, up to the 45-year term of the HCP.
- Covered activities include construction, operation, maintenance, decommissioning and reclamation, and repowering of existing and future land-based commercial wind energy facilities within Covered Lands, as well as monitoring activities.
- During the first 5 years of HCP implementation, **existing** wind energy facilities that occur within the Covered Lands can opt-in and apply for incidental take authorization.
- **New** commercial wind energy facilities within Covered Lands can opt-in to the HCP during the first 15 years.

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## Midwest Wind Energy Multi-Species Habitat Conservation Plan

### Plan Area and Covered Lands

- The *Plan Area* = all lands within the Service's Midwest Region
- *Covered Lands* = subset of the Plan Area where incidental take authorization would be allowed
- The following areas are excluded from *Covered Lands*:
  - Lands within a 20-mile radius of selected bat hibernacula
  - Lands within 3 miles of the shores of the Great Lakes
  - Lands within 1 mile of the edges of selected rivers supporting bird migration corridors and/or wintering waterfowl areas
  - Floodplain areas along the Mississippi and Illinois Rivers
  - High bat concentration areas in southern Indiana and Missouri
  - Bird migratory areas in Illinois and around large lakes in Minnesota



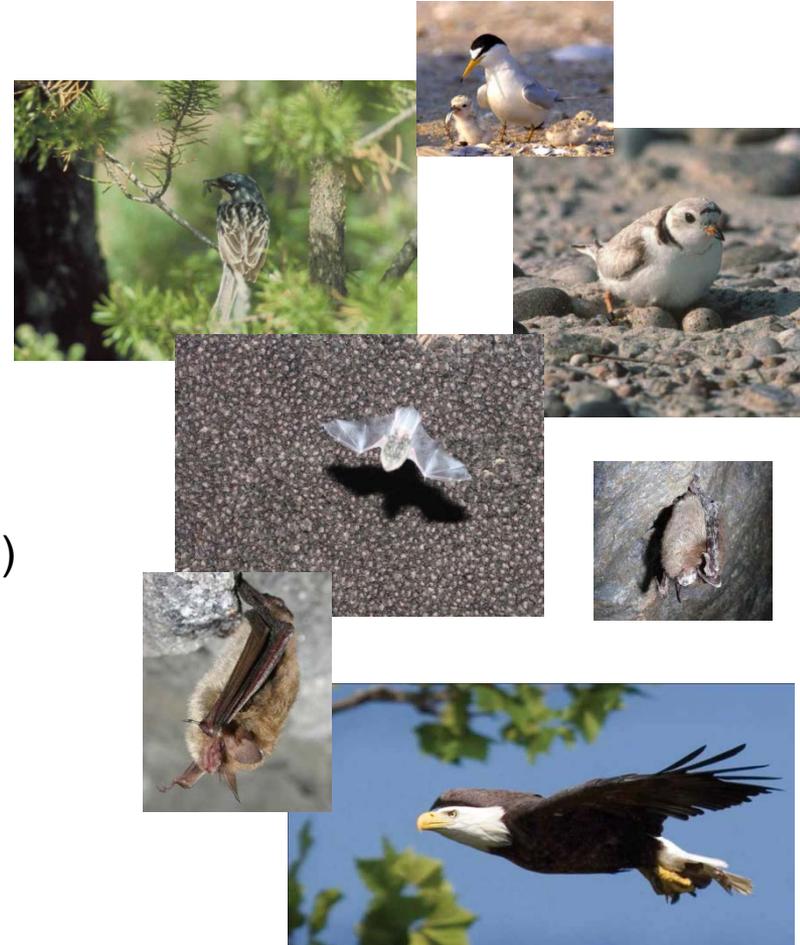
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## Midwest Wind Energy Multi-Species Habitat Conservation Plan

### Covered Species

- Species that may be affected by Covered Activities and for which the Service is considering incidental take authorization.
- The HCP addresses 8 Covered Species:
  - Kirtland's warbler (E)
  - Least tern – interior population (E)
  - Piping plover – Great Lakes population (E)
  - Piping plover – Northern Great Plains population (T)
  - Indiana bat (E)
  - Northern long-eared bat (T)
  - Little brown bat (species of concern)
  - Bald eagle (Eagle Act)



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### Take Estimates

- A variety of methods/tools were used to estimate take.
- A rare event is very difficult to predict – there is a lot of uncertainty.
- Good monitoring is key and will help inform our take estimates.
- We will confirm that we are not causing any population or local level impacts that are unsustainable at the individual project level.

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## Midwest Wind Energy Multi-Species Habitat Conservation Plan

# Bat Avoidance and Minimization Measures (AMMs)

- Avoid siting near hibernacula and forest habitat
- Seasonal Tree Clearing
- Feather all turbines:
  - below manufacturers cut-in speed during the spring migration season
  - located within 1000 ft of forested habitat below 6.0 m/s in summer if a colony is present (outside 1000 ft = below 5.0m/s)
  - below 5.0 m/s during the fall migration season
  - below 6.5 m/s if located near hibernacula

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## Bird Avoidance and Minimization Measures

- Covered Lands
- Implementation of the wind energy guidelines
- Lighting requirements

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# Mitigation

## ➤ Covered Bats

Mitigation determined through application of the peer reviewed Resource Equivalency Analysis (REA) models

- Amount of mitigation required based on Evidence of Absence (EoA) results
- Protect hibernacula
- Protect/restore summer habitat
- Protection of artificial roosts supporting LBB colonies

## ➤ Kirtland's Warbler, Interior Least Tern, Piping Plover

- Mitigated through funding provided to existing conservation programs

## ➤ Bald Eagle

- Electrocution REA
- Lead abatement and Habitat mitigation (winter roosting/nesting sites) to be considered moving forward

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## Midwest Wind Energy Multi-Species Habitat Conservation Plan



## Compliance and Effectiveness Monitoring

- Compliance-Documentation that applicable AMMs/BMPs are implemented
- Effectiveness Monitoring using USGS peer reviewed “Evidence of Absence” software
  - Conducted to ensure that take is not exceeded
  - Actual take is estimated using EoA
  - Initial 3 years of intensive monitoring
  - Roads and pads monitoring thereafter

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## Mitigation Monitoring

- Ensure that mitigation is implemented as planned
- Conducted to determine occupancy over time
- Changed circumstances

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## Adaptive Management

### ➤ Robust Adaptive Management Program

- Bats
  - Both short term and long term triggers for bats
  - Reduce turbine operations if necessary to stay within the authorized take limit
- Birds
  - An increase in take authorization for birds can be requested
  - Reduce turbine operation during periods of risk

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## Midwest Wind Energy Multi-Species Habitat Conservation Plan

### Alternative B: Reduced Permit Duration

- Duration of HCP would be 35 years (instead of 45 years under Alternative A). Individual ITP duration of up to 30 years.
- 5 year opt-in period for existing and future wind energy facilities (instead of 15 years under Alternative A).
- Incidental take authorization for future wind energy facilities would be reduced to 11,000 MW to account for the shorter HCP duration and opt-in period (compared to 33,000 MW under Alternative A).
- An additional 22,000 MW of new wind energy facilities could be constructed in the Plan Area, in addition to the 11,000 MW contemplated for incidental take coverage.

# Environmental Impact Statement for the



## Midwest Wind Energy Multi-Species Habitat Conservation Plan

### Alternative C: Increased Cut-in Speed

- The conservation strategy would be revised to increase cut-in speeds during high risk periods for covered bats.
  - Cut-in speeds would be increased to 5 meters per second (mps) during the spring migration period and 6.5 mps during the fall migration period.
  - Cut-in speeds would be increased to 6.5 mps in the summer where the presence of covered bats has been documented, and during specified periods where turbines are located in close proximity to maternity colonies and/or swarming/staging areas.
- All other aspects of the HCP would be the same as Alternative A.

# Environmental Impact Statement for the



## Midwest Wind Energy Multi-Species Habitat Conservation Plan

### Alternative D: No Action

- Reflects current conditions and serves as the baseline for considering impacts of the other alternatives.
- The Service would not issue ITPs or concur with COIs for wind energy-related construction and operational activities under the HCP.
- Assumes 18,004 MW of existing wind energy facilities within Covered Lands.
- Assumes 33,000 MW of new wind energy facilities within the Plan Area.
- Project proponents required to either avoid take of federally listed species and eagles or pursue project-specific ESA section 10(a)(1)(B) permits and/or eagle permits.

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### Draft EIS: Next Steps

- The public review and comment period for the Draft EIS and Draft HCP ends on July 14, 2016.
- After the 90-day public comment period closes, the Service will consider all comments on the Draft EIS and Draft HCP in preparing the Final EIS and Final HCP.
- The Final HCP will be issued as an Appendix with the Final EIS.
- The Service will issue a Record of Decision no sooner than 30 days after publication of the Final EIS.

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# Comment Submittal Process

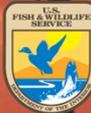
**Hova Woods**

EIS Project Manager (contractor)

ICF International

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# Keys to Making Effective Comments

- Focus your comments on the Draft EIS and Draft HCP.
- Suggest specific changes in the documents and provide the corresponding page numbers and sections of the documents in your comments.
- Submit comments that are clear, concise, and relevant to the EIS and HCP.
- Provide constructive solutions with documentation or resources to support your comments or recommendations.
- Comments that provide specific examples are more effective than comments simply stating opposition or making broad statements.

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# Comment Submittal Process

➤ **Please send written comments to:**

U.S. Fish and Wildlife Service

Ecological Services

Attn: Rick Amidon

5600 American Blvd. West, Suite 990

Bloomington, MN 55437-1458

➤ **Or Electronically** by visiting the Federal eRulemaking Portal:

[www.regulations.gov](http://www.regulations.gov). In the search box enter Docket Number FWS-R3-ES-2015-0033.

➤ Comments submitted electronically will be given the same weight as mailed comments.

➤ For additional information, visit: [www.midwestwindenergyhcpeis.org](http://www.midwestwindenergyhcpeis.org).

***The 90-day public comment period closes July 14, 2016.***

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# Questions & Answers

**Jennifer Piggott**  
Facilitator  
ICF International

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# Questions and Answers

## NOW

- **Questions** submitted via the 'Chat' webinar function.
- **Answers** will be provided by FWS now, if possible, as time permits.
- Please note: Questions are not considered comments.

## LATER

- Additional **questions**: email the project e-mail address ([midwestwindeis@icfi.com](mailto:midwestwindeis@icfi.com)) by **Friday, May 27th**
- If needed, FWS will develop **answers** in writing and post the Q&A on the project website by Monday, June 13:  
[www.midwestwindenergyhcpeis.org](http://www.midwestwindenergyhcpeis.org)

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# Adjourn

Thank you for your interest in the environmental review process and for participating in this online public meeting.

For additional information,  
visit: [www.midwestwindenergyhcpeis.org](http://www.midwestwindenergyhcpeis.org)