

Obtaining an Incidental Take Permit

DEFINITION

What is an HCP?

Section 10 of the Endangered Species Act (ESA) requires that WEWAG develop an HCP in order to apply for an Incidental Take Permit (ITP).

An HCP is a document that describes, among other things, the steps the applicant will take to minimize and mitigate the impacts of the proposed taking to the maximum extent practicable.

HCP Habitat Conservation Plan

PROCESS

The Wind Energy Whooping Crane Action Group (WEWAG) develops an HCP

WEWAG submits the HCP and ITP application to the U.S. Fish and Wildlife Service (Service)

What is an EIS?

The National Environmental Policy Act (NEPA) requires the Service to prepare an EIS for any major Federal action significantly affecting the quality of the human environment.

The EIS will incorporate public and agency comments and analyze the potential impacts resulting from the proposed HCP and ITP, as well as any reasonable alternatives.

EIS Environmental Impact Statement

The Service prepares a draft EIS for public review on the impacts of issuing the ITP and implementing the HCP

After a final EIS is published, the Service will prepare a Record of Decision (ROD), which is the final decision-making document

What is an ITP?

An ITP permits "incidental take" (see definition below) of listed species occurring in connection with otherwise lawful activities. Such take must be minimized and mitigated to the maximum extent practicable.

An ITP holder is authorized for incidental take and will be allowed to legally proceed with an activity for the duration of the permit as long as they are compliant with the terms of the HCP and ITP.

ITP Incidental Take Permit

If the Service determines that the HCP and other application materials meets the ESA section 10(a) issuance criteria (see below), the Service will issue the ITP.

Participating companies would implement the HCP. The Service and the permittee(s) would monitor for compliance and long-term success.

Definitions from Sections 9 and 10 of the Endangered Species Act (ESA)

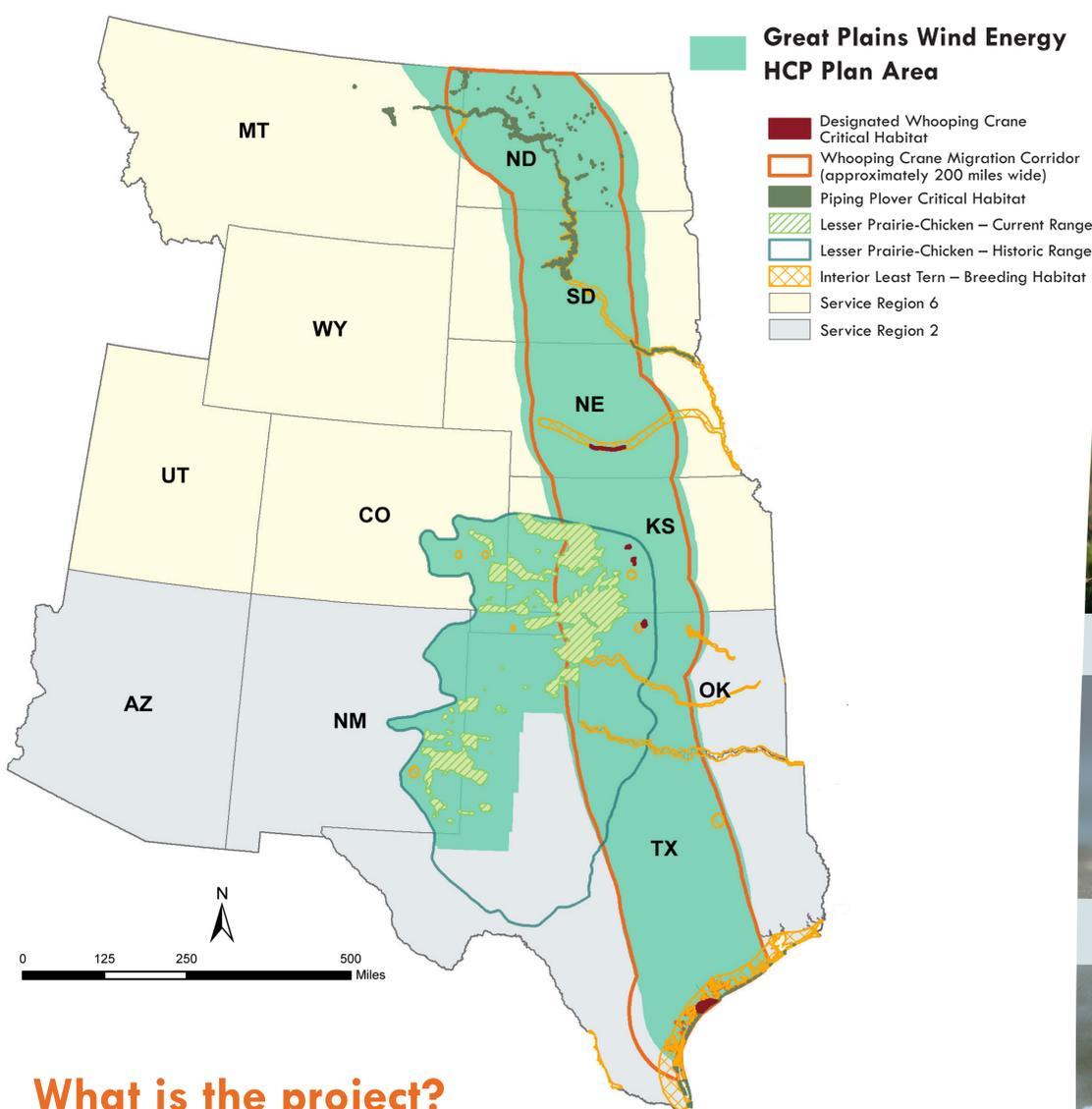
Take	To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any fish or wildlife species listed under ESA as endangered or threatened
Incidental Take	Take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity
Issuance Criteria	<p>Upon receiving the permit application, the Service must consider the following issuance criteria [detailed in Section 10(a)(2)(B) or the ESA]:</p> <ul style="list-style-type: none"> The applicant is fully qualified per the general permit criteria. The taking will be incidental. The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking. The applicant will ensure that adequate funding for the HCP will be provided. The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild. The applicant will ensure that other required measures will be provided. The Service has received such other assurances as may be required that the HCP will be implemented.

KEY DEFINITIONS



Great Plains Wind Energy Environmental Impact Statement

Study Area Map



Species under consideration for coverage in the ITP:



Whooping Crane



Lesser Prairie-Chicken



Piping Plover



Interior Least Tern

Other species may be identified during scoping

What is the project?

The U.S. Fish and Wildlife Service (Service) is preparing an Environmental Impact Statement (EIS) for the Great Plains Wind Energy Habitat Conservation Plan (HCP). The goal of the HCP is to develop a consistent, systematic, and predictable approach for ESA compliance for wind energy development that will provide a conservation benefit for certain species.

The objectives of the EIS are to:

- **Evaluate potential impacts to the human environment** that would result from the proposed HCP and associated Incidental Take Permit (ITP) for regional-level development, construction, operation, and maintenance associated with multiple commercial wind energy facilities
- **Respond to the Incidental Take Permit (ITP) application** submitted by the Wind Energy Whooping Crane Action Group (WEWAG)
- **Ensure compliance** with NEPA, which includes the ESA and other relevant regulations and statutes

The EIS will assist the Service in making an informed decision about issuing the ITP. The NEPA process provides other agencies, stakeholders, and the public an active role in the scoping process. Input from these parties will help the Service consider concerns during the planning process and inform the decision on issuing the ITP.

Why are these species being considered?

WEWAG has identified species with the potential to be impacted in the course of wind energy development within the proposed Plan Area that are either listed as threatened and endangered or have the potential to become listed.

The final list of covered species may be modified based on information received during the scoping process and further analysis of the proposed action.

STUDY OVERVIEW



GREAT PLAINS WIND ENERGY
Environmental Impact Statement Habitat Conservation Plan

The National Environmental Policy Act (NEPA)



What is NEPA?

The National Environmental Policy Act (NEPA) of 1969 established a national environmental policy with goals for the protection, maintenance, and enhancement of the environment. It also established a process for environmental impacts to be evaluated as an integral part of any major Federal action. Key goals of NEPA are to help Federal agency officials make well-informed decisions about agency actions and to provide a role for the public in the decision-making process.

The EIS process will comply with NEPA requirements, its implementing regulations (40 CFR 1500–1508), other applicable regulations, and the Service's procedures for compliance.



Why is The Service Preparing an Environmental Impact Statement (EIS)?

NEPA requires Federal agencies to examine the environmental impacts of a proposed action and provide opportunities for public participation. Based on the potential extent of impacts and the high level of interest in the proposed HCP, the Service has determined that an EIS is appropriate for this proposed action.



What will the EIS address?

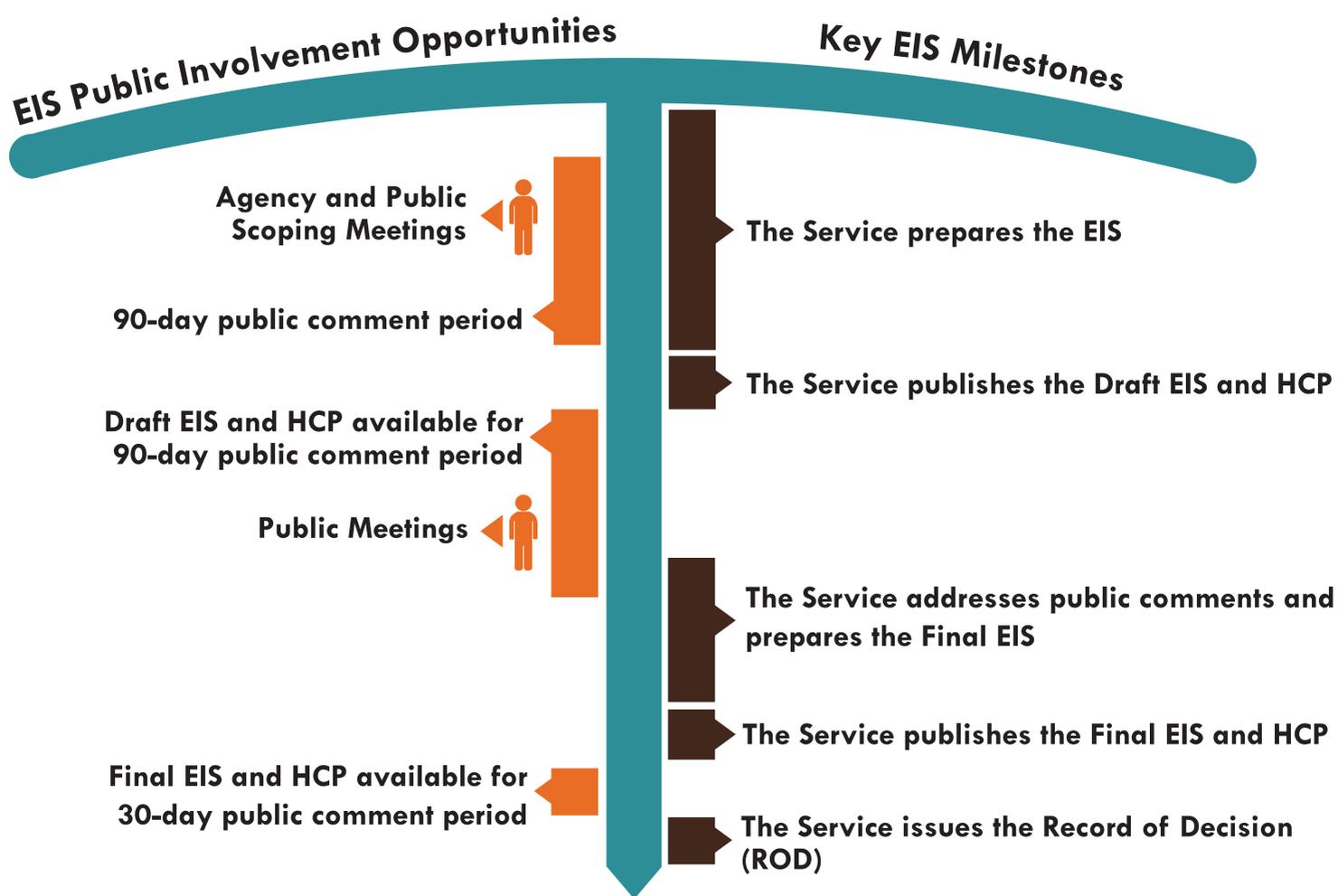
- Potential impacts associated with the proposed HCP and the issuance of an ITP, including biological, physical, and/or social impacts on the environment
- Ways of reducing the potential impacts of the HCP/ITP
- Any reasonable alternatives to the proposed action



How can you participate?

The EIS process (outlined below) provides opportunities for the public, agencies, and stakeholders to participate and provide feedback throughout the process.

EIS TIMELINE



DEFINING THE NEPA PROCESS



GREAT PLAINS WIND ENERGY
Environmental Impact Statement Habitat Conservation Plan

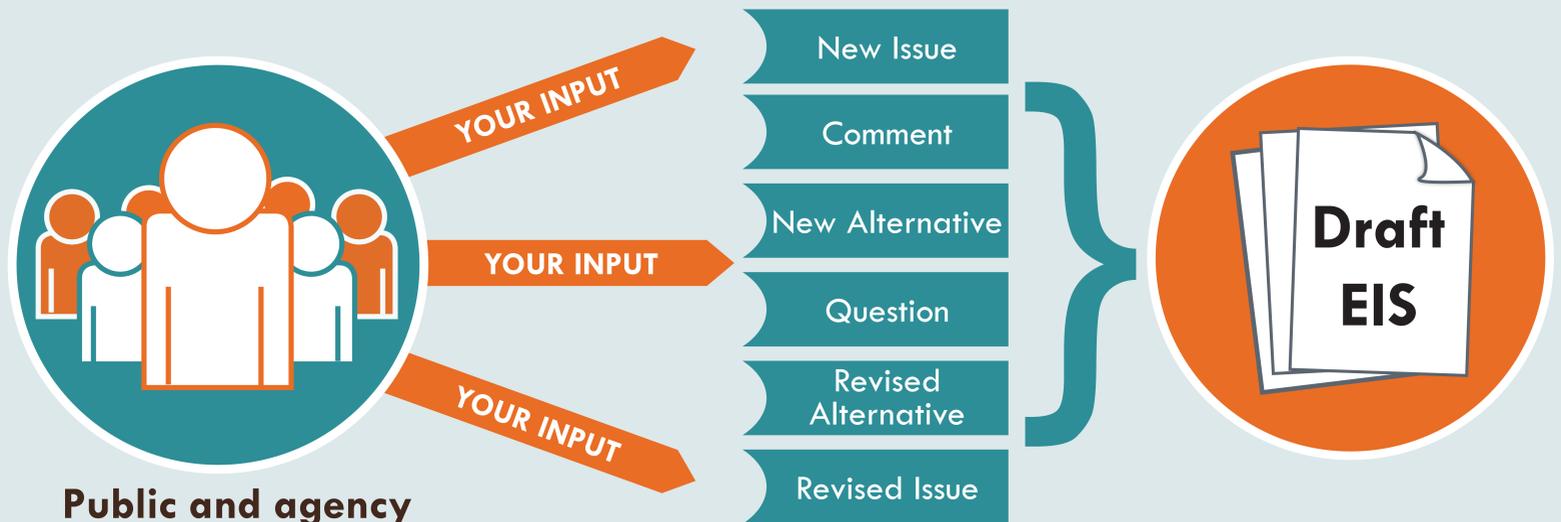
We Want Your Input!

What is EIS Scoping?

Established by NEPA, scoping is an early and open phase in the EIS process intended to provide interested or affected parties an opportunity to express concerns, ideas, and comments, which will help the Service identify and prioritize the issues and alternatives to be analyzed in the EIS.

How will your input be used?

The feedback we receive during the scoping process will be used to refine the scope of the EIS and highlight important issues to the public and federal, state, local, and tribal agencies.



Public and agency scoping meetings held in:

- Amarillo, TX
- Austin, TX
- Bismarck, ND
- Clovis, NM
- Corpus Christi, TX
- Glendive, MT
- Great Bend, KS
- Kearney, NE
- Pierre, SD
- Pueblo, CO
- Woodward, OK

How can you participate during and after scoping?

There are several opportunities to participate throughout the EIS process:

- Participate in public scoping meetings
- Provide written comments via mail, email, or fax
- Review and comment on the Draft EIS document when it is published
- Attend future public meetings
- Review and comment on the Final EIS document when it is published

All comments are due by October 12, 2011

HOW TO SUBMIT A COMMENT:



WindEnergyHCPComments@fws.gov



U.S. Fish and Wildlife Service
Attention: Laila Lienesch
P.O. Box 1306
Albuquerque, NM 87103-1306



1-800-815-8927
(toll-free message service)



505-248-6922
(Attention: Laila Lienesch)



Leave a comment at this meeting!



For more information, visit:
www.fws.gov/southwest

NEPA SCOPING PROCESS



GREAT PLAINS WIND ENERGY
Environmental Impact Statement **Habitat Conservation Plan**

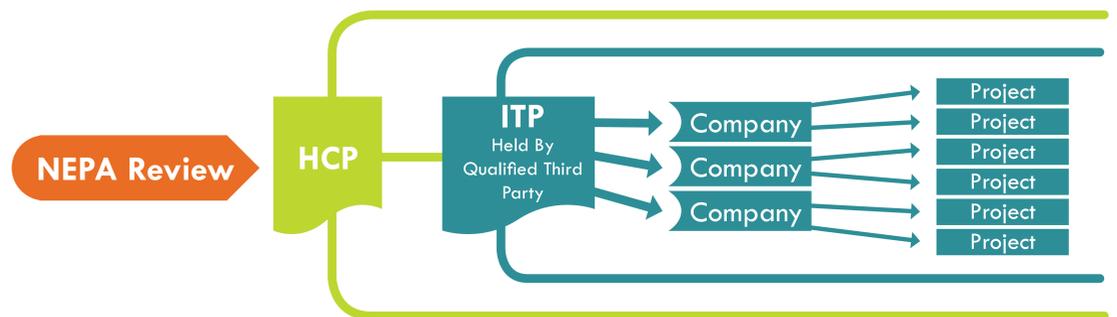
What alternatives will be considered in the EIS?

The “Proposed Action” Alternative

The “Proposed Action” alternative includes the issuance of an ITP (as supported by an HCP). Four options are currently being considered for the structure of the ITP. One of these options may be considered as part of the proposed action, while the other options may be considered as part of additional alternatives.

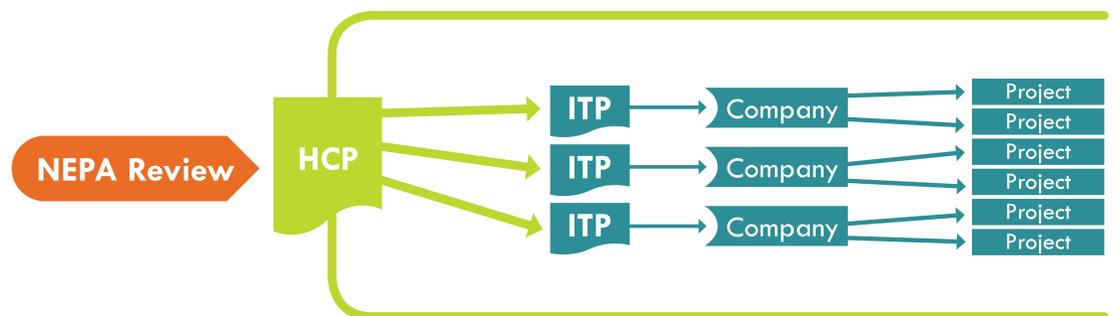
Programmatic HCP:

One HCP and one ITP (administered by a qualified third party) for multiple WEWAG companies and projects.



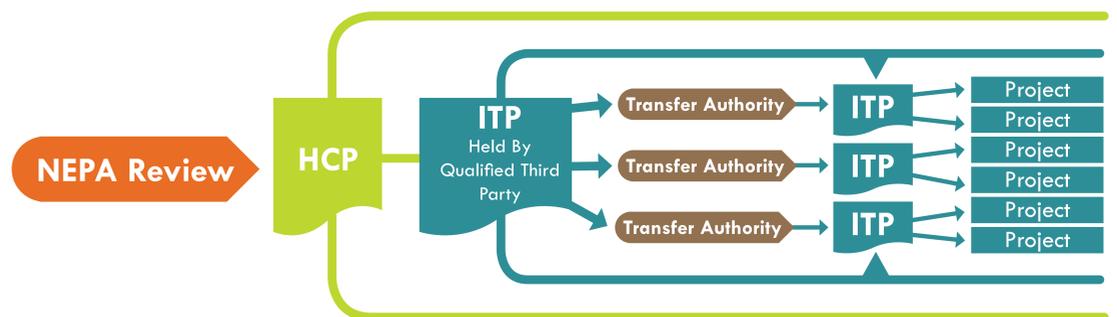
Umbrella HCP:

One HCP with a separate ITP issued to each WEWAG company. Each company-specific ITP would need to meet issuance criteria and be consistent with the Final EIS/ROD and Section 7 Consultation under ESA.



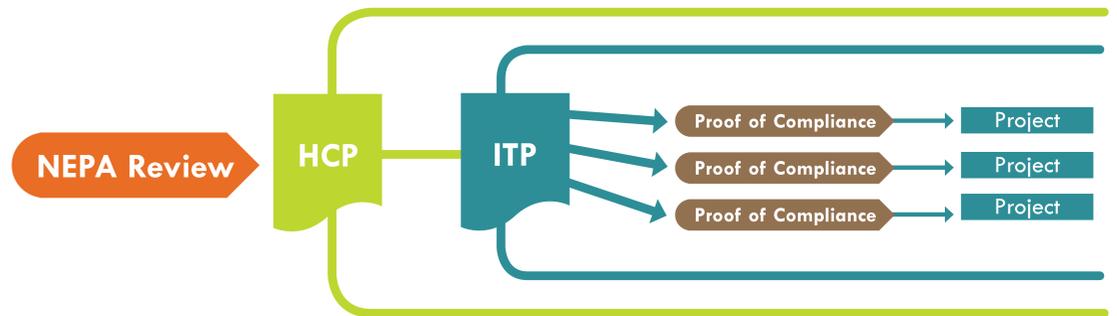
Primary Permit HCP:

One HCP with one initial ITP (held by a qualified third party) from which authorization is transferred to separate WEWAG project ITPs through review by both the third party and the Service. Each company-specific ITP would need to meet issuance criteria and be consistent with the Final EIS/ROD and Section 7 Consultation under ESA.



Co-Permittee HCP:

One HCP with one ITP under which all members of WEWAG are named co-permittees. Prior to initiating a project, a co-permittee must submit proof of compliance with the ITP to the Service.



The “No Action” Alternative

An ITP would not be issued under a Great Plains Wind Energy HCP.

A reasonable range of alternatives to be considered for analysis in the EIS may include:

- A modified list of species
- Differing land-coverage areas
- Variation of development activities
- Variation of conservation measures

POTENTIAL ALTERNATIVES



What resources might be analyzed in the EIS?

We want your input on the issues and resources that should be addressed in the EIS.

The EIS will include analysis of short-term, long-term, direct, indirect, and cumulative impacts of the Proposed Action and its reasonable alternatives. Impacts to the human environment may include evaluation of effects to the following resources:

- Air quality (including greenhouse gas emissions)
- Archaeology
- Architectural history
- Aviation/airspace
- Biological resources (including vegetation, wildlife, threatened and endangered species and their habitat)
- Hazardous materials and solid waste management
- Human health and safety
- Hydrology
- Infrastructure (including new wind transmission connections)
- Land use (including prime and unique farmland)
- Noise and vibration
- Physiography/topography (including geology)
- Recreation (including hunting)
- Sites of religious and cultural significance to tribes
- Socioeconomics and Environmental Justice
- Soils
- Special status species
- Surface waters and floodplains
- Transportation (including new access roads)
- Utilities
- Visual resources and aesthetics
- Water quality
- Wetlands and waters of the U.S.
- **Other issues and resources identified throughout the scoping period**



IDENTIFYING RESOURCES AND ISSUES



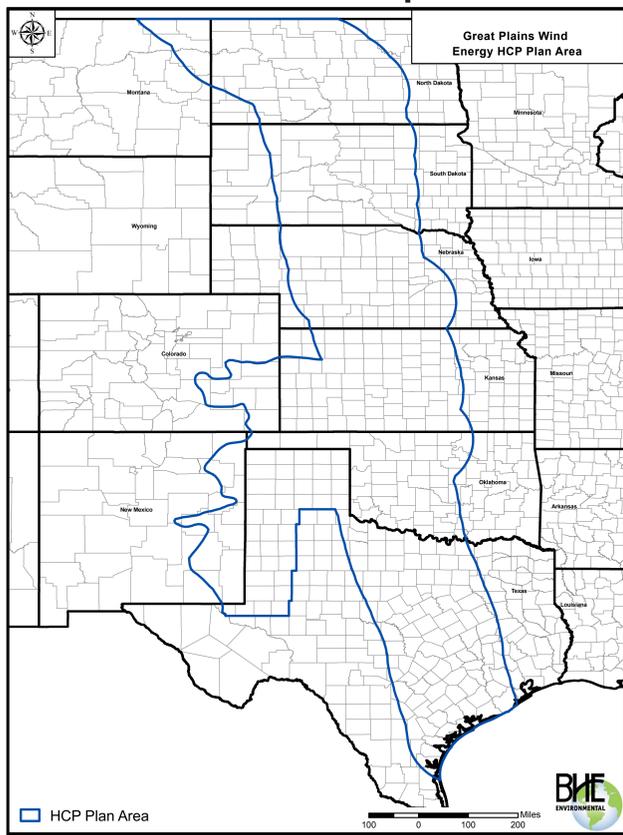
GREAT PLAINS WIND ENERGY
Environmental Impact Statement **Habitat Conservation Plan**

Why is the wind energy industry preparing the Great Plains Wind Energy Habitat Conservation Plan?

What will the Habitat Conservation Plan (HCP) address?

The HCP will address impacts of authorized and incidental taking of covered species that may result from construction and operation of some utility-scale wind energy development in the Plan Area.

Draft HCP Plan Area Map



Where is the HCP Plan Area?

In this first regional, multi-species HCP to address impacts of wind energy development on a landscape scale, the Plan Area contains habitat for these species and includes the whooping crane's migratory corridor as well as lesser-prairie chicken habitat within the United States.

The HCP Plan Area also includes significant wind energy resources and encompasses the majority of states with the highest land-based wind resource potential. Therefore, the Plan Area is attractive to wind industry companies seeking to develop and operate utility-scale wind energy facilities.

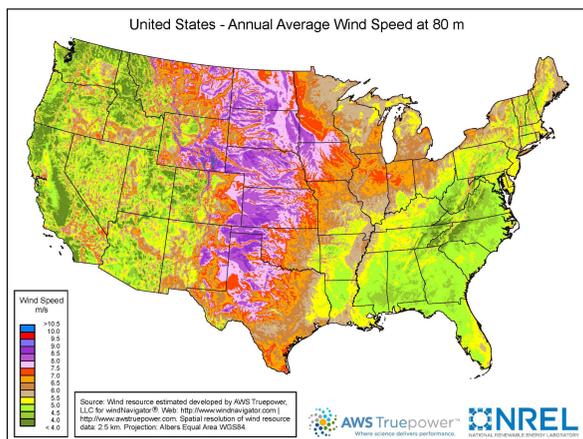
Who is developing the HCP?

A group of 19 wind energy companies, the Wind Energy Whooping Crane Action Group (WEWAG), in coordination with the U.S. Fish and Wildlife Service (Service) and state wildlife agencies is developing an HCP. The participating wind companies are voluntarily developing this HCP under ESA section 10(a)(1)(B) in close coordination with the Service.

WEWAG Members:

- Acciona North America
- Allete
- Alternity Wind Power
- BP Wind Energy
- Clipper Wind Energy
- Competitive Power Ventures, Inc.
- Duke Energy Renewables
- Element Power
- enXco
- EDP Renewables North America
- Iberdrola Renewables
- Infinity Wind Power
- MAP Royalty
- NextEra Energy Resources
- Own Energy
- RES Americas
- Terra-Gen Power, LLC
- Trade Wind Energy
- Wind Capital Group

U.S. Wind Resources



HABITAT CONSERVATION PLAN



Conservation Benefits of the Great Plains Wind Energy HCP

How will the HCP promote conservation?

The wind energy industry has worked in partnership with wildlife agencies to promote species conservation and allow development of wind energy projects as the industry works towards meeting the nation's renewable energy policy goals in the Plan Area.

Development and implementation of a regional HCP will streamline permitting for both the Service and wind energy developers, allowing them to direct their resources towards a broad-scale conservation effort.

The HCP will enhance wildlife conservation efforts and allow for more efficient permitting of projects as the industry works towards meeting the nation's renewable energy policy goals in the Plan Area.

What Are the Conservation Benefits of the GPWE HCP?

Scientific rigor and the best available biological information are used to develop and maintain the conservation program. Both impacts and conservation measures are considered across a significant portion of the species' ranges.

Clearly stated, unambiguous biological goals and objectives developed by species experts and scientists can be supported by industry, agencies, and conservationists.

Results of the conservation program will be comprehensively evaluated and carefully monitored, and conservation measures will be adjusted to ensure ongoing effectiveness and compliance.

Conservation measures benefiting the species are supported by a long-term financial and legal commitment, ensuring they will be carried out.



CONSERVATION BENEFITS



Why Wind Energy?

Wind energy generation causes no air pollution, no water pollution, does not deplete fresh water resources, generates no hazardous waste, and requires no mining, transportation, refining of a feedstock or fuel.

Not only does wind power provide a clean source of electricity, it helps keep electric rates low, and provides a hedge against fossil fuel price volatility. Wind energy is now one of the most cost-effective sources of new electricity generation, especially in wind-rich regions. The wind energy industry has added more than a third of all new generating capacity to the U.S. grid since 2007—twice what coal and nuclear together have added.

Furthermore, the industry has been one of the few bright spots in the otherwise difficult economy. The wind energy industry currently employs 75,000 people in the U.S. In 2010, the industry installed 5,116 megawatts, representing \$11.1 billion in investment. Average annual growth for the past five years was 35%. The industry has utility-scale wind energy projects operating in 38 states and more than 400 manufacturing facilities in 42 states.

Healthy wildlife populations can and do coexist with the expansion of wind power development. In fact, an increase of wind power development would help sustain healthy wildlife populations, in light of the potentially devastating consequences global warming, acid rain, habitat fragmentation, toxin bioaccumulation, and other fossil fuel-related impacts have on wildlife and the significant role wind power can play as a solution to those issues. WEWAG partners are working to provide clean renewable energy with minimal impact to our nation's natural resources, such as the whooping crane and the lesser prairie-chicken.

The wind energy industry has a history of proactively addressing wildlife issues.

While the wind energy industry's impacts on wildlife are minor, particularly when compared to the impact of other energy generation technologies, the industry has proactively taken action in multiple ways to address those impacts. The Great Plains Wind Energy HCP is the first regionally-focused effort that has developed in this context. Other nationally-focused, innovative efforts to address wildlife impacts of wind energy generation include the following initiatives. For more information on these innovative commitments by the wind energy industry to understand and respond to potential wildlife impacts, please visit the web sites provided below:

- American Wind Wildlife Institute (www.awwi.org)
- Bats & Wind Energy Cooperative (www.batsandwind.org)
- The National Wind Coordinating Collaborative Wildlife Workgroup (Proceedings from past NWCC wildlife research meetings are available at: www.nationalwind.org/events/past.htm)
- Grassland and Shrub Steppe Species Collaborative (www.nationalwind.org/workgroups/wildlife/GS3CfactsheetFINALrev04_2008.pdf)
- Sage Grouse Research Collaborative (www.nationalwind.org/sagegrouse.aspx; see also www.nationalwind.org/assets/sage_grouse/Sage_Grouse_Fact_Sheet_July_2010_v2.pdf)



WIND ENERGY