Questions & Answers

Crocker Wind Farm Proposal and South Dakota Easements

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Q) What is a grassland easement?

A) The U.S. Fish and Wildlife Service (Service) has been purchasing grassland easements in the Dakotas since the early 1990s. To date, there are close to 5,000 grassland easements protecting about 1.5 million acres in the Prairie Pothole Region of the Mountain-Prairie Region. In accordance with policy, these are minimally restrictive easements intended to prevent the conversion of grasslands to croplands. Grassland easements restrict the alteration/destruction of vegetation and mowing or haying before July 15th of each year. They do not restrict grazing in any fashion and they are not intended to stymie all development. The Service purchases easements from willing sellers only. It is ultimately the landowner’s decision to sell an easement to the Service and it is ultimately the landowner’s decision on whether or not to allow wind energy development on their lands.

Q) How does the Service determine where to invest in grassland easements?

A) These easements are not randomly distributed; rather, they are concentrated in the Missouri and Prairie Coteaus which are rich in wetland and grassland habitats and support high densities of breeding waterfowl pairs and other migratory birds. The Service focuses its grassland easement acquisition efforts in areas supporting >60 breeding waterfowl pairs per square mile.

Q) How does the Service balance the needs of wildlife with the need for domestic energy development?

A) The Missouri and Prairie Coteaus regions have been identified by the National Renewable Energy Lab as having high wind energy potential in the Dakotas. As a result, areas targeted by developers of wind energy are often the same areas targeted by the Service for easement acquisition. There are few reasonable alternatives for viable commercial-scale wind energy development to exist without impacting areas protected by Service easements.

Q) Why does the Service allow development on grassland easements?

A) The Service, along with our partners, developed a Conservation Strategy which established a goal of acquiring an additional ~10 million acres of grassland easements in order to support waterfowl populations. It is a long-held belief that should the Service adopt a strict stance that absolutely prohibits the all development of easement lands, it risks losing the key component that has made the program a success thus far, and is necessary for realizing the Conservation Strategy goal: the willing seller.
Q) How does the Service handle a request for wind energy development on private lands protected by Service easements?

A) When handling a request for wind energy development on private lands protected by Service easements, the first step is to work with the project proponent to avoid the protected interests. Due to the prevalence of grassland easements and large “footprint” across the same landscape that has high wind energy potential, complete avoidance is not always feasible. If complete avoidance of grassland easements is not practicable, then the Service will work with the project proponent to minimize the impacts to protected resources and trust species. This often results in a drastic cut in the number of turbines that end up on easement lands. Most recently, the Crocker Wind Farm reduced its impact from 41 turbines to 14 on grassland easements.

Q) Did the Service consider potential impacts of the Crocker Wind Farm project to migratory birds off National Wildlife Refuge System lands?

A) The Service only evaluated potential impacts on easement protected lands where it has jurisdiction.

Q) Why is Crocker providing a 2:1 acre ratio for the land exchange?

A) The Service is authorized by the National Wildlife Refuge Administration Act of 1966 to enter into a land exchange. By policy (342 FW 5), exchanges must be of benefit to the United States and the value of the lands or interests in lands be approximately equal. Permanent impacts to easement lands are offset through the use of an easement exchange containing a reversionary clause which means the land will be restored to grass and revert to easement protection at the end of the wind farm’s life cycle. In this case, Crocker is voluntarily doubling the acres in the land exchange to offset indirect impacts. This meets the criteria outlined in the policy.

Q) Does a pre-existing wind lease affect the Services easement acquisition?

A) Wind power leases cover vast portions of the Coteau Regions in the Dakotas. As a result, the Service frequently encounters pre-existing wind leases on lands that support high densities of breeding waterfowl pairs and are therefore high priorities for grassland easement acquisition. To account for potential wind development lands where valid wind leases exist, the Service discounts grassland easement payments by 85% on 2 out of every 160 acres of newly-acquired grassland easements on these lands.

Q) How is the Service considering impacts to cultural resources in the project area?

A) The Service is following Section 106 procedures as outlined in the National Historic Preservation Act.