

**United States Fish and Wildlife Service**

**Record of Decision**

**for the**

**Upper Great Plains Wind Energy Programmatic Environmental Impact Statement.**

United States Fish and Wildlife Service  
Mountain-Prairie Region  
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## Introduction

This *Record of Decision* (ROD) documents the U.S. Fish and Wildlife Service’s (Service) decision to implement the “Programmatic Regional Wind Energy Development Evaluation Process (Alternative 1) of the Upper Great Plains Wind Energy Final Programmatic Environmental Impact Statement (Final PEIS) (DOE/EIS-0408) published in the Federal Register on May 1, 2015 (80 FR 24914). The Final PEIS, this Record of Decision (ROD), and other project documents are available on the project Web site at <http://plainswindeis.anl.gov>.

In response to an increase in wind energy development in Upper Great Plains Region (UGP Region; Fig. 1), which encompasses all or parts of the states of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota, the Service (Service) and Western Area Power Administration (Western) have prepared the Upper Great Plains Wind Energy Final PEIS to streamline their procedures for conducting environmental reviews of wind energy applications by implementing standardized evaluation procedures and identifying measures to address potential environmental impacts associated with wind energy projects in the UGP Region.

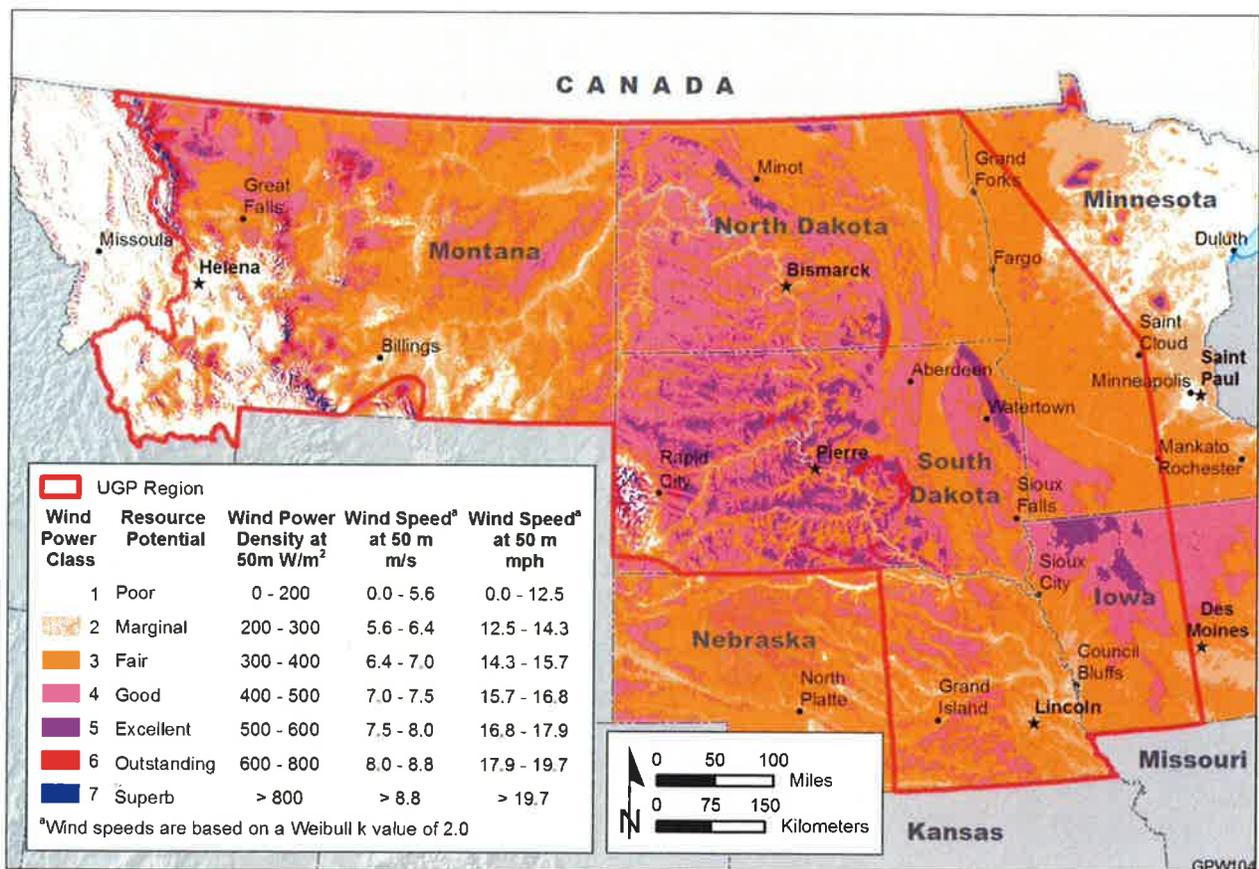


Fig. 1: Location of Upper Great Plains Region (UGP Region)

The Service and Western cooperatively prepared the PEIS to: (1) assess the potential environmental impacts associated with wind energy projects within the UGP Region that may propose placement of project elements on grassland or wetland easements managed by the Service, or that may interconnect to Western's transmission system, and (2) evaluate how environmental impacts would differ under alternative sets of environmental evaluation procedures, best management practices, avoidance strategies, and mitigation measures that the agencies would request project developers to implement, as appropriate, for specific wind energy projects. Four alternatives, including the No Action alternative, were analyzed in the PEIS.

The PEIS analyzes, to the extent practicable, the impacts resulting from development of wind energy projects and the effectiveness of best management practices (BMPs), avoidance of sensitive areas, and mitigation measures in reducing potential impacts. Impacts and mitigation have been analyzed for each environmental resource, and all components of wind energy projects have been addressed, including turbines, transformers, collector lines, overhead lines, access roads, substation installations, and operational and maintenance activities. Many of the impacts resulting from constructing and operating these types of wind energy infrastructure are well known from existing wind energy projects.

In addition to the PEIS, the Service and Western engaged in informal consultation under Section 7 of the ESA in support of the PEIS process. A programmatic biological assessment (Programmatic BA) has been prepared for listed and candidate species occurring in the UGP Region, and the Service's Ecological Services Field Office has issued a letter of concurrence as a result of this consultation (Appendix).

### **Proposed Action**

The Service's proposed action, as presented in the Draft and Final PEIS, is to streamline the environmental review process for wind energy project that would require an easement exchange to accommodate wind energy development.

### **Scope of Analysis**

The PEIS analyzed information about known impacts and effective mitigation measures for wind energy facility development. The PEIS includes an assessment of the positive and negative environmental, social, and economic impacts; discussion of BMPs and mitigation measures to address these impacts; and identification of appropriate programmatic procedures to be included in the proposed wind energy development programs submitted for environmental reviews.

The geographical scope of the analysis includes grassland and wetland easements administered by Regions 3 and 6 of the Service that are located within the boundaries of the UGP Region. Thus, the areas considered include all or part of six States: Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota. The analysis is based, in part, upon the potential levels of wind energy development activities within the UGP Region through 2030. The analysis presented in

the PEIS used current, available, and credible scientific data regarding potential impacts. Expected direct and indirect impacts of wind energy development on the environment, social systems, and the economy were evaluated at the programmatic level. Cumulative impacts associated with the proposed action were also evaluated. In many cases, even though there is a potential for impacts on environmental resources to be significant, the implementation of specific engineering controls and management practices may be used so that the anticipated impacts would be unlikely to occur or the magnitude of the impacts would be limited to acceptable levels.

The PEIS identifies the range of potential environmental impacts for wind energy projects and identifies BMPs and mitigation measures that could be applied to satisfactorily eliminate, minimize, or reduce the environmental impacts for many wind energy projects. Under the preferred alternative, a programmatic process to be followed for environmental evaluations would be adopted by the Service, along with identification of BMPs and mitigation measures that developers would be requested to implement in order to address environmental impacts. For projects that follow the programmatic environmental evaluation process, and where agreements are reached to apply the appropriate standardized BMPs, conservation measures, and mitigation measures during project planning, construction, and operation phases of development, the analyses presented in the PEIS would serve as the principal means of identifying the nature and magnitude of impacts. This would simplify the preparation of project-specific NEPA documentation and would reduce the time needed to complete environmental evaluations.

The proposed environmental evaluation processes, BMPs, conservation measures, and mitigation measures addressed in the PEIS would not fully address some site-specific issues and concerns. Thus, there will be some site-specific issues that will require more detailed environmental evaluation during environmental reviews of individual projects. Project-specific environmental reviews will be used to identify which BMPs and mitigation measures are applicable for specific projects and the degree to which individual project analyses, reviews, and approvals may tier off of the PEIS by using applicable content to streamline and expedite NEPA compliance. It is intended that the PEIS will address the majority of the environmental impacts that occur when wind energy projects are constructed, operated, maintained, and decommissioned, based on practical experience with existing projects. Thus, the PEIS will support, but will not supplant, individual project NEPA reviews.

### **Decision (Alternative 1)**

**Alternative 1 – Programmatic Regional Wind Energy Development Evaluation Process for Western and the Service.** The Service has decided to adopt a Programmatic Regional Wind Energy Development Process (Alternative 1) to address requests for Service easement exchanges to accommodate wind energy development. Under Alternative 1 the Service will adopt a

standardized structured process for collecting information and evaluating and reviewing environmental impacts of wind energy requests. Best management practices and mitigation measures developed in the PEIS programmatic process would be employed to minimize the potential environmental impacts of wind energy projects.

The Service believes that implementing Alternative 1 would provide the following benefits:

- *Tiering of project-specific environmental analyses.* Future, project-specific environmental analyses for wind energy development would tier off of the analyses conducted in the PEIS, programmatic BA and this ROD, thereby allowing the project-specific analyses to focus on site-specific issues that are not already addressed in sufficient detail to resolve the issues(s).
- *Development of comprehensive procedures and mitigation measures.* Implementing the programmatic elements identified for Alternative 1 would provide developers guidance on comprehensive procedures, mitigation measures, as well as requirements for wind energy projects requesting modification of the Service's wetland or grassland easements through easement exchanges.
- *Consistency of the application and authorization process.* Implementation of the proposed programmatic elements would result in greater consistency in the environmental reviews of applications of requests for easement exchanges to accommodate wind energy development on easement lands.

### **Programmatic Environmental Evaluation Process**

The Service proposes to adopt the following approach for reviewing requests for wind energy development on Service easements under Alternative 1:

- Project developers seeking to place wind energy facilities on easements managed by the Service shall consult with appropriate Federal, State, and local agencies regarding specific projects as early in the planning process as appropriate to ensure that all potential planning and preconstruction surveys and information needs, as well as construction, operation, and decommissioning issues and concerns, are identified and adequately addressed.
- Easements or portions of easements may be excluded from wind energy development on the basis of findings of unacceptable resource impacts that conflict with existing and planned conservation needs and/or cannot be suitably avoided or mitigated.
- The level of environmental analysis to be required under NEPA for individual wind power projects will be determined by the appropriate Wetland Management District. It is the Service's intent that future wind energy project environmental analysis will tier off of the decisions embedded in the PEIS and limit the scope of additional project-specific NEPA analyses. The site-specific NEPA analyses will consider project siting, site configuration, and micrositing; monitoring requirements; and the application of appropriate mitigation measures. In particular, the BMPs and mitigation measures

presented in chapter 5 of the PEIS (and summarized below) would be used when appropriate and applicable for addressing site-specific environmental conditions; additional measures not identified in the PEIS may be requested to address some site-specific situations. Public involvement will be incorporated into all wind energy development projects to ensure that concerns and issues are identified and adequately addressed.

- Site-specific environmental analyses will identify and assess any cumulative impacts that are beyond the scope of the cumulative impacts addressed in the PEIS.
- A programmatic consultation has been completed as part of the PEIS to address listed species and critical habitat, although specific consultation requirements will be determined on a project-by-project basis. Under the proposed programmatic evaluation process, the Service would conclude that additional ESA Section 7 consultation beyond the programmatic consultation would not be required for projects for which the project developers commit to implementing the appropriate and applicable programmatic avoidance measures, minimization measures, construction BMPs, and mitigation measures that would result in a determination that listed species and critical habitat are not likely to be adversely affected. Conversely, the USFWS will initiate project-specific ESA Section 7 consultation for; (1) any listed species or critical habitat not considered in the programmatic consultation, and/or (2) for any listed species or critical habitat for which project developers are unwilling or unable to implement the programmatic BMPs, avoidance measures, minimization measures, and mitigation measures applicable to a project.
- ESA Section 7 consultation for individual projects that are addressed under the programmatic consultation will be documented through the use of one or more Project Consistency and Species Consistency Evaluation Forms to verify the action is consistent with the programmatic BA and the tiered approach identified in the USFWS's Land-Based Wind Energy Guidelines (USFWS 2012). Proponents of projects involving easement exchanges must complete the appropriate forms and submit them to the Service lead for the project. The Service will review the completed forms to verify compliance with the conservation measures identified in the programmatic BA and will use the information, as described in the programmatic BA, to meet the requirements of the programmatic ESA consultation.
- The Service will consult with the State Historical Preservation Officer as required by Section 106 of the National Historic Protection Act (54 U.S.C. 3001 *et seq*). The specific consultation requirements will be determined on a project-by-project basis. If programmatic Section 106 consultations have been conducted and are adequate to cover a proposed project, additional consultation may not be needed.
- Project developers seeking easement exchanges in order to accommodate wind energy facilities shall develop a project-specific plan of development (POD) that incorporates applicable programmatic BMPs and mitigation measures and, as appropriate, the

requirements of other existing and relevant mitigation guidance. Additional mitigation measures will be incorporated into the POD and into the authorization as project stipulations, as needed, to address site-specific and species-specific issues. The POD will include a site plan showing the locations of turbines, roads, power lines, other infrastructure, and other areas of short- and long-term disturbance.

- The Service will incorporate management goals and objectives specific to habitat conservation for species of concern, as appropriate, into the POD for proposed wind energy projects.
- The effectiveness of the programmatic review procedures and the programmatic BMPs and mitigation measures will be periodically reviewed and will be updated and revised as new data regarding the impacts of wind power projects become available. At the project level, operators may be required to develop monitoring programs, as appropriate, to evaluate the environmental conditions at the site through all phases of development, to establish metrics against which monitoring observations can be measured, to identify potential mitigation measures, and to establish protocols for incorporating monitoring observations and additional mitigation measures into standard operating procedures and project-specific stipulations.

**Programmatic BMPs and Mitigation Measures.** Under Alternative 1, the Service would apply appropriate and applicable programmatic BMPs and mitigation measures to all wind energy development projects within the UGP Region that require an exchange of Service easements. The identification and selection of applicable project-specific BMPs and mitigation measures would be based on whether the measure would; (1) ensure compliance with relevant statutory or administrative requirements, (2) minimize local impacts associated with siting and design decisions, (3) promote post-construction stabilization of impacts, (4) maximize post-construction restoration of habitat conditions, (5) minimize cumulative impacts, and (6) promote economically feasible development of wind energy. The Service acknowledges that certain BMPs and mitigation measures may not be reasonable or applicable at a particular project site; only those BMPs and mitigation measures found applicable to the situation at the specific project site would be implemented.

A complete discussion of all BMPs and mitigation measures is provided in the PEIS and are incorporated by reference into this ROD. In the interest of brevity, specific BMPs and mitigation measures especially important to easement exchanges have been summarized in this ROD.

#### ***General Planning and Land Use.***

- Project developers shall contact the Service, property owners, tribes, and other stakeholders early in the planning process to identify potentially sensitive land uses and issues, identify pre-project surveys or data collection needs, and identify rules that govern wind energy development locally, and land use concerns specific to the region. Initial project planning should seek to ensure that wetland and grassland easements are avoided to the extent practicable.

- Avoid locating wind energy developments in areas of unique or important recreation, wildlife, or visual resources. When feasible, a wind energy development should be sited on already altered landscapes.

- Available information describing the environmental and sociocultural conditions in the vicinity of the proposed project shall be collected and reviewed as needed to predict potential impacts of the project.

- To plan for efficient use of the land, necessary infrastructure requirements shall be consolidated wherever possible, and current transmission and market access shall be evaluated carefully.

- Projects shall be designed to utilize existing roads and utility corridors to the maximum extent feasible, and to minimize the number and length/size of new roads, lay-down areas, and borrow areas.

- Prior to start of construction, a monitoring plan shall be developed by the project developers so that environmental conditions are monitored during the construction, operation, and decommissioning phases. The monitoring plan shall be submitted to the Service and shall identify the monitoring requirements for important environmental conditions present at the site, establish metrics against which monitoring observations can be measured, identify potential mitigation measures, and establish protocols for incorporating monitoring results and additional mitigation measures into standard operating procedures and BMPs for the project.

### ***Ecological Resources.***

**Implementation of a Risk-Based Evaluation Approach.** Under Alternative 1, project developers shall employ a risk-based evaluation approach to identify project-specific concerns related to wildlife and other ecological resources, and the results of the evaluation will be incorporated into project-specific NEPA documentation. The risk evaluation approach used by developers should be consistent with the tiered approach identified in the USFWS Land-Based Wind Energy Guidelines (USFWS 2012). Using an evaluation process consistent with that identified in the USFWS Land-Based Wind Energy Guidelines (USFWS 2012) during wind farm development would provide project developers with a stepwise, or tiered, method for evaluating environmental concerns in their decision-making process where information is collected in increasing detail and each tier refines and builds on issues raised in the previous tier. The evaluation process would help identify ecological resources that have a reasonable likelihood to be significantly affected by planned project designs and activities, as well as those ecological resources that are unlikely to be significantly affected. Proper identification of resources that could be significantly affected would allow the focus to be on modifying the design of the proposed project or identifying BMPs and mitigation measures to avoid, reduce, or otherwise compensate for potentially significant impacts and would reduce the potential for unexpected impacts on natural resources and subsequent delays in project development.

In addition, requesting developers to implement a method for evaluating the potential for ecological resources to be affected by wind energy projects that is consistent with the *Land-Based Wind Energy Guidelines* would facilitate the ability of the Service to (1) identify and address project-specific concerns related to species protected under the ESA; (2) identify and address project-specific concerns related to protection of eagles under the BGEPA, and (3) meet responsibilities of Federal agencies to protect migratory birds as directed by Executive Order 13186 (U.S. President 2001a).

Project developers should review the USFWS Land-Based Wind Energy Guidelines (USFWS 2012) for specific details and useful information prior to project development. In general, the risk evaluation approach in the guidelines involves five iterative tiers of evaluation:

- Tier 1 – Preliminary evaluation or screening of potential sites.
- Tier 2 – Site characterization.
- Tier 3 – Field studies to document site wildlife conditions and predict project impacts.
- Tier 4 – Post-construction studies to estimate impacts.
- Tier 5 – Other post-construction studies.

The first three tiers would be conducted during the pre-construction evaluation phase of wind energy projects. For each of these three tiers, the guidelines provide sets of questions to assist developers with the evaluation, along with recommended methods and metrics to use in answering the questions. Some questions are repeated at each tier, with successive tiers requiring a greater investment in data collection to answer certain questions. For example, while Tier 2 investigations may identify existing information on federally or state-listed species that suggests one or more species of concern have a potential to be present at the proposed development site, it may be necessary to collect empirical data in Tier 3 studies to determine whether federally or state-listed species are actually present or likely to be present at the site. Timely communication with the Service regarding results of the initial steps of the risk evaluation is encouraged; this would allow the opportunity for the agency to provide, and developers to consider, technical advice about ways to modify the project design or to identify BMPs and mitigation measures that could be considered to avoid, reduce, or otherwise compensate for potentially significant impacts. For example, as described in the *Land-Based Wind Energy Guidelines* (USFWS 2012), a Bird and Bat Conservation Strategy (BBCS) should be developed and the need for an Eagle Conservation Plan (ECP) should be evaluated for all projects. BMPs and mitigation measures identified in section 5.6.2 of the PEIS shall be applied, as appropriate, to address concerns regarding site-specific ecological impacts identified as a result of the risk-based evaluation approach. In some cases, additional BMPs and mitigation measures may need to be developed to address specific concerns.

**Protection of Federally Listed Species and Designated Critical Habitat.** During development of the PEIS, a programmatic BA was prepared as part of the programmatic ESA Section 7 consultation for federally listed, proposed, or candidate species within the study area boundaries

(Appendix). The programmatic BA evaluated the potential impacts that could occur on federally listed, proposed, or candidate species within the UGP Region from wind energy projects that could be constructed under the purview of the proposed programmatic EIS. The BA identified programmatic avoidance criteria and species-specific minimization measures that would be required of applicants to address those impacts, and presents determinations regarding the potential for adverse effects on federally listed, candidate, or proposed species if the required avoidance criteria and minimization measures are implemented. These measures are summarized in the Appendix of this ROD and Table 2.3-2 of the PEIS. Failure to implement the appropriate conservation measures in the programmatic BA will prohibit use of the programmatic ESA Section 7 consultation.

**Compliance with the Bald and Golden Eagle Protection Act.** Wind energy projects within some areas of the UGP Region have a potential to adversely affect bald and golden eagles. Documented occurrence of eagles can generally be acquired from the local USFWS Ecological Services office, State wildlife agencies, or State natural heritage databases. For information about current distributions of bald and golden eagle nests within the UGP Region, refer to section 4.6.2.2 of the PEIS. In order to remain consistent with the USFWS's *Land- Based Wind Energy Guidelines* (USFWS 2012), surveys during early project development should identify all important eagle use areas (nesting, foraging, and winter roost areas) within the project's footprint.

To evaluate project siting options and help assess potential effects of wind energy projects on breeding eagles, the Service's *Eagle Conservation Plan Guidance* (USFWS 2013) recommends determining locations of occupied eagle nests within the project area for no less than two breeding seasons prior to construction. The primary objective of a survey of the project-area nesting population is to determine the number and locations of occupied nests and the approximate centers of occupied nesting territories of eagles within the project area. If recent data are available on spacing of occupied eagle nests for the project-area nesting population, the data can be used to delineate an appropriate boundary for the project area (the project footprint and a surrounding buffer equal to the average inter-nest distance for eagles within the local area). If appropriate survey data are unavailable, the Service suggests that the project area, for the purpose of evaluating potential effects on eagles, be defined as the project footprint together with areas within 10 mi (16 km) of the footprint boundary.

The *Eagle Conservation Plan Guidance* (USFWS 2013) recommends that at the end of each of the first four stages, project developers complete an eagle risk categorization process for the proposed project to determine which of the following categories the project, as planned, falls into: (1) high risk to eagles, little opportunity to avoid or minimize effects; (2) high to moderate risk to eagles, but with an opportunity to mitigate effects; and (3) minimal risk to eagles, where there are no important eagle use areas or migration concentration sites within the project area. In order to be able to tier off of the PEIS, proponents of projects within Categories 1 and 2 are

required to work with the Service to implement the *Eagle Conservation Plan Guidance*. If desired, proponents of projects in Category 3 may voluntarily develop an ECP to document the low risk to eagles and to outline mortality monitoring and a plan of action if eagles are taken.

**Paleontological, Cultural, and Historic Resources.** Refer to sections 5.8.1.6 and 5.9.1.6 of the PEIS for a more extensive listing of BMPs and mitigation measures that may be appropriate and applicable for specific projects. General programmatic requirements include;

- As appropriate, the Service shall consult with Native American tribal governments early in the planning process to identify issues regarding the proposed wind energy development, including issues related to the presence of cultural properties, access rights, disruption to traditional cultural practices, and impacts on visual resources important to the tribe(s).

- If cultural resources are known to be present at the site, or if areas with a high potential to contain cultural material have been identified, consultation with the SHPO shall be undertaken.

- Cultural resource surveys shall be conducted in any area where ground-disturbing activities are planned, unless the area has been previously surveyed within the past 10 years.

- Cultural resources discovered during construction shall immediately be brought to the attention of the Service. Work shall be halted in the vicinity of the find to avoid further disturbance of the resources while they are being evaluated and appropriate mitigation plans are being developed.

- Developers shall determine whether paleontological resources exist in a project area on the basis of the sedimentary context of the area; a records search of Federal, State, and local inventories for past paleontological finds in the area; review of past paleontological surveys; and/or a paleontological survey. A paleontological resources management plan shall be developed for areas where there is a high potential for paleontological material to be present.

**Environmental Preferred Alternative.** Alternative 1 is the environmental preferred alternative because it identifies best management practices, minimization and mitigation measures that could reduce impacts. It also provides all the material available to support site-specific tiered environmental reviews. In addition, the parallel Programmatic BA expedites the Section 7 consultation by having previously identified minimization measures, mitigation measures, and monitoring requirements, by species, that if committed to and implemented would constitute compliance with Section 7 without a separate consultation.

### **Other Alternatives Considered**

The PEIS analyzed three other Alternatives including a No Action Alternative. These Alternatives are briefly described below and are summarized in tabular form for comparison between Alternatives. More detailed information on the Alternatives may be found in the Final PEIS, which can be accessed from the Web site provided above. Since the proposed action is

programmatic in nature and did not include on-the-ground activities, no direct impacts to the human environment would occur under any of the alternatives. However, the PEIS analysis identified generic wind energy development impacts and evaluated a large number of best management practices and avoidance, minimization, and mitigation measures.

**No Action Alternative:** Under the No Action Alternative the Service would continue to consider request for easement exchanges to accommodate wind energy project requests under the procedures currently used to evaluate and address the environmental impacts associated with wind energy projects. Requests would be processed, reviewed, and evaluated on a case-by-case basis, including separate NEPA, Section 7, and Section 106 reviews performed for each specific project.

**Alternative 2: Programmatic Regional Wind Energy Development Evaluation Process for Western and No Wind Energy Development Allowed on USFWS Easements.**

Alternative 2 would not allow easement exchanges to accommodate wind energy facilities.

**Alternative 3: Regional Wind Energy Development Evaluation Process for Western and the USFWS with No Programmatic Requirements.** In essence, Alternative 3 is a minimalist approach that would incorporate all mandated environmental review requirements, but would not extend beyond them. Easement exchanges would occur for wind energy projects as presented by developers without consideration of best management practices, etcetera, to limit environmental impacts.

## Comparison of the Programmatic Alternatives Evaluated in the PEIS.

Alternative	Key Points of Alternative
No Action Alternative	<ul style="list-style-type: none"> <li>• Process and evaluate requests for easement exchanges separately on a case-by-case basis.</li> <li>• Separate project-specific NEPA evaluations and analyses would be required for projects affecting easement lands.</li> <li>• Separate project-specific ESA Section 7 consultation would be required for projects affecting easement lands.</li> <li>• BMPs, mitigation measures, and monitoring requirements identified on a project-by-project basis for projects affecting easement lands.</li> </ul>
Alternative 1 (Selected Alternative)	<ul style="list-style-type: none"> <li>• Process and evaluate requests for easement exchanges separately on a case-by-case basis.</li> <li>• Adopt a standardized structured process for collecting information and evaluating and reviewing potential environmental impacts of easement exchanges if wind energy facilities cannot avoid Service easements.</li> <li>• Require implementation of programmatic BMPs, mitigation measures, and monitoring to ensure the integrity and conservation objectives of Service easements are maintained.</li> <li>• Project-specific NEPA analyses tier off the analyses in the PEIS as long as the identified BMPs, mitigation measures, and monitoring requirements are implemented as part of projects.</li> <li>• Future project-specific ESA Section 7 consultations tier off programmatic consultation as long as the BMPs, minimization measures, mitigation measures, and monitoring requirements established as part of the programmatic ESA Section 7 consultation are implemented, as appropriate.</li> </ul>
Alternative 2	<ul style="list-style-type: none"> <li>• No easement exchanges to accommodate wind energy facilities would be allowed.</li> </ul>
Alternative 3	<ul style="list-style-type: none"> <li>• Process and evaluate requests for easement exchanges separately on a case-by case basis.</li> <li>• No additional mitigation measures, BMPs, or monitoring would be required by the Service for easement exchanges beyond those mandated under applicable Federal, State, and local regulations.</li> <li>• Easement exchanges would occur for wind energy projects as presented by developers, without consideration of additional measures to reduce impacts.</li> </ul>

## **Summary of Impacts**

**No Action Alternative.** The Service would not establish programmatic environmental evaluation procedures for wind energy development projects under the No Action Alternative. Requests for easement exchanges would follow existing project-by-project procedures. Programmatic BMPs and mitigation measures would not be established under the No Action Alternative. However, under existing environmental evaluation procedures, the Service would continue to identify and request BMPs and mitigation measures to address environmental concerns on a project-by-project basis. Thus, future wind energy projects would continue to be evaluated solely on an individual, case-by-case basis, and there would be no programmatic process for environmental reviews.

Compared to the various alternatives, the absence of a standardized environmental process for wind energy projects would likely result in a slower process of evaluations and approvals for easement exchanges to accommodate wind energy facilities that may affect Service easements. The anticipated benefits of implementing programmatic wind energy environmental evaluation procedures, including the use of tiered NEPA analyses and identification and implementation of programmatic BMPs and mitigation measures, would not be realized under the No Action Alternative. Without these elements, the length of time needed to review, process, and approve requests regarding accommodation of wind energy facilities on easement lands is expected to be greater. Extended timelines for application and approval processes usually translate into increased costs for developers, and the cost per unit of wind energy developed would likely be greater under the No Action Alternative than under the various alternatives for implementing the proposed action. This could result in delays in establishing necessary project financing and power market contracts. The potential adverse impacts on natural and cultural resources associated with the No Action Alternative could be greater than under Alternatives 1 and 2 if effective BMPs and mitigation measures are not applied to individual projects.

In all likelihood, however, effective measures would be developed for individual wind energy projects by virtue of the environmental analyses required by the Service. In that event, potential adverse impacts on natural and cultural resources under the No Action Alternative would be similar to those for Alternatives 1 and 2. The absence of a standardized programmatic process for environmental reviews of wind energy projects, however, could result in inconsistencies in the types of BMPs and mitigation measures required for individual projects. Because it is difficult to estimate the degree to which the absence of the proposed programmatic environmental review process for wind energy development would affect the pace and amount of development, it is difficult to estimate the extent to which economic impacts under the No Action Alternative would vary from those estimated for the proposed action alternatives. While the economic impact of specific projects would likely be similar regardless of whether a programmatic review process is in place or not, uncertainties surrounding the time required for approvals and the consequent impact on project cost could delay the development of any given project. The

consequent postponement of the various economic (employment, income, and output) and fiscal (taxes and ROW rental receipts) benefits of specific projects could affect economic development of the region.

**Alternative 1 (Selected Alternative).** Implementation of Alternative 1 would promote efficiency and consistency in the environmental evaluation of easement exchanges. The programmatic evaluations alone would not eliminate the need for detailed analyses at the project level; they would, however, bring focus to the efforts. Decisions regarding what actions must be undertaken at the project level to address concerns for some resources cannot be resolved until specific information regarding the location and design of a proposed project is known. Identification of the appropriate BMPs and mitigation measures would be guided by the programmatic risk-based evaluation process identified for Alternative 1; those measures would then be incorporated into project-specific development plans. To the extent practicable, the environmental issues that must be evaluated in detail at the project level would be reduced to site-specific and species-specific issues and concerns that cannot be effectively dealt with in a standardized manner.

Alternative 1 provides a general guide for developers regarding the impacts proposed projects might have on environmental resources and the BMPs and mitigation measures expected to be implemented to avoid and minimize those impacts. This would be helpful to developers in their planning and designing of projects to avoid or minimize environmental impacts up front, thus greatly reducing the need for mitigation. Under Alternative 1, the time necessary to obtain approval of easement exchanges could be reduced compared to the No Action Alternative, along with the associated costs to both the agency and industry, without compromising the level of protection to natural and cultural resources.

The BMPs and mitigation measures would establish environmentally sound and economically feasible mechanisms for avoiding and protecting natural and cultural resources. Environmental review processes are identified for establishing the issues and concerns that must be addressed by project-specific plans during each phase of development. Specifically, the BMPs and mitigation measures would address issues associated with land use, project location, sensitive or critical habitats, habitat fragmentation, threatened and endangered and other protected species, avian and bat impacts, habitat restoration, visual resources, road construction and maintenance, transportation planning and traffic management, air emissions, noise, noxious weeds, pesticide use, cultural and paleontological resources, hazardous materials and waste management, erosion control, and human health and safety.

The Service considers the easement program to be a crucial tool in conserving native grassland habitat in the UGP Region, where conversion of grasslands to agriculture and other uses continues at a rapid rate. Although existing easement properties could be protected from impacts by not allowing wind energy development to occur on easements, there is a possibility that achievement of habitat conservation goals could be hampered by outright exclusion of wind

energy development on easements if such a policy diminishes the ability to continue to secure easements from landowners in the future.

Under Alternative 1, the Service would keep the potential for limited wind energy development on Service easements the same as under the No Action Alternative, while implementing requirements to steer wind energy development away from sensitive habitats; would require implementation of BMPs and mitigation measures to reduce impacts on remaining areas to negligible or minor levels; and would secure compensatory easement areas to offset habitat losses from facility placement. The amount of easement land that would require exchange to accommodate facilities under Alternative 1 would probably be small. If it is assumed that the level of accommodation of wind energy facilities on Service easements would be similar to the average level that occurred from 2002 to 2012, it is estimated that between 2012 and 2030 accommodation would be made for eight wind energy projects, which would occur on parts of 31 different easement tracts, and the total area of direct impacts from placement of facilities that would require easement exchanges would be approximately 83 ac (33.6 ha). Overall, it is anticipated that implementing Alternative 1 would provide a minor benefit to overall conservation efforts by helping to encourage landowners to enter into easement agreements while still allowing for wind energy development.

**Alternative 2.** The Service would not allow easement exchanges to accommodate placement of wind energy facilities that affect conservation easements under Alternative 2. Although cessation of the consideration of easement exchanges for accommodating wind energy facilities on Service easements could inconvenience some developers, it is anticipated that placement of wind energy facilities would shift to non-easement private lands in the same general vicinity. Because the Service would not need to consider requests for placement of wind energy facilities on easement properties, there would be reduced demand for the Service's time to evaluate such requests. Given the relatively small number of turbines and other wind energy facilities that have been placed on easement properties in the past, the impacts of such a decision on the overall pace of wind energy development within the UGP Region would be negligible.

Although existing easement properties would be protected from direct impacts of wind energy projects under Alternative 2 by not allowing wind energy development to occur on easements, it is possible that achievement of habitat conservation goals could be hampered if such a policy diminishes the ability to continue to secure easements from landowners in the future. Overall, however, it is anticipated that implementing such a policy under Alternative 2 would have a minor negative effect on conservation efforts by the Service in the UGP Region. The potential economic impacts of Alternative 2 would be similar to those described for Alternative 1. Compared to the No Action Alternative and Alternative 1, some landowners who have entered into easement agreements with the Service could be affected by potential loss of income from an inability to alternately lease portions of those easement lands for wind energy development. However, at a regional or State scale, the number of affected leases would be small and it is anticipated that the necessary wind energy development leases would be negotiated for other

nearby non-easement lands. Consequently, the regional or State-level economic impacts of such foregone revenue would be negligible.

**Alternative 3.** Under Alternative 3, the Service would evaluate requests for easement exchanges in order to accommodate placement of wind energy facilities on Service easements on a project-by-project basis following existing procedures. However, unlike the No Action Alternative, no additional BMPs or mitigation measures would be requested by the Service beyond those mandated under applicable Federal, State, and local regulations. In addition, easement exchanges by the Service would occur for wind energy projects as presented by developers, without consideration of additional measures to reduce impacts.

While not changing the need for detailed NEPA environmental analyses at the project level, decisions and debate regarding which BMPs and mitigation measures would need to be undertaken at the project level might be resolved more quickly, because BMPs and mitigation measures to be addressed in project-specific plans of development would be determined solely on the basis of existing Federal, State, and local requirements and would not require consideration of additional measures by the Service. As a result, the time necessary to obtain approval of easement exchanges under Alternative 3 could be reduced compared to other alternatives, along with the associated costs to both the Service and industry. Under Alternative 3, implementation of environmental review procedures, BMPs, and mitigation measures for wind energy projects beyond those required to meet existing Federal, State, and local regulations would not be requested by the Service. The types of potential impacts on various environmental attributes under Alternative 3 would be similar in nature to those identified for the No Action Alternative. However, the magnitude of impacts on some of those resources from wind energy projects considered for easements exchanges would be greater under Alternative 3 than under the other alternatives because some BMPs and mitigation measures are not mandated under existing regulations and would no longer be requested of developers. Although the Service's ability to acquire additional conservation easements would probably not change under Alternative 3, its ability to protect conservation values on those easements could be reduced if fewer BMPs and mitigation measures are implemented by developers. Overall, it is anticipated that Alternative 3 would result in less environmental protection than the other alternatives considered in the PEIS.

Because the overall regional level of development and the areas where development would be likely to occur are not expected to differ noticeably among the alternatives, the impacts on the economy of the UGP Region States under Alternative 3 would be similar to those under the No Action Alternative. However, improved resolution of uncertainties surrounding the amount of time required for approving placement of wind energy facilities on easement lands and the consequent impact on project cost and development time could result in positive economic benefits for developers. Therefore, it is anticipated that the economic benefits of Alternative 3 would be somewhat greater compared to the No Action Alternative.

## **Public Involvement and Outreach**

A full discussion of opportunities for public involvement, outreach to other Federal, State and tribal governments as well as responses to comments are presented in Chapter 8 of the Final PEIS. This ROD summarizes the major milestones during the PEIS process.

**Cooperating Agencies:** The Bureau of Reclamation, Bureau of Indian Affairs, and the Rural Utilities Service participated in the development of the PEIS as cooperating agencies.

**Scoping:** As part of the public involvement process, a Notice of Intent (NOI) to prepare the PEIS was published in the *Federal Register* on September 11, 2008 (73 FR 52855– 52858). The NOI invited interested members of the public to provide comments on the scope and objectives of the PEIS, including identification of issues and alternatives that should be considered in the PEIS analyses. Western and the Service conducted scoping for the PEIS from September 11, 2008, through November 10, 2008. The public was provided with three methods to submit scoping comments for the PEIS: (1) via an online comment form on the project Web site, (2) by mail, and (3) in person at public scoping meetings.

Comments received during the scoping period primarily pertained to (1) policies of the agencies relative to wind energy, (2) alternatives that should be considered in the PEIS, (3) interagency cooperation and government-to-government consultation, (4) siting and technology concerns, (5) environmental and socioeconomic concerns, (6) cumulative impacts, and (7) mitigation of impacts.

In addition to the public scoping, the Service and Western coordinated with tribes within the UGP Region by making presentations to individual tribes regarding the development of the PEIS and soliciting scoping input. Letters to State and Federal agencies were also sent out to alert those agencies that the PEIS was being prepared and to solicit input from agencies regarding the availability of information that could be used to evaluate environmental impacts and information about specific concerns or issues that should be considered.

**Public Review of the Draft PEIS:** A Draft PEIS was completed in March of 2013. A Notice of Availability was published in the *Federal Register* on March 22, 2013 (78 FR 17653-17656), inviting interested agencies (Federal, State, county, and local), public interest groups, businesses, and members of the public to review the Draft PEIS and to provide comments. The comment period on the Draft PEIS closed on May 21, 2013, following a 60-day review period. Public hearings were held on April 30, May 1, and May 2, 2013, in Billings, Montana; Bismarck, North Dakota; and Sioux Falls, South Dakota, respectively. Reviewers were encouraged to communicate information and comments on issues they believed the Service and Western should address in the Final PEIS, and the Agencies requested that reviewers provide specific information and comments on factual errors, missing information, or additional considerations that should be corrected or included in the Final PEIS. Comments on the Draft PEIS were accepted electronically, via an online comment form available on the project Web site

(<http://plainswindeis.anl.gov/index.cfm>), orally or in written form at public hearings, or by letter. Western and the USFWS considered all electronic, written, and oral comments on the Draft PEIS when preparing the Final PEIS.

**Final PEIS:** The Upper Great Plains Wind Energy Final Programmatic Environmental Impact Statement (Final PEIS) (DOE/EIS-0408) was published in the Federal Register on May 1, 2015 (80 FR 24914).

**Consultation Requirements:**

**Government-to-Government Consultation:** Executive Order 13175 stipulates that tribes identified as “directly and substantially affected” be consulted by Federal agencies during the NEPA process. In addition to the public scoping meetings described above, The Service coordinated with tribes within the UGP Region by making presentations to individual tribes regarding the development of the PEIS and soliciting scoping input. In September 2008, letters originating from both the Western’s Regional Office in Billings and the Service’s Regional Office in Lakewood, CO were sent to 25 tribes, chapters, and bands inviting those tribes to be cooperating parties and offering government-to-government consultation. Both agencies followed up with additional letters, phone calls, e-mails, and meetings for tribes whose traditional use areas are within the UGP Region; the tribes to be contacted were identified using internal agency documents, data from States within the UGP Region, and information from specific tribes.

Prior to completion of the Final PEIS, two tribes responded by letter, e-mail, or telephone or had met with personnel from Western or the Service, and one tribe requested further information on the PEIS. The Service will continue to implement government-to-government consultation on a case-by-case basis for site-specific wind energy development projects that will involve easement exchanges to accommodate placement of wind energy facilities on USFWS-administered easements.

**Section 7 of the Endangered Species Act:** A Programmatic Biological Assessment (PBA) and a letter of request for concurrence with the effects analysis and determinations for 36 federally-listed, candidate, or proposed species pursuant to the Endangered Species Act as amended (16 U.S.C. 1531 et seq.) was submitted to the Service’s North Dakota Ecological Services Field Office in Bismarck North Dakota on May 18, 2015. Concurrence with the determination of effects to species and critical habitats addressed in the PBA was received on July 7, 2015. The Service and Western now have available a standing letter of concurrence for future wind energy projects that are deemed consistent with the conditions set forth in the PBA. The consistency determination will be made on a case-by-case, project-specific basis by the responsible federal agency and the Service’s Ecological Services Field Office in each State within the project area.

**Section 106 of the National Historic Preservation Act:** The Service and Western investigated a programmatic approach to Section 106 consultation under the National Historic Preservation Act (see Final PEIS; Section 4.9). Since Section 106 consultation is highly site-specific, it was determined that effective consultation could only be accomplished once an individual project location was defined. However, general avoidance and protection measures for cultural resources and historic properties were identified and included in the Final PEIS.

**Other Relevant Executive Orders, Federal Policies, Guidance.**

**Executive Orders:** Depending on activities, locations, and other circumstances, developers of a wind energy project may be required to consider requirements contained in Executive Orders. For example, the following Executive Orders may apply to wind energy facilities for which a Federal permit is issued: Executive Order 11988, “Floodplain Management” (U.S. President 1977a); Executive Order 11990, “Protection of Wetlands” (U.S. President 1977b); Executive Order 12088, “Federal Compliance with Pollution Control Standards” (U.S. President 1978); Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (U.S. President 1994) (amended by Executive Order 12948 [U.S. President 1995]); Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks” (U.S. President 1997); Executive Order 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds” (U.S. President 2001a); Executive Order 13212, “Actions to Expedite Energy-Related Projects” (U.S. President 2001b); Executive Order 13423, “Strengthening Federal Environmental, Energy, and Transportation Management” (U.S. President 2007); and Executive Order 13604, “Improving Performance of Federal Permitting and Review of Infrastructure Projects” (U.S. President 2012). Site specific environmental documents will address these Executive Orders as appropriate.

**Guidance:** The BMPs required in Alternative 1 incorporates the USFWS Land-Based Wind Energy Guidelines (USFWS 2012) and Eagle Conservation Plan Guidance (USFWS 2013).

**Finding and Basis for Decision**

I have considered the environmental and relevant concerns presented by agencies, tribes, organizations, and individuals on the proposed action detailed in the Upper Great Plains Wind Energy Final PEIS and have determined that Alternative 1, the agency preferred alternative, best meets the agency’s needs. Alternative 1 is also the environmentally preferred alternative, affording the greatest protection for environmental resources that would be impacted by future wind energy projects affecting Service easements.

The development of renewable energy resources is a priority national policy, and Alternative 1 both supports that objective and provides the most comprehensive environmental protection.

One of the objectives of the proposed action was to avoid or minimize environmental harm from future wind energy projects, and that objective is best met by Alternative 1.



12-2-15

Regional Director, Region 6  
U.S. Fish and Wildlife Service  
Lakewood, Colorado

Date

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**Appendix: ESA Section 7 concurrence letter.**