MLI Wind Working Group
Charter
IMPACTS TO WILDLIFE FROM WIND ENERGY DEVELOPMENT

Purpose
To identify what impacts to avoid or minimize, identify ways to avoid or minimize impacts, and develop acceptable guidelines for siting and operations to avoid or minimize negative impacts.

Context
Wind energy development continues to expand across the Midwest region providing both economic and environmental benefits, but also environmental concern when projects are located in certain high value wildlife areas. Negative impacts of wind energy development to migratory and non-migratory birds, bats, other species of concern, and wildlife habitat continue to be documented. There is an inconsistent patchwork of local, state, and federal regulations for wind turbine siting and operations across the Midwest region. Inconsistency in regulatory frameworks, project consultation processes, pre-/post-construction monitoring guidelines, and other efforts may exacerbate unintended consequences for wildlife and priority habitats at site, state, and/or regional scales. Therefore, many natural resources agencies see value in improving collaboration and guidance to support lessening impacts to sensitive species and important wildlife areas from wind development.

Efforts to identify and offset impacts to fish and wildlife resources from project developments have a long history in the United States. In the 1970's, the National Environmental Policy Act was enacted along with other statutes, that provided for the identification of impacts to fish and wildlife resources from various project development along with measures to offset identified impacts. This typically involved a hierarchal approach whereby efforts are undertaken to: 1. **Avoid** the impact altogether, 2. **Minimize** the impact, 3. **Rectify** the impact, 4**. Reduce** or eliminate the impact over time, or 5. **Compensate** for the impact by replacing or providing substitute resources. These mitigation concepts are relied upon in various mitigation policies including the U.S. Fish and Wildlife Services' Mitigation Policy of 1981 up through more recent direction provided by the Western Governors Association Policy on Compensatory Mitigation passed in December of 2018. These two examples are located here:

https://www.fws.gov/policy/46FR7656.pdf

https://westgov.org/resolutions/article/policy-resolution-2019-03-compensatory-mitigation

Importantly, many state and federal mitigation policies stress the value of coordination between agencies and the value of working cooperatively with wind energy and permitting entities to achieve the best outcome for offsetting unavoidable impacts to natural resources. In the case of wind development, many components of the mitigation hierarchy are voluntary in nature, which can lead to wide discrepancies in whether mitigation occurs, and to what level. Engaging in collaborative approaches between natural resource agencies and wind development companies and permitting entities provides

value in identification of impacts to wildlife resources and can help facilitate companies' initiative to provide offsets for impacts.

We believe it is appropriate for wind developers to continue identifying impacts to fish and wildlife resources from wind development using existing literature and other available resources. After identification and quantification of unavoidable impacts, developers should propose mitigation or offset plans to compensate for unavoidable impacts.

Some wind developers are willing to propose mitigation, but their experience with creating habitat or mitigation banks is limited and their preference in many cases is to provide funding to other agencies or groups to fulfill the mitigation plans. Many state and federal agencies are not well equipped to coordinate wind and wildlife issues alone or accept external funds to accomplish mitigation on behalf of companies. Therefore, establishment of mitigation banks or agreements with other groups to accomplish the mitigation can be a key component as to whether on the ground mitigation or offsets actually occur.

Finally, we recognize it is early in the process of fully understanding the impacts of wind development on wildlife resources and that ongoing or future research are important components to advance our understanding of wind development impacts. Many wind developments seek authorization for periods of 30 or more years, and we anticipate that as our understanding of impacts improve, it will be valuable to work with companies to incorporate new information into existing operations of turbines.

MLI WWG Goal

1. Identify and avoid or minimize the direct and indirect negative impacts of wind power generation on wildlife and the surrounding environment.
2. Offset remaining unavoidable direct and indirect impacts of wind power generation on wildlife and the surrounding environment.
3. Ensure those offsets last as long as the project impacts last.
4. Establish a consistent mitigation or offset approach across the region.

MLI WWG Objectives

1. Identify what wildlife resources are most critical to avoid and minimize impacts to (e.g., bat hibernacula and maternity colonies, bat and bird migration pathways, high wetland or grassland densities) for the Midwest.
2. Synthesize and share existing best practices across the region and with other regions.
3. Identify the literature, studies, and information that are relevant to wildlife and natural resource impacts resulting from wind development and the measures that can offset those impacts.
4. Generate a synergy of mitigation strategies used by states across the region.
5. Maintain working relationships with wind companies and permitting entities so that as science and understanding of impacts improve, we can have continued engagement to lessen or offset impacts to natural resources.

Short-term Tasks (year 1)

1. Identify and utilize maps that identify areas of high wildlife value that wind companies can avoid or at least understand the potential high cost of mitigation if such areas are not avoided.
2. Define shared research priorities among agency, industry, and NGOs.
3. Research and compile existing wind energy best management practices (BMPs) from within the region and other regions.
4. Identify and compile the different mitigation approaches used within the region to determine similarities and differences.
5. Develop shared approaches, guidance, and tools for engaging with wind developers and permitting entities.

Mid-term Tasks (year 1-3)

1. Create a simplified method/process for wind developers to continue offsetting their unavoidable impacts to wildlife resources from wind development.
2. Develop shared approaches, guidance, and tools for engaging with wind developers and permitting entities. Share best practices for when wind energy developers should engage with natural resource agencies in the permitting process.
3. Explore the existing and potential mitigation "suite" to consider opportunities for more consistent and impactful mitigation approaches, while providing for individual state flexibility.

Long-term Tasks (year 3-5)

The WWG will reprioritize activities for the planning horizon of 3-5 years based on accomplishments and outcomes from short-term and near-term priorities. The WWG anticipates reviewing and calibrating this Action Plan annually.

1. Continue to collaboratively incorporate the mitigation hierarchy into planning and management processes.

Charge

The purpose of the Midwest Landscape Initiative (MLI) Wind Working Group (WWG) is to explore shared conservation priorities among the states of the Midwest Association of Fish and Wildlife Agencies (MAFWA) and the US Fish and Wildlife Service (FWS). The WWG is a government-only "safe space" for these state and federal agencies with management responsibility for fish and wildlife. The WWG is charged to advance the objectives identified by the MLI Steering Committee including exploring actions and recommendations to continue identifying shared priorities and defining approaches to address them.

Sub-teams

We anticipate there will be small teams that focus on state by state basis to identify important wildlife areas in that state, what BMP's if any are currently used in that state along with the existing literature that may be relied by natural resource agencies when making recommendations on wind development projects.

Appendix A: Membership

Chairs:

- Federal Chair: Scott Larson, USFWS Interior Regions 5 and 7
- State Chair: Hilary Morey

Members:

- Dave Azure, USFWS Interior Region 5
- Tom Kirschenmann, South Dakota
- Mona Khalil, USGS
- Chris Berens, Kansas
- Zac Eddy, Kansas
- Erin Hazelton, Ohio
- Hilary Morey, South Dakota

Facilitation & Leadership Team:

- Kelley Myers, USFWS
- Brad Potter, USFWS
- Claire Beck, MAFWA
- Jason Gershowitz, Kearns & West
- Rebecca Beauregard, Kearns & West
- Sam Ramsey, Kearns & West