



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



August 25, 2009

Dear Commissioners,

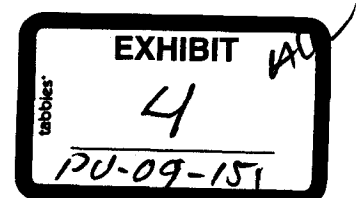
My name is Terry Ellsworth. I am a Fish and Wildlife Biologist for the U.S. Fish and Wildlife Service in Bismarck, North Dakota. Our office is providing technical assistance to Minnesota Power on the proposed Bison1 wind power project in Morton and Oliver Counties. The United States Congress has directed the Fish and Wildlife Service to administer a number of environmental laws and regulations to protect the nation's fish and wildlife resources such as the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, the Endangered Species Act, and the National Wildlife Refuge System Improvement Act of 1997.

The Fish and Wildlife Service supports the responsible development of renewable, sustainable energy sources, including wind energy. However, wind energy developments may present threats to wildlife and their habitats. In general, the wildlife resources and issues that warrant consideration during project planning include: migratory birds and bats (e.g., potential for habitat fragmentation, collisions and electrocutions); Federal land interests; wetland, prairie, and woodland habitats; threatened and endangered species; and monitoring, research, and assessment. The Fish and Wildlife Service sent a letter dated, May 4, 2009, to Minnesota Power that included recommendations, that if incorporated into their wind energy project could help to avoid, reduce, and mitigate potential impacts to fish and wildlife resources that may be adversely affected by wind power development.

Minnesota Power has adopted many of the 2003 Interim Wind Turbine Siting Guidelines related to completing studies to assess and monitor wildlife impacts, site development recommendations, and turbine design and operation recommendations. However, these guidelines also include recommendations to conduct a Potential Impact Index (PII) analysis on several potential sites within the wind resource area and a reference site, prior to final site selection. The results of the PII can then be used to assist in selecting a project site that would avoid, to the greatest extent practicable, impacts to migratory birds. This project site was selected without the benefit of a PII analysis.

32 PU-09-151 Filed: 9/2/2009 Pages: 2
Exhibit 4 from Aug. 25, 2009 Hearing

Public Service Commission



The Fish and Wildlife Service encouraged Minnesota Power to develop a voluntary Avian Protection Plan or Avian and Bat Protection Plan for their project. These plans are utility specific and designed to provide a structured way for a company to reduce avian mortality resulting from interactions with electric utility facilities, including wind turbines. The Service is currently reviewing Minnesota Power's Draft Avian and Bat Protection Plan.

The Fish and Wildlife Service is concerned with wind power development in North Dakota due to the potential impact to endangered whooping cranes as they migrate through our state. There is a risk of direct mortality from collision with turbines and transmission lines, as well as the indirect impact from loss or avoidance of suitable migration stopover habitat. To reduce the collision risk to whooping cranes, Minnesota Power is committed to burying all collector lines from the turbines to the substation and marking all new overhead power lines and an equal amount of existing power lines with bird flight diverters. In addition, they have committed to providing at least \$50,000 towards whooping crane conservation and habitat enhancement efforts in North Dakota to offset potential habitat avoidance impacts. Minnesota Power is participating, along with a number of other wind energy companies, in the development of a whooping crane Habitat Conservation Plan. However, until a Habitat Conservation Plan is completed and an incidental take permit for this project is issued, Minnesota Power has no protection under the Endangered Species Act if their project results in take of a threatened or endangered species.

Minnesota Power will conduct one year of post-construction bird and bat fatality monitoring and the results of the study will be shared with the Service. Minnesota Power will also monitor wildlife incidents and report to the Fish and Wildlife Service on the level of mortalities that are observed at the project sites during operation of the wind farm.

The Fish and Wildlife Service appreciates Minnesota Power's willingness to work with us to avoid, minimize, and mitigate for potential wildlife impacts that may result from construction and operation of their Bison 1 Wind Project. Thank you for the opportunity to provide comments on the Minnesota Power Bison1 wind power project.