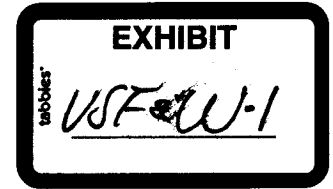




United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



May 20, 2010

Commissioners Cramer, Kalk, and Clark:

Thank you for the opportunity to provide testimony to the Public Service Commission this morning. 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 Western Area Power Administration and NextEra Energy Resources, Inc., on the proposed Baldwin Wind Energy Center in Burleigh County. 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.

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; native wetland, prairie, and woodland habitats; threatened and endangered species; and monitoring, research, and assessment.

The Fish and Wildlife Service encourages all wind power developers to plan, design, construct, and operate their projects in such a manner that fish and wildlife resource conservation is given equal consideration with other features of project development. Some of the issues that are still being discussed with the Federal agency and the applicant are:

- Potential effects to federally listed threatened and endangered species and measures to avoid, minimize, and off-set those effects.
- Potential adverse impacts to migratory birds and bats and their habitats, and agreement on an acceptable project specific Avian and Bat Protection Plan.
- Adequate wildlife survey, monitoring, and reporting procedures.

Until the above issues have been satisfactorily addressed, the project is not considered to be in compliance with the environmental laws and regulations that we administer. This is not to say that the Fish and Wildlife Service does not believe the Baldwin Wind Energy Center cannot be

built in compliance with Federal wildlife laws; but only that the Western Area Power Administration and NextEra Energy Resources, Inc. have not yet demonstrated such compliance.

The proposed location for the Baldwin Wind Energy Center is in the center of the whooping crane migration corridor and is directly adjacent to the existing Wilton I and Wilton II wind energy developments. The cumulative impact of the existing wind developments and other stressors in the project area to migrating whooping cranes is currently unknown. The construction of one wind facility may have no apparent negative influence. However, the construction of numerous wind facilities in the same area may result in an unacceptable level of effect. We ask the Public Service Commission to consider the cumulative effects that could result from siting the Baldwin Wind Energy Center in the same wind resource area as the existing wind facilities.

Thank you for the opportunity to comment on the proposed Baldwin Wind Energy Center.