

"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

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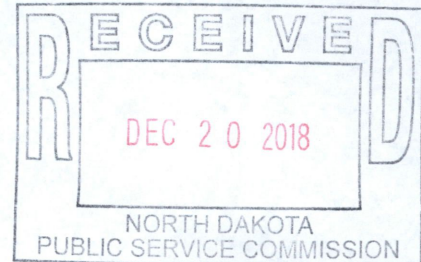
GOVERNOR, Doug Burgum

DIRECTOR, Terry Steinwand

DEPUTY, Scott A. Peterson

December 20, 2018

Ashley Ross, Project Manager
KLJ
4584 Coleman Street
Bismarck, ND 58503-0431



Re: Ruso Wind Project
Ruso Wind Partners, LLC
Ward, McLean and McHenry Counties, North Dakota

Dear Ms. Ross:

The North Dakota Game and Fish Department has been in discussion with proponents of the Ruso Wind Project since 2017. We have provided comments on this project on several occasions, the most recent being a letter dated September 5, 2018. In this letter, the Department expressed its concerns about the impacts, both direct and indirect, wind energy development can have on native habitats and the wildlife they host. In this letter it was also emphasized that careful placement of turbines, roads, and other associated infrastructure is critical for reducing impacts to the states unique, rare, and declining species. Our concerns have not changed, though the project boundary has. Below are comments from our September letter that should be considered for the revised project layout.

"Native prairie is the most threatened ecosystem in North Dakota and, as we are a grassland state, the majority of our native species are closely connected to the resources our prairie systems provide. Disturbance, fragmentation, and loss of native prairie have already adversely impacted a wide variety of species and these negative impacts will only continue to accrete as more development takes place on the landscape. The remaining tracts of unbroken prairie are becoming increasingly more important to many declining species, including birds and pollinators. A portion of the wind resource area is composed of native, unbroken prairie which may support 30 or more of the 115 Species of Conservation Priority identified in the North Dakota State Wildlife Action Plan (Dyke et. al 2015). For species of conservation priority, such as the Chestnut-collared Longspur which has declined 86% or the Loggerhead Shrike which has declined 74% since 1974 (Rosenberg et. al 2016) the loss and fragmentation of native prairie in the area might mean trending closer to an Endangered Species Act listing.

The proposed project area is located within the Missouri Coteau, a landscape that not only has a considerable amount of native prairie, but an extremely high concentration of wetlands, roughly 800,000 basin acres. Prairie Pothole wetlands are the most productive wildlife habitat in North Dakota, supporting 54 Species of Conservation Priority, as well as a considerable number of

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waterfowl, shorebirds and cranes throughout the year. The project area includes a large number of wetlands, and the resources they provide are of great value to many of our native species.

Though the Department believes the best way to protect our species of conservation priority is by taking a habitat-focused approach, we would also like to reiterate the following species-specific concerns.

- Nearly 31% of the continental Sharp-tailed Grouse population falls within North Dakota and declines to the state's population will likely lead to range-wide population declines. Sharp-tailed Grouse are a high-valued upland game bird, and because research indicates that prairie grouse may be adversely affected by energy development, careful consideration of turbine placement around active leks is imperative.*
- Bats are long-lived, reproduce slowly, and migrate long distances, making them particularly susceptible to wind development. Acoustic surveys should begin one to two years pre-construction to assess the risk the project poses to local bat populations.*
- The Whooping Crane's migration corridor enters North Dakota in the northwest corner of the state, angling through Burke County and directly through the proposed project area. The migration corridor then proceeds south to just north of the Van Hook Arm on Lake Sakakawea and follows just east of the Missouri River and its reservoirs until it exits the southern portion of the state. This federally listed endangered species uses a wide variety of shallow wetlands for roosting and foraging. The project falls within the 75% core migration corridor and the risk of Whooping Cranes striking a turbine or a transmission line will be elevated in this area. While no fatalities have been documented of Whooping Cranes from collision with wind turbines in the United States, collisions with transmission lines are the leading known cause of death in the wild for whooping cranes. Contact the US Fish and Wildlife Habitat and Population Evaluation Team (HAPET) in Bismarck to request the Whooping Crane model of predicted use of landscapes.*
- The project area is highly important to waterfowl production. HAPET has developed a Local Siting Decision Support Tool (DST) to estimate the number of duck pairs that are displaced based on research conducted in the Dakotas (Loesch et al. 2013, Loesch 2016). The research documented 20% avoidance of wetlands by five species of ducks. Breeding ducks are territorial; as such, they won't reliably find a breeding territory that is as suitable as that found in the proposed project area, and other surrounding areas will likely not be able to support additional breeding pairs. Contact the HAPET office to request the DST to better analyze the risk and impacts of the project to waterfowl.*
- The number of Bald Eagle nest sites is increasing substantially in North Dakota. The number of nest sites has increased from 10 known sites in the year 2000 to more than 300 in the year 2017. Due to the continual increase and selection of non-traditional nest sites, it is possible that Bald Eagle nests may be found anywhere across the state where large trees are present. Therefore, it is necessary to conduct searches for raptor nests during the breeding season to understand the risk associated with development.*

As we continue to address the challenges of stemming the decline of our state's most sensitive species, we have become increasingly more concerned about the disturbance, fragmentation, and loss of the remaining high value habitats essential to our Species of Conservation Priority. Ensuring these habitats remain on the landscape is the only way to stem the decline of these

species and prevent listings through the Endangered Species Act, which could impact both the state and its citizens by restricting further construction of infrastructure, energy development, recreational activities, grazing, vegetation control, and land-use changes or conversion on both public and private land. To address any losses to native habitats that may be associated with the project, we recommend that a voluntary offset package be developed for the permanent direct and indirect impacts of roads, turbine pads, and associated infrastructure. The Department is committed to working with project proponents to assist in measuring impacts and creating an offset package, if it is determined one would be appropriate.”

To further assist Ruso Wind Partners in this effort, we recommend quantifying the direct impacts due to turbine pads, roads, and associated infrastructure and the indirect impacts due to displacement and avoidance. Direct impacts can be easily quantified once the locations of all roads and structures are finalized. Any amount of native habitat that is disturbed, whether it be temporary or permanent, is a direct impact and should be quantified as such. To assess indirect impacts, the best available science conducted in North Dakota on avoidance and displacement due to wind development, Loesch et al. 2013 and Shaffer and Buhl 2016, should be used. Loesch et al. 2013 assessed the displacement of breeding waterfowl pairs on wetlands associated with wind farms in the Prairie Pothole Region. This study found an average rate of 20% displacement by five waterfowl species within a half mile of turbines. Shaffer and Buhl 2016, used a Before-After-Control-Impact (BACI) method to evaluate grassland bird displacement associated with turbines. They found avoidance from turbines by seven grassland bird species and a 53% displacement rate by the 5th year post-construction. By using the parameters within these studies, Ruso Wind Partners will be able estimate impacts for both grassland birds and breeding ducks, indicator species that reflect the use of habitats for a variety of other species.

If you should have any questions on the matter, please do not hesitate to reach out.

Sincerely,



Greg Link
Chief, Conservation and Communications Division

Cc: Scott Larson, US Fish and Wildlife Service
ND Public Service Commission