



United States Department of the Interior



FISH AND WILDLIFE SERVICE

North Dakota Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

IN REPLY REFER TO:
Oliver IV Wind Proposal

January 29, 2024

ND Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Kahl:

Thank you for the opportunity to provide comments the proposed Oliver IV Wind Project (Oliver Wind) in Oliver County, North Dakota. The U.S. Fish and Wildlife Service (Service) offers the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*), the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*), and the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250).

The Service was first made aware of NextEra Energy's (NextEra) project in 2019. We provided an early guidance letter (attached) at that time and have been in communication with NextEra and its consultants over the past 4 years. In December 2023, we received a Wildlife Conservation Strategy which is a life-of-a-project framework for identifying and implementing actions to conserve birds and bats (and other wildlife) during wind energy project planning, construction, operation, maintenance, and decommissioning. A wind project WCS should be updated regularly as new information, including monitoring of project impacts and technical advancements, becomes available, and should also inform the need to develop other conservation plans, such as an Eagle Conservation Plan (2013 USFWS Eagle Conservation Plan Guidance) or Habitat Conservation Plan (Endangered Species Act, section 10(a)(1)(B)).

We provided comments to Oliver Wind regarding the WCS on January 23, 2024, via email, from Heidi Riddle of my staff (attached). The Service provided current information regarding monitoring dates and acreages for federally listed species. We also encouraged Oliver Wind to provide us and North Dakota Game and Fish Department (Department) with any post-construction monitoring reports, including mortality incidents, as these data contribute valuable input to inform habitat models, which in turn, provide greater accuracy for future projects. It is our understanding that Oliver Wind is providing voluntary conservation measures to offset impacts to grassland habitat, which we commend. Previous wind projects in North Dakota have included the details of any voluntary offsets in the WCS, and we would encourage Oliver Wind to do the same. We also support the ND Game and Fish Department's 12/29/23 letter, in which the Department discusses the impact analysis and recommended approach to fulfill the voluntary offset commitment.

The Service appreciates your coordination with us regarding federal trust fish and wildlife resources. Should you have any questions regarding these comments, please have your staff contact Heidi Riddle at (701) 319-6708 or at the letterhead address, or contact me at (720) 793-6797.

Sincerely,

LUKE

TOSO

Luke Toso

North Dakota Deputy Field Supervisor

Digitally signed
by LUKE TOSO

Date: 2024.01.29
14:32:52 -06'00'

cc: NextEra Energy, Dina Brown
NDGF, Greg Link, Bismarck, ND