



February 21, 2025

Attn: Steven Kahl  
Public Service Commission

RE: Case No. PU-24-351 - Proposed Flickertail Solar Project, Richland County, ND

Mr. Kahl,

The North Dakota Game and Fish Department (Department) was first introduced to the proposed Flickertail Solar Project (Project), a 300 MW solar facility requiring approximately 2,500 acres, in 2021. We have met with both Savion Energy and the consultants, Tetra Tech, since that time. The Project is a unique case, as it is one of the first solar projects to be introduced in North Dakota. There is much uncertainty of the risk solar projects pose to wildlife of the Great Plains, as much of the research focused on solar/wildlife interactions has taken place in the desert southwest. North Dakota hosts many rare and declining species, during migration and year-round, such as the Whooping Crane, the Northern Long Eared Bat, and our state bird, the Western Meadowlark. In order to protect these species, and in the absence of state specific guidelines or best management practices, general recommendations were made to avoid/minimize impacts based on the best science available at the time. These recommendations are as follows:

1. Site Selection

- a. Adhere to criteria laid out in 69-06-08-01 of the North Dakota Administrative Code, which specifies areas of exclusion and avoidance for energy conversion facilities (<https://www.ndlegis.gov/information/acdata/pdf/69-06-08.pdf>).
- b. Select a site with minimal risk to wildlife. Refer to Figure B11, Key Native Wildlife and Habitat Areas, in *Wind Energy Development in North Dakota – Best Management Practices*, to assess the potential risk of the site selected (<https://gf.nd.gov/node/4800>).
- c. Avoid areas of unstable land surfaces such as slopes and areas prone to erosion.
- d. Avoid state or federally owned/operated land (including, but not limited to, Wildlife Management Areas, Private Land Open To Sportsmen, National Wildlife Refuges, etc.)

2. Micro-sitting

- a. Habitat loss:
  - i. Focus on avoidance: micro-sitting sites away from native/unbroken habitat (grasslands, woodlands, and wetlands), before moving to mitigation strategies. Impacts to rare, unique, and declining species will be much greater if the habitat they depend on is disturbed or lost.
  - ii. Avoid installing new drain tile systems that may drain or hinder replenishment of adjacent wetlands or that flood adjacent wetlands during drastic precipitation events.
- b. Habitat fragmentation:
  - i. Consolidate all facilities and roads to the extent possible as to reduce habitat fragmentation.

14 PU-24-351 Filed 02/21/2025 Pages: 3  
Agency Correspondence  
North Dakota Game & Fish Department  
Bruce Kreft, Chief, Cnsv & Comm Div

Governor  
Kelly Armstrong

Director  
Jeb Williams

Deputy Director  
Scott A. Peterson

- c. Threatened and Endangered species
        - i. Coordinate with the US Fish and Wildlife Service to assess and minimize risk to species listed under the Endangered Species Act.
3. Storm Water Management
  - a. The Department recommend a storm water management plan be put into place and the developer should work closely with the Department of Environmental Quality on any required permits or pollution prevention plans.
4. Pre-construction Monitoring
  - a. The Department recommends the developer consult *Wind Energy Development in North Dakota – Best Management Practices* for a list of applicable monitoring protocols to be done prior to construction. This will allow for a better understanding of the site's use by rare, unique, and declining species and, therefore, the risk.
5. Construction
  - a. Wildlife safe fencing should be used, and efforts should be taken to ensure wildlife is not trapped within the facility, such as constructing structures installed to allow animals to escape or checking for entrapped animals routinely.
  - b. Any lighting installed should be designed to minimize light pollution and initiatives that aim to reduce impacts to wildlife should be considered.
  - c. A plan for managing noxious weeds should be created and approved by the local weed board/s.
  - d. Wildlife friendly plantings should be utilized to the extent possible (I.e. native wildflower and grass seed mixes over non-native mixes and natural hedgerows versus fencing).
6. Post-construction Monitoring
  - a. A minimum of 2 years post-construction fatality monitoring should be completed.
7. Pollinator Opportunities
  - a. Solar farms offer a unique opportunity to incorporate pollinator habitat to energy development. The Bee & Butterfly Habitat Fund offers cost share opportunities for seed and monitoring for solar projects. We recommended investigating this opportunity further, as it may be a good fit for this project.  
<https://www.beeandbutterflyfund.org/solar.html>
8. Voluntary Offsets
  - a. It is recommended that when impacts to unbroken grasslands, wetlands, and woodlands cannot be avoided, suitable replacements be applied back onto the landscape. Ensuring these habitats remain on the landscape is the only way to stem the decline of our state's rare and sensitive species and prevent listings through the Endangered Species Act, which could impact both the state and its citizens. The Department recommends that any acre of habitat broken due to development be replaced at a 1:1 ratio. For example, if 100 acres of native grasslands are going to be developed for solar energy, 100 acres of grasslands should be planted within the county to offset that impact. These plantings should also be protected for the life of the project.

The Department appreciates the initial coordination with the developer, in particular, efforts that have been made to minimize any disturbance to unbroken habitats. As of the date on this letter, the proposed project poses direct and indirect economic impacts to the Department's existing conservation plans and investments. These issues should be resolved prior to project construction.

First, As noted above in Section 1. Site Selection, the Department recommends avoiding any state owned or operated land. However, a parcel of land enrolled in the PLOTS (Private Land Open To Sportsmen)

program falls within the project boundary. This parcel was originally enrolled into the program due to its location within the State Wildlife Action Plan - Sand Deltas and Beach Ridges focus area, a program funded by wildlife grants to the Department from the U.S. Fish and Wildlife Service. The Greater Prairie Chickens has a Level II conservation priority under North Dakota's Wildlife Action Plan. The land was identified as an important area to potentially connect habitats for remnant populations of Greater Prairie Chickens found 16 miles west in the Sheyenne National Grasslands to populations approximately 30 miles east in Western Minnesota. The project management plan includes a native tallgrass prairie mix designed to provide important nesting, brood rearing, and winter habitat for adult and juvenile Prairie Chickens as well as other grassland nesting birds. Additionally, this parcel provides recreational benefits, specifically walk in hunting access, due to its proximity to two large population centers of Fargo and Wahpeton. The Department has invested direct costs totaling \$164,596.20 for this parcel. This does not include signing, mapping, due diligence and other administrative expenses.

In lieu of avoiding the PLOTS parcel entirely, the Department has been approached by the developer to come up with a strategy to offset the impacts to both wildlife and the PLOTS program. The recommendation to remove this parcel from the program and replace it with one of equal wildlife value was made. However, these discussions are ongoing and there has been no definitive resolution at the time this letter was written.

Further, the Department recommends that two years of post-construction mortality monitoring (PCMM) be done so that the state can improve its understanding on how solar facilities might impact rare, declining, and sensitive species in North Dakota. It is our understanding that no PCMM plan has been developed yet.

With these concerns in mind, the Department recommend that Savion develop a wildlife conservation strategy prior to project construction. This strategy should outline how impacts to the PLOTS parcel will be addressed, as well as what the post construction mortality monitoring program will look like.

Thank you for the opportunity to comment on the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Kreft", with a long horizontal flourish extending to the right.

Bruce Kreft  
Chief, Conservation and Communications Division

Cc: Hanna Karevold, US Fish and Wildlife Service  
Sean Flannery, Savion Energy