



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Rock Island Field Office

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IN REPLY REFER

TO:

FWS/RIFO

November 5, 2014

Mr. Bryan Schueler
Senior Vice President
Invenergy Wind Development LLC
1 South Wacker Drive, Suite 1900
Chicago, Illinois 60606

Dear Mr. Schueler:

Thank you for your continued coordination on the Pleasant Ridge Wind Project in Livingston County, Illinois. It is our understanding that this proposed project will involve the construction of up to 136 wind turbines and associated infrastructure. The project is anticipated to be constructed in 2015 and operate for a term of 20 years, with the option of repowering at the end of this term.

The U.S. Fish and Wildlife Service (Service) has reviewed the information provided in the November, 2014 BBCS, regarding the potential presence and risk analysis for bats, migratory birds, bald eagles, and their habitats in the vicinity of the Pleasant Ridge Wind Project Site. The BBCS details preconstruction studies that have been conducted in the project area, conservation measures that will be implemented for species of concern in conjunction with the project, and post-construction monitoring plans.

Bald Eagles

The project area is over 25 miles from the nearest known bald eagle nest, which is located along the South Fork Vermilion River. Also, no bald eagles were observed in the project area during pre-project avian surveys. Invenergy has committed to implementing a wildlife carrion (i.e., road kill) removal program in the project area, as described in the BBCS. This will include coordination with local livestock operators and landowners for the prompt removal or covering of carcasses, as practical. These measures are expected to reduce the likelihood that wintering eagles or other raptors and aerial scavengers will be attracted to the area to forage.

Given this information, the Service believes that the risk of eagles colliding with turbines at the Pleasant Ridge Wind Project is low, and as such, does not recommend that you apply for an

eagle take permit at this time. It is our understanding that the project will involve post-construction mortality monitoring to confirm this conclusion. Should post-construction monitoring indicate a change in the expected risk to eagles, Invenenergy will reinstate coordination with the Service.

Migratory Birds

Preconstruction avian studies have indicated that minimal habitat for migratory birds is present in the project area. With the exception of the American Golden Plover (AMGP), large flocks of migratory birds were not observed. Effects of wind energy development on the AMGP are currently unknown, and there is a significant need to better understand the influence that wind turbine development is having on this species. Invenenergy has committed to studying the effects of the Pleasant Ridge Wind Project on the AMGP with the intent of augmenting knowledge of wind power -AMGP interactions in the area. Invenenergy will conduct two years of post-construction AMGP monitoring to document AMGP use of the project area. Use surveys will occur in the two consecutive years following turbine construction and will consist of regular driving surveys through the project area during the expected peak AMGP migration period (April 1 – May 20). Also, general spring mortality monitoring will be conducted to document any effects of the project to migratory birds, including the AMGP. The results will be reported to the Service.

An experimental population of the federally endangered whooping crane could be led by ultra-light aircraft through Livingston County during their migration. We encourage Invenenergy to coordinate with the International Crane Foundation directly regarding any potential for the passage of this migration through the project area.

Indiana bat

Invenenergy has committed to siting all wind turbines at least 1,000 feet from any potential Indiana bat habitat. While a few additional areas containing trees can be found in the project boundary, these pockets or rows of trees are in isolated groups and are generally associated with the occasional farmstead and fence row, not with large blocks of forested habitat. These factors and the proposed setbacks indicate that take of Indiana bats by the project is unlikely during the summer.

Indiana bats could pass through the project area during fall migration, which is expected to occur from August 1 through October 7 in this area. (The end of fall migration for this project area was based on project-specific acoustic monitoring data, as referenced in the BBCS.) During this time period, between sunset and sunrise, Invenenergy will fully feather turbine blades until a wind speed of 6.9 meters per second is reached. Specifically, curtailment will be based on the rolling wind speed average over a 10-minute period. Invenenergy will confirm the effectiveness of this conservation measure by monitoring overall bat mortality during the curtailment season. Monitoring will be conducted during the first three years of operation and will occur again every three years for the life of the project. Follow-up monitoring will occur to document that no significant increase in overall bird or bat mortality has occurred relative to the baseline study.

Based on our review of the project and the above conservation measures, the Service expects that Indiana bat take will be unlikely. Therefore, no incidental take permit is recommended at this time. Should the project be modified or new information indicate that listed species may be affected, consultation with the Service should be initiated.

Northern Long-Eared Bat

The Northern long-eared bat (NLEB) was proposed for listing under the Endangered Species Act (ESA) on October 2, 2013. No critical habitat has been proposed at this time. Species proposed for listing are not afforded protection under the ESA; however, as soon as a listing becomes effective, the prohibition against jeopardizing its continued existence and “take” applies regardless of an action’s stage of completion.

Based on the best available information at the time of this letter, the project area does not contain suitable or occupied summer habitat within 1000 feet of proposed turbine locations. However, NLEBs could pass through the project area during their fall migratory period (August through mid-October). According to currently available data, it is considered unlikely that NLEBs would be taken by wind turbines at a cut-in speed of 6.9 m/s. Because Invenergy proposes to curtail and feather turbines until a wind speed of 6.9 m/s has been reached (sunset to sunrise) from August 1 through October 7, the Service considers take of NLEBs to be unlikely at the facility, and no further coordination is currently warranted.

Section 9(a)(1)(B) of the ESA, 16 U.S.C. § 1538 (a)(1)(B), makes it unlawful for any person to “take” an endangered species. Take of threatened species is prohibited pursuant to 50 C.F.R. § 17.31, which was issued by the Service under the authority of Sections 4(d) and 9(a)(1)(G) of the ESA, 16 U.S.C. §§ 1533(d) and 1538(a)(1)(G), respectively. “Take” is defined by the ESA as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct” 16 U.S.C. § 1532(19).

This office is not authorized to provide guidance regarding our Office of Law Enforcement (OLE) investigative priorities involving federally listed species. However, we understand that OLE carries out its mission to protect ESA-listed species through investigation and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to avoid take of listed species and by encouraging others to implement measures to avoid take of listed species. It is not possible to absolve individuals or companies from liability for unpermitted take of listed species, even if such take occurs despite the implementation of appropriate avoidance measures. However, the OLE focuses its enforcement resources on individuals and companies that take listed species without identifying and implementing all reasonable, prudent, and effective measures to avoid such take. As of this date, the Rock Island Ecological Services Field Office concludes that the project is unlikely to result in take of ESA-listed species as currently proposed.

We appreciate Invenenergy's coordination with our office to establish conservation measures to avoid and minimize impacts to federal trust resources. We also appreciate Invenenergy's effort to better understand AMGP use of the site through the proposed post-construction monitoring. If you have any questions regarding our comments, please contact Amber Schorg of this office at 309-757-5800, Extension 222.

Sincerely,



Kraig McPeck
Field Supervisor