

FINDING OF NO SIGNIFICANT IMPACT
CROCKER WIND FARM
Clark County, South Dakota

Proposed Action

The U.S. Fish and Wildlife Service will complete an easement exchange with Crocker Wind Farm, LLC to mitigate impacts resulting from placement of proposed infrastructure, construction, and operation of a wind energy facility on private lands with U.S. Fish and Wildlife Service (USFWS, Service) grassland and wetland easements. The Service will also issue a Special Use Permit for temporary disturbances to easements from the Project.

Applicant/Proponent

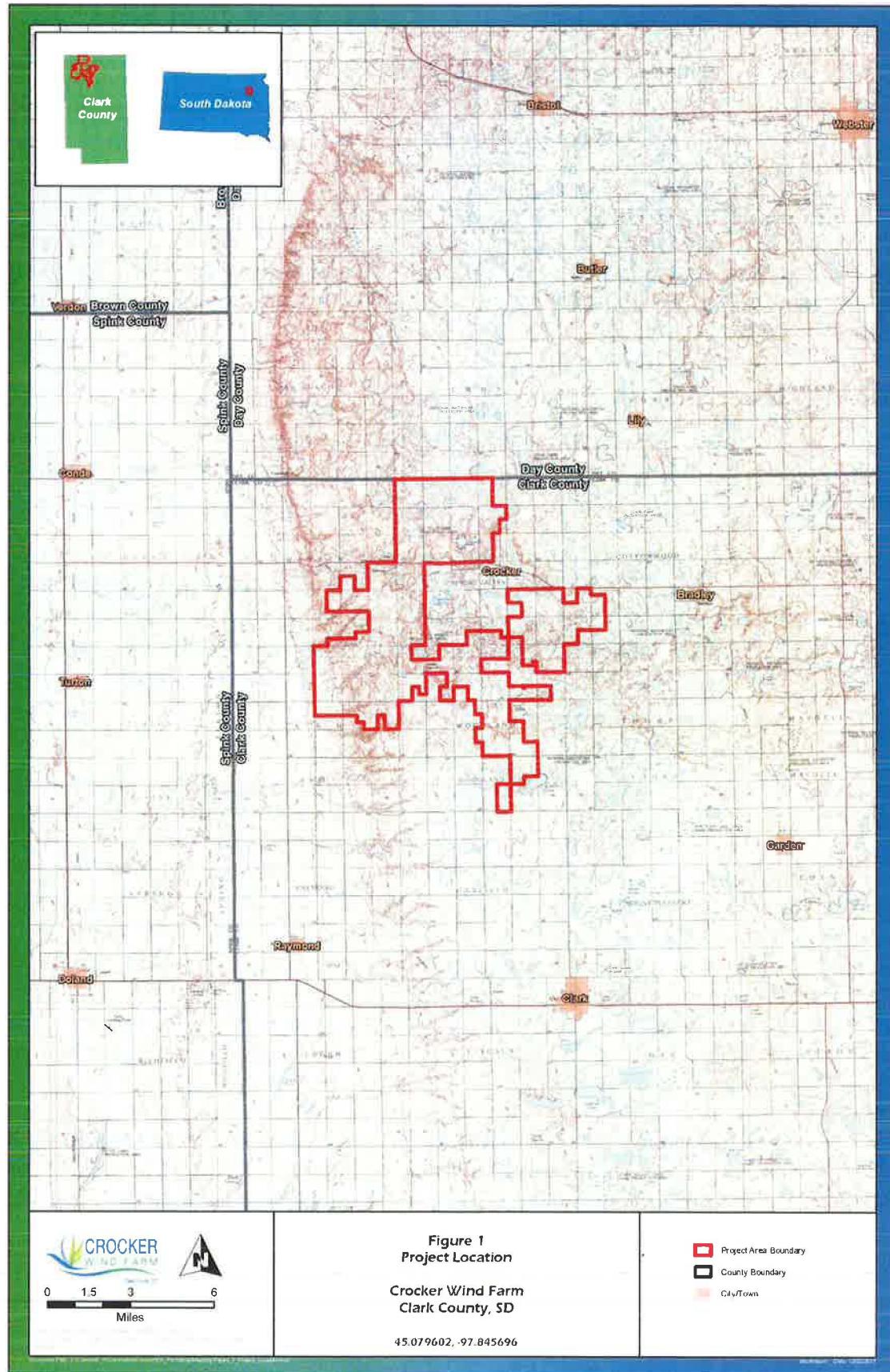
Crocker Wind Farm, LLC (Crocker), a wholly-owned subsidiary of Geronimo Energy, LLC (“Geronimo”), proposes to construct the Crocker Wind Farm (“Project”), a wind energy facility in Clark County, South Dakota.

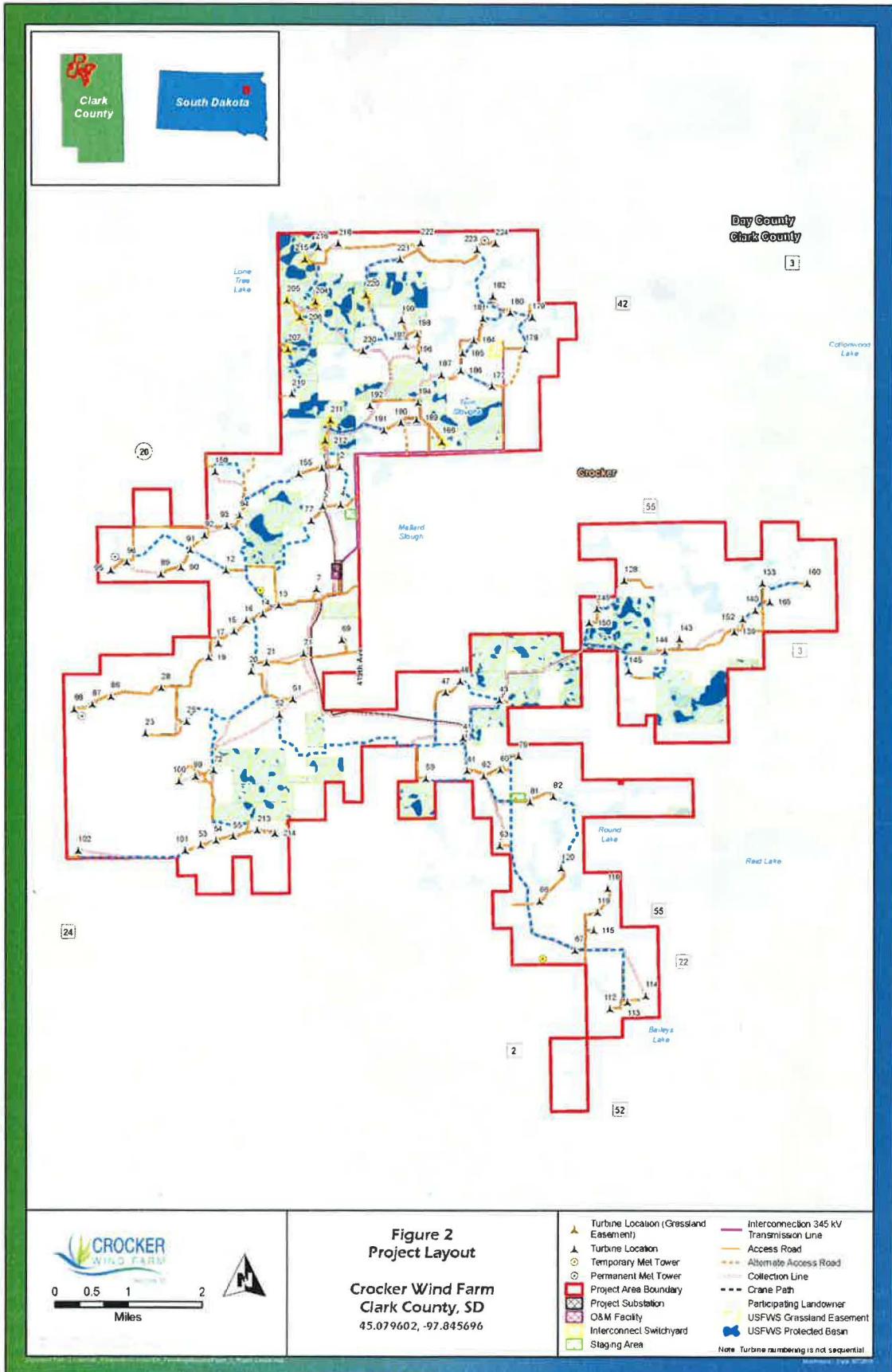
Geronimo prepared an Environmental Assessment (EA) to analyze the impacts associated with the proposed Project. The Service reviewed and revised the EA. The EA is incorporated into this Finding of No Significant Impact (FONSI) by reference. The Service is obligated to evaluate and respond to the application in order to ensure that they minimize impacts to grassland and wetland easements to the extent practicable.

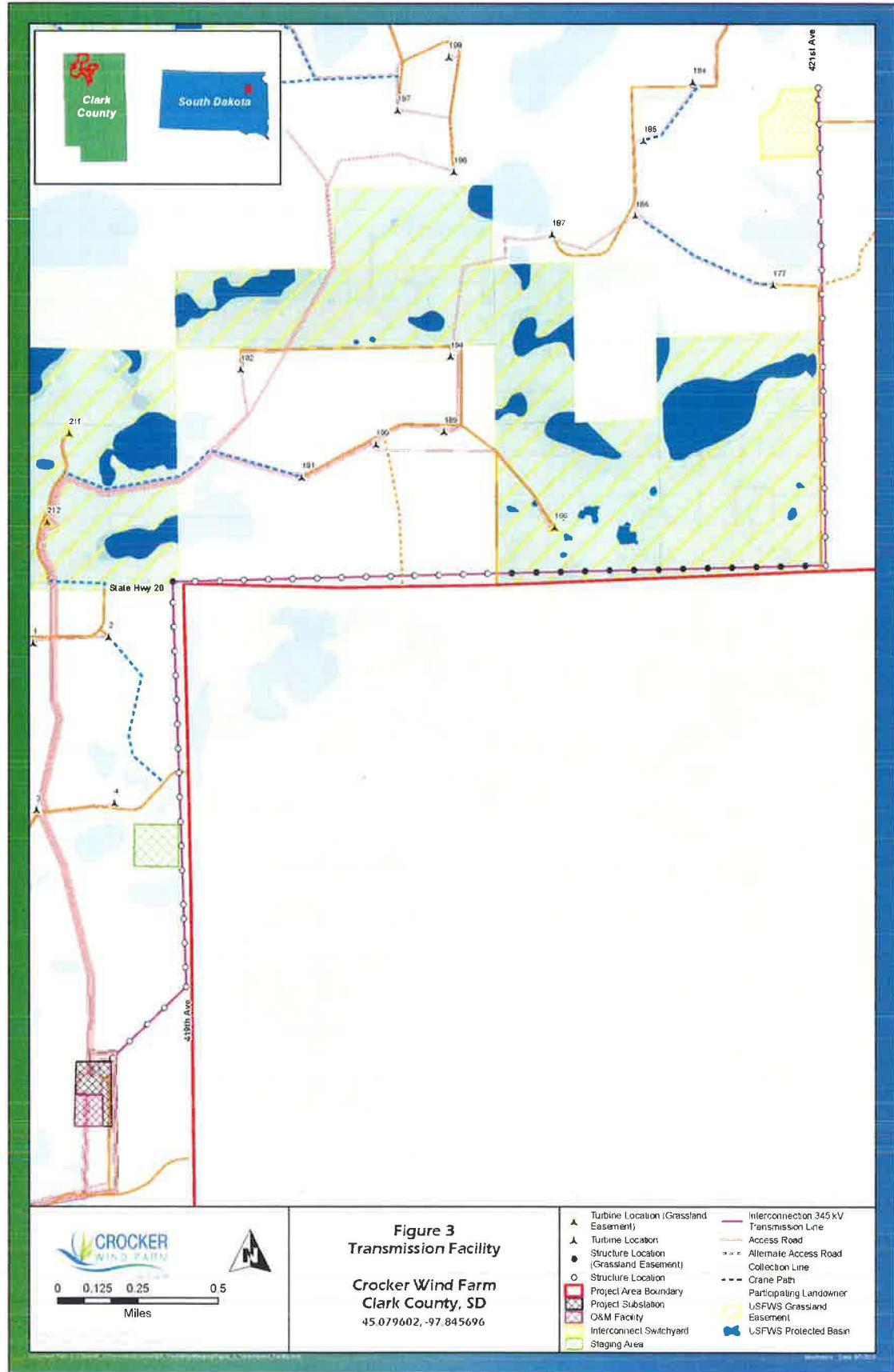
Location of Proposed Action

The Project is located within an approximately 29,331-acre Project boundary on privately owned land (“Project Area”), approximately 8 miles north of Clark, South Dakota (Figure 1). The proposed Project includes up to 114 wind turbines, up to 4 permanent meteorological towers, associated access roads and temporary crane paths, temporary laydown/staging area, an operations and maintenance (“O&M”) facility, collector and communication systems, and a new Project substation (“Wind Farm Facility”). The Transmission Facility includes a 345-kilovolt (“kV”) transmission line, temporary staging area, and switchyard. The 5.2 miles of overhead transmission will run from the Project substation to the switchyard. At the switchyard, the power will transfer to the Basin Electric Groton-to-Watertown 345 kV transmission line, part of the Southwest Power Pool, Inc. (“SPP”)/Western Area Power Administration (“Western”) Transmission line portfolio. The Project would generate utility scale electric power for residential, commercial, and industrial consumers.

Crocker is proposing to place nine turbines and associated facilities on land protected with United States Fish and Wildlife Service (“USFWS”) grassland easement (Figure 2). The Project will not permanently impact any USFWS-protected wetland basins. Crocker is also proposing to place up to 14 transmission poles on USFWS grassland easement land (Figure 3).







Federal Action

Due to impacts to USFWS-owned grassland and wetland easements the Project will require an easement exchange. A grassland easement is a perpetual legal contract that pays landowners to keep land in grass. Protected grass may not be altered or disturbed; although mowing, haying, and grass seed harvesting is allowed after July 15. This allows grassland nesting birds to complete their nesting before the grass is disturbed. Grazing is not restricted. Similarly, the perpetual wetland easement program pays landowners to protect wetland basins. Protected wetlands cannot be drained, filled, leveled, or burned. When these wetlands dry up naturally, they can be farmed, grazed, or hayed. The wetland easement protects only the wetland basin; the upland outside the wetland is not protected. The USFWS easements help provide crucial habitat for many types of wildlife including waterfowl and other migratory birds.

Western Area Power Administration and the USFWS prepared the Upper Great Plains (“UGP”) Wind Energy Programmatic Environmental Impact Statement (“PEIS”) (Western and USFWS, 2015a) to evaluate the impacts of wind energy development in Western’s UGP Region (Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota), and on the USFWS’s grassland and wetland easements in North Dakota, South Dakota, Montana, and Minnesota. The PEIS assesses environmental impacts associated with wind energy development and identifies management practices to mitigate impacts. As detailed in the Executive Summary of the PEIS, as long as wind energy project developers are willing to implement the applicable evaluation process, best management practices (“BMPs”), and conservation measures identified in the PEIS, the NEPA evaluation for the wind energy project may tier off the analyses in the PEIS. Applicable material from the PEIS is incorporated by reference in the EA in accordance with 40 Code of Federal Regulations (“CFR”) §§ 1502.20 and 1508.28. The analysis in the EA is Project-specific and focuses on site-specific issues that are not already addressed in sufficient detail in the PEIS. The EA is intended to be read in conjunction with the PEIS, and the EA and PEIS together comprise the NEPA compliance for this action. Crocker is committed to implementing the applicable BMPs and conservation measures described in the PEIS to allow for tiering (see <http://plainswindeis.anl.gov/>).

The easement exchange requires at least a 1:1 replacement of permanent physical easement impacts. It also requires a Crocker to post a bond so that land with permanent easement impacts can be restored and returned to easement protection at the end of the life of the Project. Crocker has offered a 2:1 replacement.

Agency Purpose and Need

The USFWS has 5,473 acres of grassland easement and 17,418 acres of wetland easement which contains many protected wetland easement basins within the Project Area. Placement of proposed Project infrastructure on USFWS easements will require an easement exchange. An EA was prepared to evaluate whether Crocker has avoided, minimized, and mitigated the easement impacts. USFWS will also issue a Special Use Permit for temporary disturbances to easements from the Project.

Other Alternatives Considered and Analyzed

No Action Alternative

Under the No Action Alternative, the USFWS would not approve of the grassland easement exchange for the purposes of constructing the proposed Crocker Wind Farm. For the purpose of impact analysis and comparison, it is assumed that the proposed Crocker Wind Farm would be built on lands adjacent to the

USFWS easement lands and while many of the direct environmental impacts associated with construction and operation of the wind farm would not occur, due to the proximity of the Project to the subject easement lands, many of the indirect impacts, both positive and negative, would remain the same.

Summary of Effects of the Selected Action

An EA was prepared in compliance with the National Environmental Policy Act (NEPA) to provide a decision-making framework that 1) explored a reasonable range of alternatives to meet project objectives, 2) evaluated potential issues and impacts to the refuge, resources and values, and 3) identified mitigation measures to lessen the degree or extent of these impacts.

The Project has been designed to avoid permanent impacts to USFWS wetland basins. The Project will temporarily impact 5.8 acres of easement wetlands as follows:

- 200-foot radius around turbines
 - This includes the crane pad and rotor assembly area to be mowed
- 75-foot wide collection line corridor
 - Collection lines will be ploughed in to the ground. This conservative construction corridor may be mowed prior to ploughing collection cables
- 120-foot wide access road corridor –
 - This corridor will be mowed to facilitate construction traffic
- 65-foot crane path corridor
 - This corridor will be mowed to facilitate crane movement
- 100-foot wide transmission line workspace
 - This workspace may be mowed for construction traffic to access transmission structure locations

There are nine turbines and access roads as well as 14 transmission poles sited on USFWS grassland easements. The Project will permanently impact 8.7 acres and temporarily impact 141.8 acres of grassland easements for construction. The Project will not impact any high quality undisturbed grasslands. Most impacts, 78 percent of permanent impacts and 81 percent of temporary impacts on USFWS easements, will be to areas designated as low quality or those that have been field verified to lack natural communities. The remaining impacts will be to areas designated as moderate quality. Collection lines and crane paths are collocated on grassland easements. The Project will have physical permanent impacts to less than one percent of grassland easements in the Project Area.

Impacts to USFWS Grassland Easements and Wetland Basins

	Grassland Easement		Wetland Basin
	Perm Impacts (acres)	Temp Impacts (acres)	Temp Impacts (acres)
Wind Farm Facility	8.6	129.2	5.0
Transmission Facility	<0.1	12.6	0.8
Project Total	8.7	141.8	5.8

The Project layout has been modified several times as turbines on grassland easement were removed from earlier layouts. The nine turbines now located on grassland easement are necessary in order to connect the collection system to off easement turbines. Additionally, the northern portion of the Project is necessary to make a project large enough to be viable and due to the density of protected grasslands in this northern area they cannot be avoided. Crocker utilized suggestions from USFWS to microsite turbines and collocate associated facilitates to avoid and minimize impacts. Permanent impacts to USFWS grassland easements are required to be offset at a 1:1 ratio. However, Crocker is voluntarily offering a 2:1 replacement of grassland easements to offset and mitigate impacts.

On USFWS easements, the Project will permanently impact less than one percent and temporarily disturb less than 2 percent of prime farmland, farmland of statewide importance, water and wind erodible soils, compaction prone soils, and soils with revegetation concern.

Crocker's commitment to avoiding and minimizing impacts to environmental resources is demonstrated by reducing the Project's permanent and temporary impacts by nearly half since the draft EA.

- Permanent impacts to grassland easements were 15.1 acres in the draft EA and have been reduced to 8.7 acres in the Final EA.
- Temporary impacts to grassland easements were 260.5 acres in the draft EA and have been reduced to 141.8 acres in the Final EA.
- Temporary impacts to USFWS protected basins have been reduced from 13.4 acres in the draft EA to 5.8 acres presented in this Final EA.

Mitigation Measures

Measures to mitigate and/or minimize adverse effects have been incorporated into the selected action.

Mitigation Measures for Conservation Easements

In fall of 2016 and again in November 2017, Crocker and USFWS discussed minimizing the impacts of turbines and infrastructure on conservation easements. The Project layout includes collocating roads, collection lines, and crane paths with existing disturbances, such as roads, utility corridors, and fencerows. The Service also suggested many shifts of turbines out of local flyways or closer to grassland edges. Temporary impacts from collector lines and crane paths have been designed in some cases to avoid and minimize potential fragmentation. In some cases, this may have resulted in more impact acres due to a longer route.

Mitigation measures will include avoiding disturbance of soils along crane paths by collocating crane paths with access roads, installing construction mats, or driving cranes over dry or frozen ground as practicable. Crocker will also avoid all clearing on grassland easements during nesting season to the extent practicable.

Upon completion of the NEPA process, Crocker is required to conduct an easement exchange with the USFWS to replace permanent impacts to grassland easements at a 1:1 ratio with funding for the USFWS to purchase grassland easement acres elsewhere. A bond will be provided so at decommissioning of the project the permanent impact acres will be restored to grass and easement protection. Additionally, Crocker has volunteered to mitigate at a 2:1 ratio. The easement exchange acreage is based on the post-

construction “As-Built” civil engineering survey, so the easement exchange will be completed post construction.

Temporary impacts on grassland easements and to wetland basins on wetland easements will be authorized through a Special Use Permit from the USFWS. The construction-related impacts authorized by the Special Use Permit will be based on impacts described in the EA. Crocker will comply with the conditions established by the USFWS in the Special Use Permit.

Mitigation Measures for Wildlife

Crocker has worked with the USFWS to redesign some of the site layout to avoid impacts to some high-quality prairie habitat, and to realign linear corridors, such as the access roads, collector system, crane pathways, and transmission lines to follow existing disturbed corridors (e.g., roads, transmission lines, fence rows) in an effort to reduce fragmentation. Crocker will avoid clearing during the nesting season (March 1 to July 31) on grassland easements to the extent practicable.

Following construction, Crocker would restore and reseed all temporary construction workspaces, except for actively cultivated croplands, unless approved in writing by the landowner. Use of these areas would temporarily displace wildlife species; however, many displaced wildlife would return to these areas following restoration.

Crocker has also prepared a draft Bird and Bat Conservation Strategy (BBCS) that will be implemented during construction and operation of the Project which may be found in Appendix A of the Final EA. This BBCS consists of Crocker’s corporate standards for minimizing impacts to avian and bat species during construction and operation of wind energy projects. The BBCS has been developed to be consistent with the Service’s Land-based Wind Energy Guidelines (USFWS, 2012). It includes Crocker’s commitments to wind farm siting and transmission route suitability assessments, construction practices and design standards, operational practices, permit compliance, and construction and operation worker training.

Conservation Measures for Federally Listed Species

No species-specific conservation measures are currently proposed for the Northern Long-eared Bat, Dakota skipper, Poweshiek skipperling, Topeka shiner, or rufa red knot because no impacts are anticipated on these species. Species-specific conservation measures for the whooping crane are outlined in the Project’s BBCS; these conservation measures are congruent with the conservation measures outlined for the species in the PEIS and Programmatic Biological Assessment for the Upper Great Plains Region Wind Energy Program.

Agency and Tribal Coordination

The proposal has been coordinated with all interested and/or affected parties. Crocker coordinated with various federal, state, and local agencies to identify agency concerns regarding the proposed Project in various manners of communication. Project notification letters were sent to agencies on April 18, 2016 and October 24, 2016. Additionally, Crocker has been coordinating with Clark County and the townships within the Project Area.

Parties contacted include:

- United States Army Corps of Engineers
- National Telecommunications and Information Administration
- South Dakota Game, Fish and Parks
- South Dakota Department of Environment and Natural Resources
- South Dakota State Historical Society
- Clark County
- Ash, Cottonwood, Spring Valley, Warren, and Woodland Townships

In January 2018, the USFWS initiated consultation with the South Dakota SHPO and 16 federally recognized tribes who have an interest in the region. The USFWS held a nation to nation meeting with consulting tribes on May 22, 2018 and June 27, 2018. As of July 2018, eight tribes are consulting on the Project including: Fort Peck Assiniboine & Sioux Tribes, Lower Sioux Indian Community, Rosebud Sioux Tribe, Santee Sioux Nation, Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Yankton Sioux Tribe; and Upper Sioux Community of Minnesota. Since the Area of Potential Effect (APE) for direct effects is located on private lands with USFWS easements, the USFWS does not have the authority to require or authorize tribal visits or surveys, or grant access to these lands. The USFWS indicated that it is Crocker's responsibility to coordinate with tribes regarding site visits or surveys. Crocker facilitated tribal surveys June 12-15 and July 11-12 of 2018 to identify tribal resources within the APE.

Public Involvement

The draft EA was available for public review and comment March 14 through May 8, 2018. The USFWS received 35 comment letters via email and five via postal mail from 31 individuals or agencies. Since the Draft EA was published in March 2018, there have been numerous Project updates, which are reflected in the Final EA. A summary of the comments and their associated responses may be found in Appendix J of the Final EA. The Finding of No Significant Impact will be available to the public on the refuge's website and will be announced via local news outlets.

Finding of No Significant Impact

Based upon a review and evaluation of the information contained in the EA as well as other documents and actions of record affiliated with this proposal, the Service has determined that the proposal to conduct an easement exchange with Crocker to replace permanent impacts to grassland easements at a 2:1 ratio with funding for the USFWS to purchase grassland easement acres elsewhere, and issue a Special Use Permit for temporary disturbances to easements from the Project, does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102 (2) (c) of the National Environmental Policy Act of 1969 (as amended). As such, an environmental impact statement is not required.

This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met. While conservation easements, by their nature, are areas protected for conservation of fish, wildlife and habitat, the proposed operation will not have a significant impact on Service conservation easements for several reasons:

- The proposed area of operation is not in an ecologically sensitive area;
- The proposed operations are not likely to adversely affect any threatened or endangered species;
- The proposed operations are not likely to adversely affect any cultural or historical resources;

- The proposed operations will not impact any wilderness areas;
- There are no unmitigated adverse impacts on public health or public safety;
- The operator will clear outside the nesting season and drive cranes over access roads, on construction mats, or on dry or frozen ground to the extent practicable;
- The operator will fully implement the BMPs in accordance with the PEIS on easement land to minimize impacts to the affected environment.

The proposed operation, with mitigation proposed by the operator would result in no more than minimal individual and cumulative adverse environmental impacts.

The preferred alternative does not constitute an action that normally requires the preparation of an environmental impact statement, and the preferred alternative will not have a significant effect on the human environment. In addition, no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence have been identified. Implementing the preferred alternative will not violate any federal, state, or local environmental protection law.

The Proposed Action is in conformance with all applicable CFR (Code of Federal Regulations). The Proposed Action would not violate the Migratory Bird Treaty Act or Endangered Species Act. A Biological Assessment (BA) pursuant to Section 7 consultation was completed by the U.S. Fish and Wildlife Service for the Upper Great Plains Region Wind Energy Develop Program PEIS (Western and USFWS, 2015b). The BA identifies conservation measures for federally listed, candidate, or proposed species; these measures include programmatic BMPs and avoidance and minimization measures that are required of project applicants during each phase of a wind energy project (i.e., site characterization, construction, operation, maintenance, and decommissioning). Crocker will fully implement all of the measures identified in the BA and species consistency evaluation forms resulting in an effects determination of “not likely to adversely affect” for each species under the Endangered Species Act.

All practicable means to avoid or minimize environmental harm and unnecessary or undue degradation of the public land are inherent to the Proposed Action.

Noreen Walsh
Regional Director
U.S. Fish and Wildlife Service
Mountain-Prairie Region
Lakewood, Colorado

Date

Literature Cited

- Geronimo Energy, LLC. 2018, Crocker Wind Farm, Clark County, South Dakota, Final Environmental Assessment.
- USFWS. 2012. United States Fish and Wildlife Service Land-based Wind Energy Guidelines. Available online at: https://www.fws.gov/ecological-services/es-library/pdfs/WEG_final.pdf. Accessed December 2017.
- Western Area Power Administration (“Western”) and USFWS. 2015a. Final Upper Great Plains Wind Energy Programmatic Environmental Impact Statement. Available at: <http://plainswindeis.anl.gov/Documents/index.cfm>. Accessed December 2017.
- Western and USFWS. 2015b. Programmatic Biological Assessment for the Upper Great Plains Region Wind Energy Program. Available online at: http://plainswindeis.anl.gov/documents/fpeis/UGP_Wind_BA.pdf. Accessed December 2017.

**UNITED STATES FISH AND WILDLIFE SERVICE
ENVIRONMENTAL ACTION STATEMENT**

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the action of providing an easement exchange of 8.7 acres for 17.4 similar easement acres elsewhere and allowing temporary disturbance on 147.6 easement acres resulting from construction of the Crocker Wind Farm:

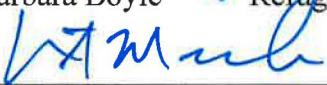
Check One:

- is a categorical exclusion as provided by 43 CFR §46.210 and/or 516 DM 8.5 and 43 CFR §46.215. No further NEPA documentation will therefore be made. The proposed action falls under categorical exclusion: _____.
- X is found not to have significant environmental effects as determined by the attached environmental assessment and finding of no significant impact.
- is found to have significant effects and, therefore, further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an environmental impact statement.
- is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.
- is an emergency action within the context of 40 CFR §1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents (*list*):

Crocker Wind Farm Environmental Assessment and Finding of No Significant Impact

Signature Approval:

	Barbara Boyle	Refuge Supervisor	8-21-18
	Will Meeks	ARD - Refuges	8/23/18
	Noreen Walsh	Regional Director – Region 6	8/23/2018

