

APPENDIX C

Finding of No Significant Impact

for the

Philip Wind Energy Center Interconnection Request

Philip Wind Energy Center Interconnection Request

*Finding of No Significant Impact and
Decision*

Haakon County, South Dakota



**Western Area
Power Administration**

DOE/EA-2094

May 2025

AGENCY: U.S. Department of Energy (DOE), Western Area Power Administration (WAPA)

ACTION: Determination of Finding of No Significant Impact (FONSI) and selection of the Proposed Action for implementation

SUMMARY: WAPA, a power-marketing administration, enters into interconnection agreements for utilization of its transmission system in a non-discriminatory manner with electric utilities, firm-power customers, private power developers, and independent power generators. WAPA's Upper Great Plains (UGP) Region (WAPA-UGP), as a member of the Southwest Power Pool (SPP), must offer excess transmission capacity and interconnections to WAPA-UGP facilities in accordance with the SPP's Open Access Transmission Tariff (OATT), which is approved by the Federal Energy Regulatory Commission.

Philip Wind Partners, LLC (Philip Wind Partners or Applicant), has requested to interconnect to WAPA's existing Oahe to New Underwood 230-kilovolt (kV) transmission line (t-line) at a new WAPA-owned Philip North Switchyard (Switchyard) for Philip Wind Partners' proposed private Philip Wind Facility (Wind Facility). Together, the Switchyard and Wind Facility make up the Philip Wind Energy Center (Project). The Project would be located on 68,300 acres of private land north of Philip in Haakon County, South Dakota (proposed Project area). Philip Wind Partners has secured leases for over 50,000 acres of land in the proposed Project area. On these leases, the Project would temporarily disturb 1,247 acres and permanently disturb 117 acres for the life of the Project. For the Wind Facility to interconnect with the existing line, WAPA would need to construct the Switchyard to control transmission to WAPA's existing system.

WAPA's decision to respond to the interconnection request and modify its facilities to accommodate the interconnection is considered a Federal action under the National Environmental Policy Act (NEPA). WAPA's decision to respond to Philip Wind Partners' interconnection request, which includes consideration of the approval of the Switchyard, constitutes the proposed Federal action, and the private Wind Facility constitutes a connected action to the proposed Federal action. WAPA's decision is limited to whether to proceed with the interconnection agreement and modify its facilities to accommodate the interconnection. WAPA does not directly authorize or permit a developer's generation project, such as the Wind Facility, which is considered a private action. Together, approval of the Federal action and the Applicant's private connected action make up the Proposed Action evaluated by WAPA pursuant to NEPA.

NEPA requires federal agencies to consider the potential effects of the Proposed Action Alternative (Proposed Action) and any reasonable alternatives on the human environment. Therefore, an environmental assessment (EA) (*Philip Wind Energy Center Interconnection Request, DOE/EA-2094*) was prepared to analyze the potential environmental impacts of WAPA's Federal action and the private Wind Facility. The EA tiered from the analysis conducted in the *Upper Great Plains Wind Energy Final Programmatic Environmental Impact Statement* (UGP PEIS), a document prepared jointly by WAPA and the U.S. Fish and Wildlife Service (USFWS) (WAPA and USFWS 2015). Applicable material from the UGP PEIS was incorporated by reference in the EA, in accordance with 10 Code of Federal Regulations (CFR) 1021.210(e). The EA is intended to be read in conjunction with the UGP PEIS, and the EA and UGP PEIS together comprise the NEPA documentation for this Federal action.

WAPA is aware that on February 25, 2025, the Council on Environmental Quality (CEQ) issued an interim final rule to remove its NEPA implementing regulations at 40 CFR 1500–1508. Based on CEQ guidance, and to promote completion of its NEPA review in a timely manner and without delay, in this EA, WAPA is voluntarily relying on the CEQ regulations, in addition to DOE's own regulations implementing NEPA at 10 CFR 1021, to meet its obligations under NEPA (42 United States Code [USC] 4321 et seq).

Copies of all associated NEPA documents are available at the following website:
<https://www.wapa.gov/about-wapa/regions/ugp/environment/philipwind/>

FOR FURTHER INFORMATION CONTACT:

John Russell
Environmental Manager, Upper Great Plains Regional Office
Western Area Power Administration
2900 4th Avenue North
Billings, Montana 59101
Email: nepa@wapa.gov
Phone: (406) 831-7459

PROPOSED ACTION: WAPA must consider whether to proceed with Philip Wind Partners' transmission system interconnection request in accordance with the SPP's approved OATT and the Federal Power Act. The proposed Federal action is for WAPA to proceed with the construction and operation of a new WAPA-owned Switchyard to interconnect Philip Wind Partners' privately owned and operated Wind Facility at the existing Oahe to New Underwood 230-kV t-line. WAPA's consideration of the approval of the Switchyard constitutes the proposed Federal action, and the private Wind Facility constitutes a private connected action to that proposed Federal action.

The maximum amount of construction, operation, and decommissioning components of the proposed Federal action consist of the following:

- One 5-acre WAPA-owned Switchyard;
- Two WAPA t-lines; and,
- Eight WAPA t-line poles.

Philip Wind Partners' private development of the Wind Facility and its environmental effects are also described and disclosed in this EA. The Wind Facility includes:

- Up to 90 wind turbines on 91 potential turbine location sites;
- Up to 44 miles of new access roads;
- Up to 46 miles of crane paths;
- Up to 109 miles of underground collection lines;
- Up to 700 aboveground junction boxes;
- One 8-acre substation;
- Up to three free-standing meteorological towers;
- Up to three aircraft detection lighting system towers;
- One 5-acre operations and maintenance facility;
- Three temporary laydown yards (one 15-acre yard and two 10-acre yards);
- One gen-tie line, including 124 gen-tie line poles, and associated access road up to 7 miles long; and
- One Basin Electric t-line, including 18 Basin Electric t-line poles, and associated access road up to 1 mile long.

These components make up the Proposed Action and are referred to as the Project. These components are expected to take approximately 12–18 months to construct. Under the Proposed Action, construction of the Project would temporarily disturb 1,247 acres and operations would permanently disturb 117 acres for the life of the Project.

The point of interconnection would be constructed in accordance with the Generator Interconnection Agreement between the SPP, WAPA, and Philip Wind Partners, which allows the Project to interconnect to WAPA's existing Oahe to New Underwood 230-kV t-line at the newly constructed WAPA-owned Switchyard. WAPA would make any necessary design or equipment changes to WAPA-owned facilities, as specified in the Generator Interconnection Agreement, to accommodate the interconnection. If the interconnection is approved, Philip Wind Partners would operate and maintain the Wind Facility for a period of 30 years. Any future decommissioning activities would be completed consistent with the general requirements described in Sections 3.5, 3.6.4, and 3.6.6 of the UGP PEIS and applicable federal, state, and local requirements at that time.

ALTERNATIVES: The DOE requires that EAs include a No Action Alternative (10 CFR 1021.321(c)). The EA presented a No Action Alternative, which assumed that WAPA would not enter into an interconnection agreement with SPP and Philip Wind Partners. Consequently, the Project would not be able to interconnect with WAPA's transmission system, and the new Switchyard would not be constructed. For the purposes of the EA, the No Action Alternative assumed Philip Wind Partners would not construct the Wind Facility. However, WAPA recognizes that Philip Wind Partners would seek an alternative interconnection point for the Project.

PUBLIC INVOLVEMENT: Multiple opportunities for public involvement were offered. Public involvement began with a virtual scoping meeting held on January 19, 2023. The scoping meeting was advertised through newspaper announcements; the Project website; and individual letters sent to agencies, Tribes, landowners, and stakeholders within and near the Project area to inform and engage them in the scoping process. The public scoping meeting documentation is included in Appendix J of the EA.

WAPA circulated the Draft EA for public review and comment on February 14, 2024. Comments on the Draft EA were accepted through March 16, 2024. Comments and responses are included in Appendix J of the Final EA.

TRIBAL INVOLVEMENT: Pursuant to Section 106 of the National Historic Preservation Act (NHPA), WAPA initiated Tribal consultations, by letter, with the following 10 Tribes on December 7, 2022, regarding the Project:

- Apache Tribe of Oklahoma
- Cheyenne and Arapaho Tribes, Oklahoma
- Cheyenne River Sioux Tribe
- Crow Creek Sioux Tribe
- Fort Belknap Indian Community
- Lower Brule Sioux Tribe
- Oglala Sioux Tribe
- Rosebud Sioux Tribe
- Santee Sioux Nation
- Standing Rock Sioux Tribe

WAPA received responses from the Standing Rock Sioux Tribe, Rosebud Sioux Tribe, Cheyenne River Sioux Tribe, and Northern Cheyenne Tribe that confirmed their participation in consultation. Consultation with the Tribes continued through the development of the EA. No other Tribes provided a response.

ENVIRONMENTAL IMPACTS: The EA disclosed the potential environmental impacts of the Proposed Action and No Action alternatives. A summary of environmental impacts for each resource is described in Table 1. Note that the determination of these impacts is based on implementation of the environmental commitments from the UGP PEIS and Applicant's additional voluntary environmental protection measures, which are described in Table 2-3 of the EA and the respective resource sections of Chapter 3 of the EA. These environmental commitments include measures to reduce potential impacts from the Project.

Table 1. Summary of Environmental Impacts of Alternatives

Resource Area	Proposed Action Alternative Impacts	No Action Alternative Impacts
Land Use and Public Facilities	The Proposed Action would result in minor impacts to land use and public facilities. Land would be temporarily and permanently disturbed during construction and operation of the Project. Public roads may require improvements such as gravel overlays or pothole repairs, but the impacts are expected to be temporary and localized. There is one Bureau of Land Management inholding within the Project area, but this area would not host Project facilities or infrastructure. The Applicant has coordinated turbine siting with landowners to minimize interference with agricultural production and other land uses and will implement best management practices (BMPs) to minimize impacts from ground disturbance. Due to these measures, the Project's impacts to land use and public facilities under the Proposed Action would be less than significant.	No Project-related impacts to land use and public facilities would occur under the No Action Alternative.
Geology, Soil Resources, and Paleontology	The Proposed Action would result in minor impacts to geology and soil resources from ground-disturbing activities and soil compaction. Based on the results of the desktop analysis, preliminary geotechnical boring logs review, and field surveys, there is a low potential to encounter paleontological resources at or near the surface due to lack of outcrops across most of the Project area. Up to 960 acres of farmland of statewide importance and 39 acres of prime farmland if irrigated would be temporarily disturbed during construction, and 86 acres of farmland of statewide importance and 3 acres of prime farmland if irrigated would be permanently disturbed during operations. Up to 105 acres of Potential Fossil Yield Classification 4 would also be permanently impacted. Implementation of environmental commitments to reduce soil compaction, erosion, and runoff from operations and maintenance activities would reduce soil-related impacts. Because of this, the Project's impacts to geology, soil, and paleontological resources would be less than significant.	No Project-related impacts to geology, soil resources, or paleontological resources would occur under the No Action Alternative, but ongoing non-Project impacts related to agriculture are expected to continue at existing intensities and can result in soil erosion, compaction, and/or loss of topsoil.
Hydrologic Setting and Water Resources	The Proposed Action would result in negligible impacts to the hydrologic setting and water resources. Up to 2.8 miles of waterways would be temporarily impacted, and up to 0.2 mile of waterways would be permanently impacted. Additionally, there may be impacts to wetlands, including up to 7 acres of temporary disturbance and less than 1 acre of permanent disturbance. These impacts would be dispersed throughout the Project area. Due to the adherence to BMPs that reduce impacts to erosion and sediment loss, impacts to wetlands and water features would be greatly reduced. Any unavoidable impacts to water features potentially under the jurisdiction of the state or the U.S. Army Corps of Engineers would be permitted as required. Therefore, the proposed Project's impacts to the hydrologic setting and water resources would be less than significant.	No Project-related impacts to the hydrologic setting or water resources would occur under the No Action Alternative, but ongoing non-Project impacts are expected to continue at existing intensities. Fertilizers and pesticides used for agriculture can potentially be transported to local streams, rivers, and groundwater, leading to degradation of water quality.

Resource Area	Proposed Action Alternative Impacts	No Action Alternative Impacts
Air Quality	The Proposed Action would result in negligible impacts to air quality. Operation of the Wind Facility and Switchyard would not directly result in air emissions because no fossil fuels would be combusted. Negligible amounts of dust, vehicle exhaust emissions, and combustion-related emissions from worker transportation or diesel emergency generators would occur during construction, operations and maintenance, and decommissioning activities. These emissions would not result in exceedances of air quality standards. Because the proposed Project would be beneficial, and adverse impacts would be negligible and further reduced by BMPs, the Project's impacts on air quality would be less than significant.	No Project-related impacts to air quality or climate would occur under the No Action Alternative. However, impacts to air quality and climate would continue at current trends. Offsets of greenhouse gas emissions by the proposed Project would not occur.
Noise	The Proposed Action would temporarily and permanently impact noise. Assuming all 90 turbines are operating at the same time, the maximum noise level would be 48 A-weighted decibels, which is consistent with the anticipated range specified in the UGP PEIS. Background noise generated from operating the proposed Project is consistent with background noise metrics for rural and undeveloped areas as defined by the UGP PEIS. Therefore, the Project's impacts on noise would be less than significant under the Proposed Action.	No Project-related impacts to noise would occur under the No Action Alternative. Existing noise levels typical of rural and undeveloped areas would likely continue.
Vegetation	The Proposed Action would result in minor impacts to vegetation. Impacts to vegetation would be dispersed throughout the Project area and distributed over 16 different vegetation types. Overall, 1,247 acres of vegetation would be temporarily disturbed, and 117 acres would be permanently disturbed. Ground disturbance during construction of the Project would result in the temporary loss of vegetation and grasslands. In locations where Project infrastructure would be built, permanent loss of vegetation and grasslands would occur. The construction of underground collection lines would make up the largest portion of vegetation disturbance, temporarily disturbing up to 415 acres of vegetation. Of this, less than 1 acre would be permanent. Isolated trees may be cleared as part of the temporary construction impacts; however, none of the temporary construction impacts overlap any forest classifications. Up to 12 acres of broken grassland would be permanently disturbed, and up to 161 acres would be temporarily disturbed. Up to 3 acres of unbroken grassland would be permanently disturbed, and up to 41 acres would be temporarily disturbed. No turbines would be sited on unbroken grasslands. Invasive and noxious weeds have the potential to be spread by Project activities that result in ground disturbance, or by workers and vehicles transferring weeds during Project construction, operation, and decommissioning. The Project layout was designed to minimize impacts to native vegetation, and the Applicant has committed to BMPs that include using appropriate equipment cleaning measures and revegetating areas that would be temporarily impacted during construction to pre-Project conditions. Therefore, the impacts to vegetation under the Proposed Action would be less than significant.	No Project-related impacts to vegetation would occur under the No Action Alternative, but ongoing impacts, such as conversion of herbaceous land cover types to cropland, are expected to continue at existing intensities.

Resource Area	Proposed Action Alternative Impacts	No Action Alternative Impacts
Wildlife	The Proposed Action has the potential for direct impacts to wildlife due to collisions with vehicles, aboveground gen-tie lines, and wind turbines. The Project would result in indirect impacts such as loss of habitat, habitat fragmentation, and displacement of wildlife where new facilities are constructed; additional habitat disturbance would occur within temporary work areas during construction and would be reclaimed during operations, which could result in habitat degradation or alteration. Wildlife may avoid the Project area due to increased activity and noise during construction, operation, and decommissioning of the Project. Impacts to wildlife would fall within the range of those described in the UGP PEIS. The Applicant has completed preconstruction surveys to assess wildlife activity and habitat areas and the Project layout and design have been refined accordingly to reduce impacts. During operations, turbines would be feathered and curtailed during certain periods to reduce collisions with bats. A Bird and Bat Conservation Strategy (see Appendix P of the EA) has been prepared and will be implemented. Because impacts to wildlife resources are consistent with the analysis in the UGP PEIS, and minimization measures are being implemented, impacts to wildlife would not result in new or more severe significant impacts than described in the UGP PEIS.	No Project-related impacts to wildlife would occur under the No Action Alternative, but ongoing non-Project impacts, mostly related to agriculture, are expected to continue at existing intensities.
Special-Status Species	Four federally listed species and four federally proposed threatened or endangered species were identified with the potential to occur in the Project area, including rufa red knot (<i>Calidris canutus rufa</i>), piping plover (<i>Charadrius melodus</i>), whooping crane (<i>Grus americana</i>), northern long-eared bat (<i>Myotis septentrionalis</i>) (NLEB), monarch butterfly (<i>Danaus plexippus</i>), regal fritillary (<i>Argynnis [Speyeria] idalia occidentalis</i>), tricolored bat (<i>Perimyotis subflavus</i>), and Suckley's cuckoo bumble bee (<i>Bombus suckleyi</i>) respectively. Prairie grouse have the potential to occur and may be indirectly impacted by habitat fragmentation. WAPA and USFWS conducted Endangered Species Act Section 7 interagency consultation, and Philip Wind Partners adhered to the BMPs and conservation measures set forth in the Programmatic Biological Assessment (PBA), as documented in the PBA Consistency Evaluation Forms (see Appendix K of the EA). The Project has committed to the programmatic avoidance criteria and species-specific minimization measures identified in the UGP PBA, and WAPA has received concurrence from the USFWS with a determination of "not likely to adversely affect" for the rufa red knot, piping plover, and whooping crane (see Appendix K of the EA). WAPA and USFWS completed an amendment to the PBA in December 2024 and updated the NLEB Consistency Evaluation Forms to reflect the finalized NLEB avoidance guidance. USFWS concurred with WAPA's determination of "not likely to adversely affect" the NLEB in the revised NLEB Consistency Evaluation Forms (see Appendix K of the EA). With the Project's additional commitments to implement the BMPs and mitigation measures in Section 5.6.2 of the UGP PEIS to reduce adverse impacts to special-status species, impacts to these species would not result in new or additional significant impacts compared to those described in the UGP PEIS.	No Project-related impacts to special-status species would occur under the No Action Alternative, but ongoing non-Project impacts at existing intensities are expected to continue.
Visual Resources	Impacts to visual resources under the Proposed Action would occur from alteration of the landscape and shadow flicker. Impacts from shadow flicker have been minimized through siting and design to be limited in duration and area of effect. In addition, the shadow flicker that remains would be dispersed and reduced to a small number of minutes over multiple days. Viewers of the Project within 10 to 12 miles, including rural residents or travelers along South Dakota Highways 73 and 34, would view the Project as prominent but not dominant. Viewers in the nearby town of Philip are 15 miles from the Project and would have a lesser visual impact. Additionally, the use of aircraft detection lighting system technology would reduce long-term lighting impacts. Impacts to visual resources under the Proposed Action align with those discussed in the UGP PEIS; therefore, the Project would not result in new or more severe significant impacts than described in the UGP PEIS.	No Project-related impacts to the visual resources would occur under the No Action Alternative. The existing viewshed, dominated by open vista, gently rolling topography, and agriculture, would remain relatively unchanged.



Resource Area	Proposed Action Alternative Impacts	No Action Alternative Impacts
Cultural Resources	Based on the results of a 2023 records search and field survey, no previously recorded cultural resources were documented within the 2-mile record search radius surrounding the current direct area of potential effects. A Level III field survey identified three historic sites and four precontact isolates. All of these cultural resources have been determined ineligible for listing on the National Register of Historic Places. No properties of traditional religious and cultural significance were identified during field surveys with participation from Tribal Cultural Specialists. During the reconnaissance architectural inventory, several sites were identified within the indirect area of potential effects; five of these sites possessed buildings or structures that were recommended as eligible or potentially eligible for the National Register of Historic Places. Given the site-specific assessments completed to identify cultural resources, and a commitment by the Applicant to observe the applicable mitigation measures in Section 5.9.1.6 of the UGP PEIS, including consultation under Section 106 of the NHPA to be overseen by WAPA, the cultural resources findings and analysis are consistent with the UGP PEIS. Based on the foregoing analyses and the Applicant's implemented measures, WAPA determined that the Proposed Action would have No Adverse Effect on historic properties and consulted with the South Dakota State Historic Preservation Office (SHPO) regarding this determination. On July 11, 2024, the South Dakota SHPO concurred with WAPA's determination that the Project as proposed would have No Adverse Effect on cultural resources. Due to this, impacts to cultural resources are consistent with the UGP PEIS, and no new or more severe impacts would occur under the Proposed Action.	No Project-related impacts to the cultural resources would occur under the No Action Alternative, but ongoing non-Project impacts are expected to occur at existing intensities. Ongoing impacts likely include loss or damage to cultural resources due to existing land use practices, such as agriculture.
Socioeconomics	The Proposed Action is projected to create short- and long-term beneficial impacts on the local economy, including generating up to 201 jobs. Further, the Project would generate approximately \$4 million per year in direct economic benefits to landowners, local and state governments, and school districts. Any adverse effects of the Proposed Action would be negligible and therefore would be less than significant.	The No Action Alternative would result in the continuation of agriculture development. This would result in no new jobs for construction or operation periods of the Project and no new tax revenue for Haakon County.
Health and Safety	The Proposed Action could have minor impacts on human health and safety. Project components could emit electric and magnetic fields (EMFs); however, these are known to dissipate to background levels within 200 feet. Since there are no residences within 200 feet of these facilities, the impacts of EMFs from the Project would be negligible. Similarly, levels of infrasound that may be generated by the Project are consistent with the range of those contemplated within the UGP PEIS. Occupational and physical hazards associated with the Proposed Action, such as ice throw and fires, have also been analyzed in the UGP PEIS, and those expected of this Project would be of a similar nature. The Proposed Action would involve the use of some common hazardous materials and waste products associated with the construction and operation of a wind facility. However, these materials and products are analyzed in the UGP PEIS, and the Project is expected to use and properly manage those resources under relevant regulations and permits. Impacts to health and safety under the Proposed Action align with those discussed in the UGP PEIS; therefore, the Project would not result in new or more severe significant impacts than described in the UGP PEIS.	No Project-related impacts to health and safety would occur under the No Action Alternative. The No Action Alternative would not pose an EMF or ice throw hazard, and fire hazards would be expected to continue at existing intensities. The No Action Alternative may be at a lower risk of vandalism because the additional human traffic related to the Project would not occur.

Resource Area	Proposed Action Alternative Impacts	No Action Alternative Impacts
Cumulative Impacts	The Proposed Action would incrementally contribute to impacts on various resources within the UGP region. Indirect impacts would include cumulative impacts to visual and cultural resources by increasing contrast between the Project and surrounding landscape, and noise impacts from increased ambient sound. Direct impacts would include cumulative impacts to wildlife, vegetation, and land use through the disturbance of vegetation, habitat, or other lands viable for anthropogenic use. Table 4-1 of the EA summarizes potential cumulative effects associated with the Proposed Action. Adverse impacts would be minor and largely mitigated by adherence to the UGP PEIS BMPs, the PBA Consistency Evaluation Forms, and the Applicant's additional voluntary environmental protection measures. Because of this, cumulative impacts would be less than significant under the Proposed Action.	The No Action Alternative would not contribute to cumulative impacts. Present and future activities, and their associated impacts, would be expected to continue at existing intensities.

ENVIRONMENTAL COMMITMENTS: Philip Wind Partners' environmental commitments have been embedded as a required component of the Proposed Action and are listed in Table 2-3 and Chapter 3 of the EA.

FINDING: WAPA evaluated the potential environmental impacts in a variety of contexts, including national, regional, and local scales and intensities. WAPA determined that the potential impacts resulting from the Proposed Action are consistent with those evaluated in the UGP PEIS and identified no new significant impacts to environmental resources or the human environment, either individually or cumulatively with other actions in the general area, which would result from the Proposed Action or No Action Alternative.

WAPA has found that neither alternative constitutes a major Federal action significantly affecting the quality of the human environment. As a result, a FONSI is warranted, and an Environmental Impact Statement will not be prepared. This FONSI was prepared in accordance with NEPA (42 USC 4336) and the DOE's NEPA implementing regulations at 10 CFR 1021.322.

Regarding the Proposed Action, the Project will not significantly impact the environment because of its commitment to avoidance and minimization measures. Additionally:

- Philip Wind Partners presented to the USFWS the Project's proposed approach to Endangered Species Act (ESA) compliance pursuant to USFWS's Programmatic Biological Assessment (PBA), which expedited programmatic Section 7 consultation through adherence to the BMPs and conservation measures set forth in the PBA, as documented in the PBA Consistency Evaluation Forms. Philip Wind Partners' voluntary commitment to implement the measures set forth in the PBA Consistency Evaluation Forms results in an effects determination of "no effect" or "not likely to adversely affect" for all species addressed in the PBA pursuant to the ESA Section 7 process. Between September 2022 and April 2023, Philip Wind Partners worked with USFWS and WAPA to ensure the Project's adherence with the PBA Consistency Evaluation Forms to ensure ESA compliance. The PBA Consistency Evaluation Forms were finalized and signed by Philip Wind Partners, USFWS, and WAPA in April 2023. Since completion and acceptance of the PBA Consistency Evaluation Forms by the USFWS in April 2023, the USFWS released the final *Land-based Wind Energy Voluntary Avoidance Guidance for the Northern Long-eared Bat* in October 2024. The PBA allows for amendments to be made when new information reveals effects on species or critical habitat. WAPA and USFWS completed an amendment to the PBA in December 2024, and updated the NLEB Consistency Evaluation Form to reflect the finalized NLEB avoidance guidance. Updated Consistency Evaluation Forms were finalized and signed by Philip Wind Partners, the USFWS, and WAPA in April 2025. Based on the commitments concurred with, there is a negligible risk of direct or indirect impacts to NLEB,



and there is no change in the significance of impacts to NLEB between the publication of Draft EA and the Final EA. WAPA determined the Proposed Action may affect but is not likely to adversely affect the NLEB.

- If a species not currently listed as threatened or endangered under the ESA (e.g., tricolored bat, monarch butterfly, regal fritillary, and/or Suckley's cuckoo bumble bee) is listed under the ESA while WAPA is still engaged in a discretionary Federal action and WAPA determines that building or operating the Wind Facility or Switchyard may affect the species, then WAPA would reinitiate consultation with the USFWS regarding effects on the listed species. If a species is listed as threatened or endangered under the ESA after the conclusion of WAPA's discretionary Federal action, the Applicant would be responsible for assessing risk to the newly listed species and whether to initiate Section 10 consultation with the USFWS.
- The Project's turbine locations were sited to minimize impacts to sensitive resources identified in the natural resource surveys (see Appendices B–I of the EA) and in adherence with the PBA Consistency Evaluation Forms (see Appendix K of the EA), thus demonstrating compliance with ESA Section 7. The Applicant committed to implement natural resources setbacks for turbine locations, which are identified in Table 1-1 of the EA.
- Philip Wind Partners presented the findings of the 2023 prairie grouse lek and raptor nest surveys to USFWS and South Dakota Game, Fish and Parks in July 2023, along with changes to the siting and layout of turbines made in response to the survey results to further avoid and minimize environmental impacts. Philip Wind Partners removed four turbine locations from the layout due to their proximity to prairie grouse leks and Tier 3 modeled priority sharp-tailed grouse habitat. Additionally, six turbine locations were relocated to remain consistent with the BMPs identified in the UGP PEIS. The revisions to the Project design through the removal and relocation of turbines, and minor shifts in other Project infrastructure described in Section 2.1 of the EA, resulted in the reduction of impacts to environmental resources. Philip Wind Partners committed to continue to coordinate with USFWS and South Dakota Game, Fish and Parks throughout Project development using the established collaborative process.
- The environmental commitments outlined in Table 2-3 and Chapter 3 of the EA would be implemented during Project construction, operation, and decommissioning.
- Philip Wind Partners has worked closely with WAPA to support consultation with federally recognized Native American governments early in the planning process. In 2018, Philip Wind Partners' archaeological consultant, Beaver Creek Archaeology, Inc., and Tribal Cultural Specialists from several Native American governments participated in cultural resources surveys. In 2023, Philip Wind Partners engaged Beaver Creek Archaeology, Inc., to continue evaluating the area of potential effects for potential archaeological sites. Philip Wind Partners and WAPA also requested that Tribal Cultural Specialists evaluate the area of potential effects for potential properties of traditional religious and cultural significance. Philip Wind Partners and WAPA have continued to rely on Native American governments to complete site-specific assessments to inform the cultural resources surveys and support WAPA's consultation under Section 106 of the NHPA.
- Predicted noise levels from the Project would be below county thresholds and the level that the U.S. Environmental Protection Agency defines as an adverse impact.
- The Project itself is typical of wind generation projects across the nation. It is not unique or unusual and does not establish a precedent for future actions.

- Consultation with the South Dakota SHPO has been completed in accordance with Section 106 of the NHPA. The South Dakota SHPO concurred with WAPA's determination of No Adverse Effect to cultural resources on July 11, 2024.
- The Project does not violate any known federal, state, local, or Tribal law or requirement imposed for the protection of the environment. State, local, and Tribal interests were given the opportunity to participate in the environmental analysis process.
- Consistent with requirements under 10 CFR 1022 for federal agencies to avoid supporting development in a floodplain or new construction in a wetland wherever there are practicable alternatives, all Project infrastructure would be located outside mapped floodplains, and construction in wetlands was avoided where practicable.

DECISION RECORD: WAPA has selected the Proposed Action alternative, including all environmental commitments and minimization measures described in *DOE/EA-2094*, for implementation.

Issued in Billings, Montana on

May 9, 2025.

LLOYD LINKE Digitally signed by LLOYD LINKE
Date: 2025.05.08 09:35:10 -05'00'

Lloyd A. Linke
Senior Vice President and UGP Regional Manager

