

## **Appendix E: Public Comments and Response**

## **Attachment E-1: Comment Response Matrix**

### Attachment E-1: Comment Response Matrix

Number	Commenter	Comment Summary	Response
1.	USFWS	USFWS wrote the following: “It should be noted that our office does not have a record of receiving the Notice and was not aware of the request for scoping of the project.”	A scoping postcard was sent on August 15 to the Chicago Field Office of the USFWS, requesting comments on the scope of the project and providing a hyperlink to a scoping letter.
2.	USFWS	The EA should recognize that other migratory birds besides raptors (e.g. neotropical migratory songbirds, waterfowl, and shorebirds) also migrate along the western shoreline of Lake Michigan and inland as well. Lake Michigan and the rest of the Great Lakes provide major migratory flyways for migratory birds and migration flights.	<p>Language revised in the EA to reflect this comment in section 3.2.2.7.1. and reads as follows:</p> <p>Migratory birds, including raptors, neotropical migratory songbirds, waterfowl, and shorebirds, have been observed to use the western shoreline of Lake Michigan for their spring and fall migration routes according to information available on USFWS websites.</p>
3.	USFWS	Several bat surveys have been conducted in Cook County and in the 6 county Chicago Metro area. References to those studies can be found in the Literature Cited section and should be referred to in the EA.	<p>References included in the text of the EA and revised text in section 3.2.2.7.3. The following text was added to the EA:</p> <p>Two recent bat surveys were performed in Cook County. A site on Black Partridge Creek in southern Cook County was netted for two nights during July 2005 (Hofmann and Amundsen 2005). Species caught at this site were the big brown bat (<i>Eptesicus fuscus</i>) and northern bat (<i>Myotis septentrionalis</i>). A second study conducted mist netting at 13 sites in Cook County. Species caught at this site during 2006 and 2007 were the big brown bat (<i>Eptesicus fuscus</i>), northern bat (<i>Myotis septentrionalis</i>), eastern red bat (<i>Lasiurus borealis</i>), Hoary bat (<i>Lasiurus cinereus</i>), and eastern pipistrelle (<i>Pipistrellus subflavus</i>) (Hofman, Merritt, Mengelkoch, and Carpenter. 2008).</p>
4.	USFWS	Another Important Bird Area (IBA) is located approximately 10 miles west of the proposed turbine. Both of these IBA’s, the Bartel Grassland and Lake Calumet area, support migratory birds that are listed on the Service’s Region 3 Fish and Wildlife Resource Conservation Priorities list and on the Service’s 2008 Birds Conservation	<p>Added the following text to section 3.2.2.7.4:</p> <p>Bartel Grassland is a 585-acre prairie restoration project that is sustained through a partnership with the Forest Preserve District of Cook County (FPDCC), Audubon-Chicago Region, the U.S. Army Corps of Engineers, Thorn Creek Audubon Society and the Bartel Grassland Volunteers. In 2003, Bartel was designated as a Land and Water Reserve and accepted for protection by the Illinois Nature</p>

		Concern list. The above information should be included in the EA.	Preserves Commission. Additionally, it has been recognized as an Audubon Important Bird Area (IBA). The open land at Bartel provides breeding habitat for several species including Bobolinks, Eastern Meadowlarks, Grasshopper Sparrows, Dickcissels, and Henslow's Sparrows. Some of these birds return each spring to Bartel from as far away as South America to nest and raise their young.
5.	USFWS	A brief discussion about the potential effects to migratory birds should be in the EA.	<p>Impacts to migratory birds were discussed in section 3.2.2.7.5. Language revised in the EA to add more detail. The language in the EA reads as follows:</p> <p>Only one mortality study has been performed in Illinois. Data from the 33-turbine Crescent Ridge Wind Power project in Bureau County showed on average one bird and three bats killed per turbine per year (Kerlinger et al., 2007). Recent studies from Wisconsin for two wind facilities (Blue Sky Green Field and Cedar Ridge) estimated bird fatality per turbine per study period for those two wind projects were 12 for Blue Sky Green Field and 11 for Cedar Ridge (for small and medium birds). The studies performed at the Wisconsin sites did not differentiate between migratory and non-migratory birds.</p> <p>Overall, impacts to migratory birds, including bald and golden eagles, would not be significant.</p>
6.	USFWS	Three recent studies from Wisconsin for three wind facilities: Blue Sky Green Field, Cedar Ridge, and Forward Energy have shown that bat fatality per turbine per year numbers are significantly higher than the upper limits identified by Arnett et al. (2008). The estimated bat fatality per turbine per study period for those three wind turbines were 40.54 for Blue Sky Green Field, 50.5 for Cedar Ridge, and 70.7 for Forward Energy. Therefore, bat fatalities at Midwestern turbine sites should be considered to have an adverse impact to bats, both resident and migratory, and that information should be discussed in the draft EA.	<p>Results from these three studies were included in section 3.2.2.7.6. Language revised in the EA to reflect this comment and references added. The following text was added to the EA:</p> <p>Recent studies from Wisconsin for three wind facilities (Blue Sky Green Field, Cedar Ridge, and Forward Energy) estimated bat fatality per turbine per study period for those three wind turbines were 40.54 for Blue Sky Green Field, 50.5 for Cedar Ridge, and 70.7 for Forward Energy.</p> <p>However, other studies have shown a lower range of bat fatalities per turbine. Data from the 33-turbine Crescent Ridge Wind Power project in Bureau County showed on average of three bats killed per turbine per year (Kerlinger et al., 2007). For three sites in the Midwestern U.S. (Buffalo Ridge, MN, Lincoln, WI, and Top of Iowa, IA), fatalities ranged from 2.1 to 7.8 bats per turbine (Arnett et al., 2008).</p>

			<p>Cedar Ridge, Blue Sky Green Field, and Top of Iowa found a relatively high proportion of the common little brown bat (14, 28.6, and 23.5 percent respectively). These high proportions of little brown bats are unlike those found at Crescent Ridge, Illinois (Kerlinger et al. 2007) and Buffalo Ridge, Minnesota (Osborn et al. 1999) and may have contributed to higher overall bat mortality (BHE, 2010).</p>
7.	USFWS	<p>Additionally, due to the discovery of white-nose syndrome (WNS) and its devastating impact on bats, the Service has been involved with ways to address this deadly disease. The cumulative impacts from factors that are currently adversely impacting bat species could lead to the potential listing of bat species that are not currently listed. The EA should address the cumulative impacts to bats. As a result of WNS, impacts from turbines, and other factors, two bat species not currently listed have been petitioned to be listed.</p>	<p>The following text was added to section 3.2.2.7.3 and 4.2.4:</p> <p>While not yet documented in Illinois, White-nose syndrome (WNS), a disease affecting hibernating bats, has been impacting regional bat populations. WNS has caused the death of more than 1 million bats in eastern North America since it was first identified in 2007. Named for the white fungus that appears on the muzzle and other body parts of hibernating bats, WNS is associated with extensive mortality of bats in eastern North America. Bats with WNS exhibit uncharacteristic behavior during cold winter months, including flying outside in the day and clustering near the entrance of hibernacula. More than half of the 45 bat species living in the United States rely on hibernation for winter survival. Little brown, big brown, small-footed and Indiana bats are among the species found in Illinois that have been impacted by WNS. As previously mentioned, WNS has not yet been documented as being present in Illinois (USFWS, 2010a).</p>
8.	USFWS	<p>We recognize that DOE made a “no effect” determination for all of the federally listed species listed in Cook county. However, Section 7 of the ESA only requires consultation for federal activities that “may affect” listed resources. Because you determined that your actions would have “no effect” to piping plover, leafy-prairie clover, eastern prairie fringed orchid, Mead’s milkweed, prairie bush clover, or Hine’s emerald dragonfly, section 7 does not apply (and the service therefore does not provide concurrence.)</p>	<p>Language revised in section 3.2.2.7.7 to reflect this comment as follows:</p> <p>Section 7 of the ESA only requires consultation for federal activities that “may affect” listed resources. Because DOE has determined that the proposed project would have “no effect” to piping plover, leafy-prairie clover, eastern prairie fringed orchid, Mead’s milkweed, prairie bush clover, or Hine’s emerald dragonfly, section 7 does not apply (and the USFWS therefore does not provide concurrence). Therefore, DOE does not expect to receive a response to its September 23<sup>rd</sup> letter. However, the USFWS did provide comments on the Draft EA and those comments have been incorporated into this Final EA.</p>

9.	USFWS	<p>We recommend that post construction monitoring be conducted for a minimum of three years during the spring and fall migration periods. Surveys should be conducted 2-3 times a week. If it is determined that bird or bat fatality rates are found to be unacceptable, the grantee should make operational adjustments to reduce fatalities to acceptable levels.</p>	<p>The applicant would conduct voluntary post construction migratory bird monitoring for one year during spring and fall migration periods with an optional second year depending on the first year results. This monitoring would follow USFWS migratory bird monitoring protocols to be developed in early 2011.</p> <p>The above language has been added to the EA in Section 2.5.1.</p>

**Appendix E-2: USFWS Draft EA Comment Letter**



## United States Department of the Interior

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IN REPLY REFER TO:  
FWS/AES-CIFO/2010-CPA-0055

October 13, 2010

David Boron  
U.S. Department of Energy  
1617 Cole Blvd  
Golden, CO 80401

Dear Mr. Boron:

This responds to your Notice of Availability (NOA) requesting comments on the preparation of an Environmental Assessment (EA) for the Chicago View Wind Project. The NOA notified the Service that a draft EA was available for our review on the U.S. Department of Energy (DOE) Golden Field Office website. The proposed activities are located in Chicago Heights, Cook County, Illinois.

We reviewed the draft EA for the proposed wind turbine and are providing comments as they relate to possible impacts to Service trust resources (migratory birds and federally listed species). Comments on the draft EA are as follows:

### Section 1.5 Public and Agency Involvement

This section notes that Notices of Public Scoping postcards were sent to stakeholders, including the Service, for comment. It should be noted that our office does not have a record of receiving the Notice and was not aware of the request for scoping for the project.

### Section 3.2.2.7.1 Migratory Birds

This section only mentions raptors that migrate along the western shoreline of Lake Michigan. The EA should recognize that other migratory birds besides raptors (e.g., neotropical migratory songbirds, waterfowl, and shorebirds) also migrate along the western shoreline of Lake Michigan and inland as well. Lake Michigan and the rest of the Great Lakes provide major migratory flyways for migratory birds and migration flights.

### 3.2.2.7.3 Bat

This section states that no records of specific bat surveys in Cook County were found. Several bat surveys have been conducted in Cook County and in the 6 county Chicago Metro area. References to those studies can be found in the Literature Cited section and should be referred to in the EA.

#### 3.2.2.7.4 Threatened, Endangered, and Special Concern Species

This section indicates that the Wolf Lake/Lake Calumet Wetland complexes are the only significant natural areas near the project site, and are located approximately 13 miles north of the project site. This is not accurate as another Important Bird Area (IBA) is located approximately 10 miles west of the proposed turbine, the Bartel Grassland. Both of these IBAs, the Bartel Grassland and Lake Calumet area, support migratory birds that are listed on the Service's Region 3 Fish and Wildlife Resource Conservation Priorities list and on the Service's 2008 Birds of Conservation Concern list. The above information should be included in the EA.

It is also noted that the Service identified that there are no federal wilderness areas, wildlife refuges, or designated critical habitat within the vicinity of the project area. During our discussions with DOE we did not provide concurrence under section 7 of the Endangered Species Act (ESA) because DOE made a "no effects" determination.

#### 3.2.2.7.5 Migratory Birds and Bald and Golden Eagles

This section discusses adherence to the Service's *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines*. However, this section does not discuss the potential impacts to migratory birds from wind turbines. At a minimum, a brief discussion about the potential adverse effects to migratory birds should be in the EA.

This section also notes that the proposed turbine is not located within a migratory pathway and it is not within an IBA. We have previously discussed the nearby IBAs and the importance of the Lake Michigan shoreline line and inland migratory pathways as well. Due to the distance of the proposed tower to the nearest IBA sites, we agree with the DOE that overall, impacts to migratory birds would not be significant. However, due to the proximity of the Lake Michigan shoreline and number of birds that use the Lake Michigan flyway, we provide recommendations that would help ensure that migrating birds are not being impacted by the proposed turbine. Those recommendations will be discussed below.

#### 3.2.2.7.6 Bats

An estimated mean bat fatality per turbine per year range for Midwest sites (0.1 and 7.8), based on Arnett et al. (2008), is provided to indicate that bat fatalities for the project are likely to be on the lower end of the range. More recent bat fatality studies for sites in Wisconsin have shown that the referenced range is very low and is outdated. Three recent studies from Wisconsin for three wind facilities: Blue Sky Green Field, Cedar Ridge, and Forward Energy, have shown that bat fatality per turbine per year numbers are significantly higher than the upper limits identified by Arnett et al. (2008). The estimated bat fatality per turbine per study period for those three wind facilities were 40.54 for Blue Sky Green Field (2008-2009), 50.5 for Cedar Ridge (2009), and 70.7 for Forward Energy (2008). Therefore, bat fatalities at Midwestern turbine sites should be considered to have an adverse impact to bats, both resident and migratory, and that information should be discussed in the draft EA.

Additionally, due to the discovery of white-nose syndrome (WNS) and its devastating impact on bats, the Service has been involved with ways to address this deadly disease. The cumulative impacts from factors that are currently adversely impacting bat species could lead to the potential listing of bat species

that are not currently listed. The EA should address the cumulative impacts to bats. As a result of WNS, impacts from turbines, and other factors, two bat species not currently listed have been petitioned for listing.

#### 3.2.2.7.7 Threatened, Endangered, and Special Concern Species

This section states that based on conversations with our office, we indicated that it is our policy not to provide any additional responses to DOE's consultation letter, because DOE made a "no effect" determination. We recognize that DOE made a "no effect" determination for all of the federally listed species listed in Cook County. However, section 7 of the ESA only requires consultation for federal activities that "may effect" listed resources. Because you determined that your actions would have "no effect" to piping plover, leafy-prairie clover, eastern prairie fringed orchid, Mead's milkweed, prairie bush clover, or Hine's emerald dragonfly, section 7 does not apply (and the Service therefore does not provide concurrence).

#### Recommendations

As mentioned above, due to the location of the proposed turbine, we do not anticipate high levels of bird or bat fatalities. However, given its proximity to the aforementioned bird concentration areas and migratory flyways, fatalities could be higher than expected.

Therefore, we recommend that post-construction monitoring be conducted for a minimum of three years during the spring and fall migration periods. Surveys should be conducted 2-3 times per week during the migration periods. If it is determined that bird or bat fatality rates are found to be unacceptable, the grantee should make operational adjustments (e.g., feathering) to reduce fatalities to acceptable levels.

This letter provides comment under the authority of, and in accordance with, the provisions of National Environmental Policy Act of 1969 (83 Stat. 852 as amended P.L. 91-190, 42 U.S.C. 4321 *et seq.*), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and the Endangered Species Act of 1973, as amended (87 Stat. 884. as amended; 16 U.S.C. 1531 *et seq.*).

If you have any questions, please contact Mr. Shawn Cirton at 847/381-2253, ext. 19.

Sincerely,

Cathy Pollack  
acting for

Janice Engle  
Field Supervisor

## Literature Cited

- Arnett, E. B., W. K. Brown, W. P. Erickson, J. K. Fiedler, B. L. Hamilton, T. H. Henry, A. Jain, G. D. Johnson, J. Kerns, R. R. Koford, C. P. Nicholson, T. J. O'Connell, M. D. Piorkowski, and R. D. Tankersley, Jr. 2008. Patterns of Bat Fatalities at Wind Energy Facilities in North America. *Journal of Wildlife Management* 72 (1):61-78; 2008.
- BHE Environmental. 2010. Post-construction bird and bat mortality study Cedar Ridge wind farm Fond du Lac County, Wisconsin. Interim Report prepared for Wisconsin Power and Light and submitted to Wisconsin Public Service Commission.
- Drake, D., J. Garvin, S. Grodsky, and M. Watt. 2010. Post-construction bird and bat monitoring at the Forward Energy Center Second Interim Report. Interim Report prepared for Forward Energy LLC and submitted to the Wisconsin Public Service Commission.
- Gruver, J., M. Sonnenburg, K. Bay, and W. Erickson. 2009. Post-construction bat and bird fatality study at the Blue Sky Green Field Wind Energy Center, Fond du Lac County, Wisconsin. Final Report submitted to the Wisconsin Public Service Commission by WEST, Inc.
- Hofmann, J.E. and S.B. Amundsen. 2005a. Indiana bat survey, Interstate 355 south extension (FAP 340), Interstate 55 to Interstate 80, Cook and Will counties, IL. Memorandum submitted to Illinois State Toll Highway Authority, Downers Grove.
- Hofmann, J.E., J.F. Merritt, J.M. Mengelkoch, S.K. Carpenter. 2008. A two-year mist-netting survey for bats in Cook, DuPage, Kane, Kankakee, Lake, McHenry, and Will counties in northeastern Illinois. Final report submitted to Bureau of Design and Environment, Illinois Department of Transportation, Springfield. Illinois Natural History Survey Technical Report 2008 (5).