

ECOCAT FILING SEPTEMBER 30, 2019

Applicant: Tri Global Energy
Contact: Chris Green
Address: 17300 N. Dallas Parkway
Ste. 2020
Dallas, TX 75248

IDNR Project Number: 2003259
Date: 09/30/2019
Alternate Number: 193706902

Project: Woodford Wind Energy
Address: Woodford County, Roanoke

Description: The proposed project consists of building a wind farm on approximately 82,720 acres in Woodford County, IL

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

- East Branch Panther Creek El Paso Reach INAI Site
- Mackinaw River INAI Site
- West Branch Panther Creek Roanoke Reach INAI Site
- Upland Sandpiper (*Bartramia longicauda*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

<i>County:</i> Livingston	<i>County:</i> McLean	<i>County:</i> Woodford
<i>Township, Range, Section:</i>	<i>Township, Range, Section:</i>	<i>Township, Range, Section:</i>
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IL Department of Natural Resources
Contact
Adam Rawe
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Building and Zoning
Lisa Jording
115 N Main Street
Room 100
Eureka, Illinois 61530

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project’s implementation, compliance with applicable statutes and regulations is required.

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2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be prohibited under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or suspend access to the website at any time without notice.

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IDNR'S ECOCAT RECOMMENDATION LETTER DATED
JAN 24, 2020



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

JB Pritzker, Governor
Colleen Callahan, Director

January 24, 2020

Lisa Jording
Woodford County Building and Zoning
115 N Main Street, Room 100
Eureka, IL 61530

RE: Woodford Wind Energy
Project Number(s): 2003259
County: Woodford

Dear Lisa Jording,

The Department has received a submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and *Title 17 Illinois Administrative Code Part 1075*. Additionally, the Department may offer advice and recommendations for species covered under the *Fish & Aquatic Life Code* [515 ILCS 5, et seq.]; the *Illinois Wildlife Code* [520 ILCS 5, et seq.]; and the *Herptiles-Herps Act* [510 ILCS 69].

The proposed action being reviewed in this letter consists of the installation and operation of a wind energy generation facility in Woodford county (EcoCAT submittal #2003259). The natural resource review provided by EcoCAT identified protected natural resources that may be in the vicinity of the proposed action.

Records of the state- and federally-listed **Indiana bat** (*Myotis sodalis*) and the state- and federally-listed **northern long-eared bat** (*Myotis septentrionalis*) occur in Woodford county. These records exist along riparian corridors surrounded by agricultural row crop land use practices, comparable to the footprint of this proposed facility. Due to this relative proximity and general landscape similarity, coupled with the stochastic nature of impacts to listed bats during fall migration by wind turbine operations in the state, the Department has determined the following recommendations are appropriate to avoid impacts to these state-listed bats, and to bats and birds in general:

- The Department recommends that the County consider requiring the applicant to curtail wind turbine operations below wind speeds of 5.0 meters per second, from sunset to sunrise, between July 15 and October 15, to minimize the risk of take of listed bats and to minimize mortality of all bat species more generally.
 - If the curtailment regime is not adopted, an increased risk of unlawful take of listed bat species will result. In this case, the Department recommends Incidental Take Authorization (ITA) for Indiana bat and northern long-eared bat be pursued

by the applicant. The County should also consider making an ITA a requirement for the facility if the curtailment regime is not adopted. All matters pertaining to ITA should be directed to the IDNR Office of Resource Conservation ITA Coordinator.

- The Department acknowledges here that future data or technologies, as it pertains to wind turbine collision risk for bats or birds, may pose opportunities for new curtailment regimes to be discussed between the wind energy facility and the Department through the operational life of this facility.
- The Department recommends the County consider requiring three years of mortality monitoring to statistically quantify bird and bat mortality, by species, due to turbine operations. If the County chooses not to do so, the applicant should consider implementing such a program to demonstrate the level of mortality experienced and the species affected.
 - The Department recommends a proposal on bird and bat mortality monitoring be sent to the Department for review and concurrence on methods and a report on results annually. The project proponent should seek the necessary research permits from the Department's Office of Resource Conservation to handle birds and bats. If state-listed species are found during this monitoring, Incidental Take Authorization would likely be recommended.
 - If significant bird or bat mortality is observed, the Department recommends further coordination be engaged immediately and careful consideration be given to implementing the best available technologies to avoid and minimize these impacts.

The Department has coordinated with the applicant as it pertains to setbacks from the **Mackinaw River Illinois Natural Areas Inventory** site that bisects the proposed project footprint. The Department has previously recommended 0.5 mile wind turbine setbacks from all INAI sites. After review, the Department has determined that a 0.5 mile setback is not necessary north of CR 1600 N due to the agricultural and channelized nature of the river in this area of the project.

- South of CR 1600 N, the Department recommends a 0.5 mile setback from the Mackinaw River INAI site still be applied to turbines.
- Additionally, the Department requests further coordination for any instream work required for the installation of this facility that occurs south of CR 1350N. This request has been previously discussed with the applicant.

Consultation on the part of the Department is closed unless the applicant desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If construction of the project has not been initiated within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Thank you,

A handwritten signature in black ink that reads "Justin Dillard". The signature is written in a cursive style with a large initial "J" and "D".

Justin Dillard
Resource Planner, Impact Assessment Section
Illinois Dept. of Natural Resources
(217) 557-6723
Justin.Dillard@Illinois.gov

cc: Chris Greene, Tri Global Energy
Tyler Porter, USFWS
Jenny Skufca, IDNR ITA Coordinator

PANTHER GROVE'S RESPONSE TO THE IDNR'S
ECO-CAT RECOMMENDATION LETTER DATED JAN
24, 2020



Stantec Consulting Services Inc.

2300 Swan Lake Boulevard, Suite 202, Independence, IA 50644

May 15, 2020

Ms. Lisa Jording
Woodford County Building and Zoning
115 N Main Street, Room 100
Eureka, IL 61530

Reference: *Response to Illinois Department of Natural Resources January 24, 2020 Comments Panther Grove Wind Project Woodford County, Illinois*

Dear Ms. Jording:

The purpose of this letter is to provide a response to comments and recommendations included in the Illinois Department of Natural Resources' (IDNR) letter dated January 24, 2020 regarding the proposed Panther Grove Wind Project in Woodford County, Illinois (previously known as Woodford Wind Energy).

Specific recommendations provided in the letter are listed below along with a response.

Recommendation #1: *The Department recommends that the County consider requiring the applicant to curtail wind turbine operations below wind speeds of 5.0 meters per second, from sunset to sunrise, between July 15 and October 15, to minimize the risk of take of listed bats and to minimize mortality of all bat species more generally. If the curtailment regime is not adopted, an increased risk of unlawful take of listed bat species will result. In this case, the Department recommends Incidental Take Authorization (ITA) for Indiana bat and northern long-eared bat be pursued by the applicant. The County should also consider making an ITA a requirement for the facility if the curtailment regime is not adopted. All matters pertaining to ITA should be directed to the IDNR Office of Resource Conservation ITA Coordinator.*

All curtailment studies to-date have shown a generally consistent inverse relationship between cut-in speed and bat mortality (as cut-in speed goes up, bat mortality goes down), and studies have looked at the impacts of cut-in speeds ranging from 3.5 m/s to 6.9 m/s. Publicly available curtailment studies have shown that curtailment above even 4.0 m/s can reduce *Myotis* (i.e., Indiana bat, northern long-eared bat, and little brown bat) fatalities by over 90% (Gruber and Bishop-Boros 2015). Curtailment at 4.0 m/s has been shown to decrease all bat fatalities by up to 57% (Baerwald et al. 2009), whereas curtailment at 5.0 m/s has been shown to decrease bat fatalities by 47% to 87%, with an average of 62% (e.g., Hein et al. 2013, Arnett et al. 2011).

USFWS (2007) suggested that bat activity was constrained by falling temperatures, and that experts agree that bat activity typically declines below 50–55°F (USFWS 2011). Redell et al. (2006) found that as temperature decreases bat activity decreases with almost all bat activity ceasing below 53.6°F. Good et al. (2012) found that most bat activity and bat fatalities occurred when mean nightly temperatures were above 59°F and that *Myotis* species (i.e., Indiana bat, northern long-eared bat, little brown bat) specifically had no detectable activity below 50°F.

Therefore, based on obtaining a similar reduction in all bat fatalities at 4.0 m/s as compared to 5.0 m/s, and likely even higher reductions for *Myotis* species based on the data analysis provided by Gruver and Bishop-Boros (2015), Panther Grove proposes to implement a cut-in speed of 4.0 m/s during the fall migration period (August 15 – October 15) when temperatures are above 50°F at the Panther Grove Wind Project to reduce risk to *Myotis* species, as well as all other bat species.

If, during the life of the project, Panther Grove determines that incidental take coverage for the Indiana bat or northern long-eared bat is necessary, Panther Grove will seek an Incidental Take Authorization from the IDNR.

Recommendation #2: *The Department recommends the County consider requiring three years of mortality monitoring to statistically quantify bird and bat mortality, by species, due to turbine operations. If the County chooses not to do so, the applicant should consider implementing such a program to demonstrate the level of mortality experienced and the species affected. The Department recommends a proposal on bird and bat mortality monitoring be sent to the Department for review and concurrence on methods and a report on results annually. The project proponent should seek the necessary research permits from the Department's Office of Resource Conservation to handle birds and bats. If state-listed species are found during this monitoring, Incidental Take Authorization would likely be recommended. If significant bird or bat mortality is observed, the Department recommends further coordination be engaged immediately and careful consideration be given to implementing the best available technologies to avoid and minimize these impacts.*

Panther Grove will conduct three fall seasons of post-construction mortality monitoring. During the first three years of operation, Panther Grove's operations and management staff or a qualified environmental consultant will conduct weekly searches of the gravel roads and pads within 40 meters of the turbine center at 100% of the turbines from July 15 – October 15. Searcher efficiency and carcass removal trials for bats will be completed once during each survey season to aid in statistical analysis of results.

The U.S. Fish and Wildlife Service (USFWS) Land-based Wind Energy Guidelines recommend that "carcass searching protocol should be adequate to answer applicable...questions at an appropriate level of precision to make general conclusions about the project" (USFWS 2012). A weekly search interval for fatality monitoring was deemed adequate by Kunz et al. (2007) and studies have demonstrated that a weekly search interval provides effective mortality monitoring and adequately estimates impacts from wind energy facilities (Gruver et al. 2009, Young et al. 2009), such that the added effort associated with more frequent searches is not warranted.

All bird and bat carcasses found will be documented and photographed in place using Panther Grove's existing Wildlife Incident Reporting System. If the carcasses are to be handled, Panther Grove or its contractor will obtain all necessary permits to handle the carcasses. The method for estimating overall bat fatality rates will make use of contemporary, peer-reviewed equations. A summary of birds found during monitoring will also be included. An annual report describing the methods and results of the post-construction monitoring will be prepared and submitted to Woodford County and the IDNR.

Recommendation #3: *The Department has coordinated with the applicant as it pertains to setbacks from the Mackinaw River Illinois Natural Areas Inventory site that bisects the proposed project footprint. The Department has previously recommended 0.5 mile wind turbine setbacks from all INAI sites. After review, the Department has determined that a 0.5 mile setback is not necessary north of CR 1600 N due to the agricultural and channelized nature of the river in this area of the project. South of CR 1600 N, the Department recommends a 0.5 mile setback from the Mackinaw River INAI site still be applied to turbines. Additionally, the Department requests further coordination for any instream work required for the installation of this facility that occurs south of CR 1350N. This request has been previously discussed with the applicant.*

Panther Grove has worked with the IDNR and implemented the recommended setbacks. Any instream work south of CR 1350N will be coordinated with the IDNR.

If you have any questions, or need additional information, please feel free to contact me at 319-334-3755.

Regards,

STANTEC CONSULTING SERVICES INC.

Terry VanDeWalle
Senior Biologist/Principal
terry.vandewalle@stantec.com

Literature Cited

- Arnett, E.B., M.M.P. Huso, M.R. Schirmacher, and J.P. Hayes. 2011. Altering turbine speed reduces bat mortality at wind-energy facilities. *Frontiers in Ecology and the Environment*. 9(4): 209-214.
- Baerwald, E.F., J. Edworthy, M. Holder and R.M.R. Barclay. 2009. A Large-Scale Mitigation Experiment to Reduce Bat Fatalities at Wind Energy Facilities. *Journal of Wildlife Management*. 73(7):1077-1081.
- Good, R.E., A. Merrill, S. Simon, K. Murray and K. Bay. 2012. Bat Monitoring Studies at the Fowler Ridge Wind Farm, Benton County, Indiana, April 1 – October 31, 2011. Prepared for Fowler Ridge Wind Farm. Prepared by Western EcoSystems Technology, Inc. 31 January 2012.
- Gruver, J. and L. Bishop-Boros. 2015. Summary and Synthesis of Myotis Fatalities at Wind Facilities with a Focus on Northeastern North America. Prepared for EDP Renewables. Prepared by Western EcoSystems Technology, Inc. April 13, 2015.
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- Kunz, T.H., E.B. Arnett, B.M. Cooper, W.P. Erickson, R.P. Larkin, T. Mabee, M.L. Morrison, M.D.

- Strickland, and J.M. Szewczak. 2007. Assessing impacts of wind-energy development on nocturnally active birds and bats: a guidance document. *Journal of Wildlife Management* 71:2449-2486.
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- USFWS. 2007. Indiana Bat (*Myotis sodalis*) Draft Recovery Plan: First Revision. U.S. Department of Interior, Fish and Wildlife Service, Region 3. USFWS. Fort Snelling, Minnesota. 260 pp.
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http://www.fws.gov/windenergy/docs/WEG_final.pdf
- Young, D.P., Jr., W.P. Erickson, K. Bay, S. Nomani, and W. Tidhar. 2009. Mount Storm Wind Energy Facility, Phase 1 Post-Construction Avian and Bat Monitoring, July – October 2008. Prepared for: NedPower Mount Storm, LLC, Houston, Texas. Prepared by: Western EcoSystems Technology, Inc., Cheyenne, Wyoming.