

Jack Van Kley

From: Rheude, Margaret G <margaret_rheude@fws.gov>
Sent: Thursday, March 12, 2020 4:16 PM
To: Jennie Geiger
Subject: Fw: Emerson Creek wind project update

Hi Jennie,
 please find below a copy of the email I sent to the Ohio siting board regarding Emerson Creek wind project. I am going to try to reach out to Ashton tomorrow and discuss the staff report conditions about FWS permit issuance. I'll keep you updated on the progress of that.

Thanks,
 Mags

Mags Rheude (she/her)
 US Fish and Wildlife Service
New Address:
 Midwest Migratory Bird Program
 U.S. Fish and Wildlife Service
 5600 American Blvd. West, Suite 990
 Bloomington, MN 55437-1458

612-713-5438
margaret_rheude@fws.gov
 *Work Schedule: M-F, 7-3:30

From: Rheude, Margaret G <margaret_rheude@fws.gov>
Sent: Thursday, February 27, 2020 3:56 PM
To: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>
Cc: Lott, Keith <keith_lott@fws.gov>; Seymour, Megan <megan_seymour@fws.gov>
Subject: Re: Emerson Creek wind project update

Hi Ashton,
 I wanted to recap our conversation from Wednesday, February 26, regarding the FWS recommendations for the Emerson Creek Wind Project in Ohio. We can formalize these comments to you in a letter from our Chief of Migratory Birds (Tom Cooper) - this will likely get sent in the next few weeks (he and I are both on travel status for the next few weeks).

I had a meeting with Apex, where they walked me through both the Republic and Emerson Creek projects. For purposes of my recommendations today, I am just focusing on Emerson Creek. Emerson Creek seems to have a good amount of recent eagle use data, which conforms to the FWS's recommendations in the Eagle Conservation Plan Guidance. I conducted an initial model run on the summary data they provided me, using the following inputs:

71 Turbines, Vesta 150-4.2 MW styles. 1212 hours of eagle use observations, with 125 eagle use minutes observed.

Based on these inputs, the preliminary risk to eagles is about 2.5 eagles/year. This number could change depending on the number and type of turbines selected for the final array. Additionally, this is an annual estimate, which assumes eagle use is constant throughout the year. Having the raw data collected would enable us (the FWS) to highlight specific times of the year which may seem riskier to eagles, or if there are times of the year where fewer surveys were conducted (and thus underestimate eagle risk). The Service recommends a wind farm apply for an eagle take permit if we feel the wind farm may take at least one eagle over the life of the project (a model estimate of 0.03 eagles/year).

There are a number of eagle nests in this area of Ohio, and around this project in particular. Apex indicated they have found 8 eagle nests around the project footprint, with one nest confirmed within the project boundary. Apex has also conducted eagle flight path surveys, indicating resident eagles fly through the proposed turbine fields. Additionally, multiple raptor migration sites in Ohio (Hawkwatch Conneaut, Ottawa NWR/Black Swamp Bird Observatory) indicate large numbers of bald eagle migrating along the shoreline of Lake Erie, which is less than 10 miles from the project boundary.

Looking at all preliminary data together: eagle use data in the site, local nesting eagles, and eagle migration numbers, I feel this proposed wind site has risk of injury or death to eagles from turbine collisions. Additionally, we (the FWS) expect the eagle population in this area to increase, including the number and density of eagle nests. Because of all these factors, and I recommend Apex apply for an eagle take permit. In our meeting February 26th, they indicated their intention to apply for an eagle take permit. Eagle take permits are available for up to 30 years, and require 5-year check-ins to adjust the risk analysis and ensure the permit holder is staying in compliance with the permit conditions.

The basis of an eagle take permit is the applicant's Eagle Conservation Plan, where the applicant outlines the site-specific information for this project, surveys done to date, and an initial assessment of eagle risk (the FWS will determine the yearly take number that will be on the face of a permit). The applicant will also propose their post-construction monitoring plan (to estimate numbers of eagles killed and to ensure they are staying within their permit thresholds). They will also need to propose an adaptive management plan (ie: changes in operation or other factors to reduce eagle death/risk should the monitoring indicate higher eagle use/death than previously though).

Once the permit application is complete, the FWS will conduct our NEPA level review (usually an Environmental Review). In this we will look at all their proposed measures and alternatives, and assess the impact of issuing this permit on the eagle population. We look at impacts to the eagle population both on a flyway level, as well as on a local area population level (the 86-mile radius around the project area). In this assessment, we look at the cumulative impact of already permitted take combined with the proposed permit take, and known permitted take of eagles in this area (roadkill, lead poisoning, etc) to assess the local stressors on local eagles, and the impact of our permit issuance. Once the EA is complete, we post if for public comment. We also notify interested stakeholders as well as tribal governments. If we can determine that our issuance of an eagle take permit is compatible with our goal of a stable or increasing bald eagle population, then we can issue our permit, after considering public and tribal comments and any additional information we have.

The permit application process can take up to several years, because of all the factors outlined above. Apex has indicated a willingness to apply for an eagle take permit and to work with the FWS to develop their eagle

conservation plan. We are happy to involve your office, the local FWS field office, and the Ohio DNR in this process as much as you are interested.

Please let me know if you have additional questions, and my office will be formalizing these comments and recommendations in a letter in the next few weeks.

Thank you,

Mags Rheude

Mags Rheude (she/her)

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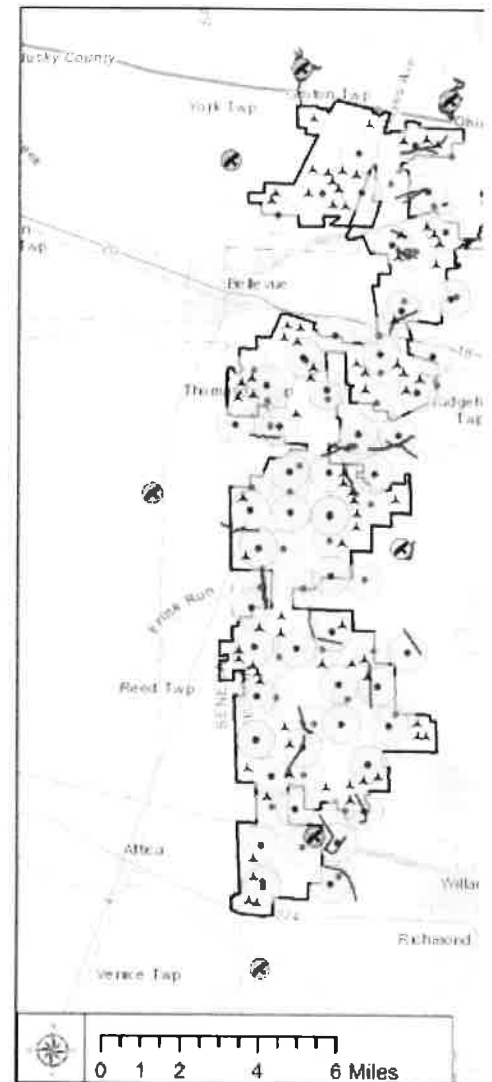
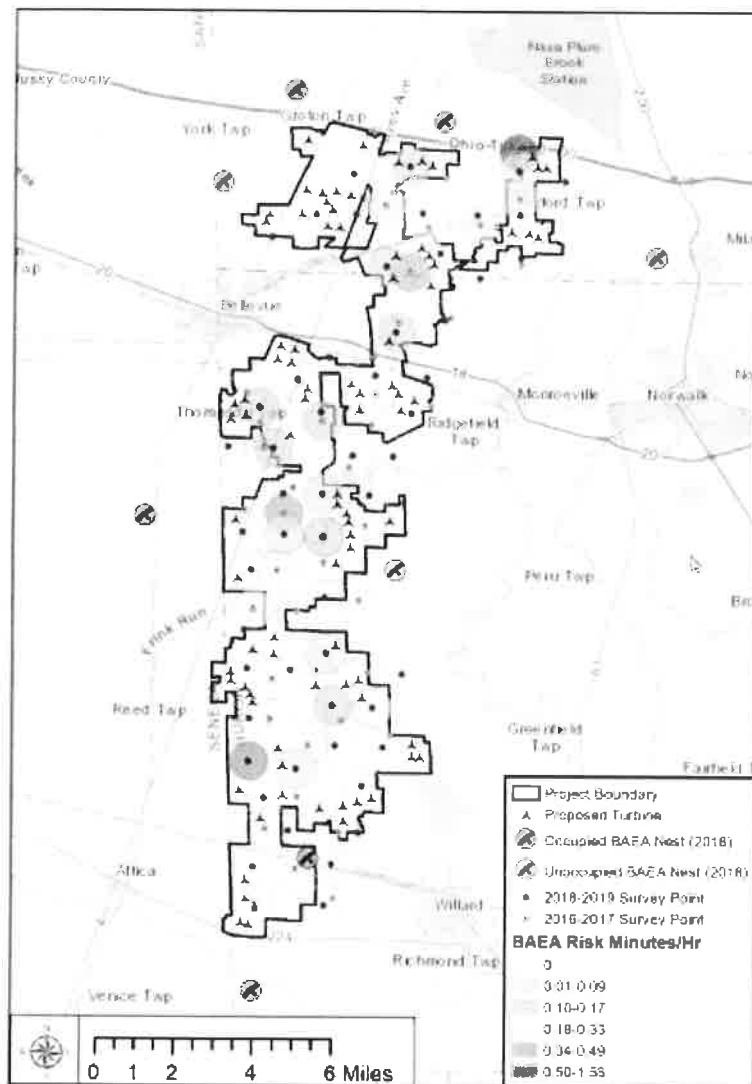
From: Rheude, Margaret G <margaret_rheude@fws.gov>

Sent: Wednesday, February 26, 2020 1:36 PM

To: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>

Subject: Re: Emerson Creek wind project update

Eagle Risk Assessment



Mags Rheude (she/her)
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From: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>
Sent: Wednesday, February 26, 2020 1:05 PM
To: Rheude, Margaret G <margaret_rheude@fws.gov>
Subject: [EXTERNAL] Re: Emerson Creek wind project update

Hey mags, if you have a few minutes to chat this afternoon, please give me a call. I just left you a voicemail but I see that you are working remotely today. I am also in the field but you can reach me on my cell at 614-288-6108.

Thanks
Ashton

Get Outlook for iOS

From: Holderbaum, Robert
Sent: Monday, February 24, 2020 11:49:31 AM
To: Rheude, Margaret G <margaret_rheude@fws.gov>
Subject: RE: Emerson Creek wind project update

Thank you! And thanks again for reaching out. Good luck Wednesday.
Ashton

From: Rheude, Margaret G <margaret_rheude@fws.gov>
Sent: Monday, February 24, 2020 11:39 AM
To: Holderbaum, Robert <robert.holderbaum@puco.ohio.gov>
Subject: Re: Emerson Creek wind project update

Hi Ashton,
thanks for talking with me today. Here is a link to the USGS on-line map of existing wind turbines in the US. It's a pretty helpful too.

<https://eerscmap.usgs.gov/uswtodb/viewer/#7.22/40.631/-83.063>

Talk to you soon,
Mags

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From: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>
Sent: Tuesday, February 18, 2020 2:13 PM

To: Rheude, Margaret G <margaret_rheude@fws.gov>
Subject: [EXTERNAL] RE: Emerson Creek wind project update

Looking forward to it. Thank you so much for taking the time.
Ashton

From: Rheude, Margaret G <margaret_rheude@fws.gov>
Sent: Tuesday, February 18, 2020 1:37 PM
To: Holderbaum, Robert <robert.holderbaum@puco.ohio.gov>
Subject: Re: Emerson Creek wind project update

Yes - I'll call you. And it's on my calendar, so even though I'll forget, my calendar will remind me.
Thanks,
Mags

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From: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>
Sent: Tuesday, February 18, 2020 12:30 PM
To: Rheude, Margaret G <margaret_rheude@fws.gov>
Subject: [EXTERNAL] RE: Emerson Creek wind project update

Thank you! Sounds perfect and you can call me if that's okay? (614-466-0358)
Ashton

From: Rheude, Margaret G <margaret_rheude@fws.gov>
Sent: Tuesday, February 18, 2020 1:26 PM
To: Holderbaum, Robert <robert.holderbaum@puco.ohio.gov>
Subject: Re: Emerson Creek wind project update

That sounds good - I'll send a calendar invite. Should I call you on those dates?

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From: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>

Sent: Tuesday, February 18, 2020 12:06 PM

To: Rheude, Margaret G <margaret_rheude@fws.gov>

Subject: [EXTERNAL] RE: Emerson Creek wind project update

How about Monday at 9am and Thursday at 8am? Both central times.
Ashton

From: Rheude, Margaret G <margaret_rheude@fws.gov>

Sent: Tuesday, February 18, 2020 1:04 PM

To: Holderbaum, Robert <robert.holderbaum@puco.ohio.gov>

Subject: Re: Emerson Creek wind project update

Sure - Thursday I am free 8-11, and 1-3, and Friday pretty much all day. Would any of those times work?

Thanks,

Mags

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From: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>

Sent: Tuesday, February 18, 2020 10:55 AM

To: Rheude, Margaret G <margaret_rheude@fws.gov>

Subject: [EXTERNAL] RE: Emerson Creek wind project update

Either of those days work me, could we also set up a call for after you meet with Apex so I am in the loop on what direction you guys decide on going? I can do Wednesday or Thursday for that if you're open to it.

Ashton

From: Rheude, Margaret G <margaret_rheude@fws.gov>

Sent: Tuesday, February 18, 2020 11:47 AM

To: Holderbaum, Robert <robert.holderbaum@puco.ohio.gov>

Subject: Re: Emerson Creek wind project update

Hi Ashton,

If it's okay, can we chat next week when I'm back in the office? The wind company also sent me some documents of their studies to date so that way I can catch up on the project (it's a new project for me). Next Monday 8-11 works, as does anytime Tuesday except 12-1 (Central). I have a meeting with Apex on the project on Wednesday, so it would be good to chat with you before then to get your insight on the project. Do you have any availability those times?

Thanks,

Mags

Mags Rheude (she/her)

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From: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>

Sent: Tuesday, February 18, 2020 5:57 AM

To: Rheude, Margaret G <margaret_rheude@fws.gov>

Subject: [EXTERNAL] RE: Emerson Creek wind project update

Good morning Mags, I apologize for my late response as well, I was on a short vacation starting last Wednesday until today. I can chat any time today. If another day in the near future works better for your schedule though with you travelling and everything we can set up a call for a later date too. Whatever works best for you. Our staff report is due to be completed on March 2nd, so as long as we chat before that I think I will be okay.

Just let me know of a few dates and times that work best for you and I am sure I can make one work. And thanks for getting back to me your help on this would be much appreciated.

Ashton

From: Rheude, Margaret G <margaret_rheude@fws.gov>

Sent: Friday, February 14, 2020 4:52 PM

To: Holderbaum, Robert <robert.holderbaum@puco.ohio.gov>

Subject: Re: Emerson Creek wind project update

Hi Robert,

I apologize for not getting back to you - I have just recently inherited this project and haven't had a chance to review the background - I can give you a call on Tuesday to discuss it if that works for you? I'll have the documents in front of me and we can walk through it, if that would work for you. I am traveling next week but I can find time to chat.

Thanks,

Mags

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From: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>

Sent: Tuesday, February 11, 2020 12:14 PM

To: Rheude, Margaret G <margaret_rheude@fws.gov>

Subject: [EXTERNAL] Emerson Creek wind project update

Good afternoon Margaret, my name is Ashton Holderbaum and I am handling the environmental assessment for the Emerson Creek wind application here at the Ohio Power Siting Board. We are putting the finishing touches on our Staff Report of Investigation for the project and I was wondering if you had time tomorrow to discuss the plan for the project to avoid Bald Eagle impacts? I am free anytime tomorrow outside of lunchtime.

Thank you,

Ashton Holderbaum
Utilities Specialist 2
Ohio Power Siting Department
Public Utilities Commission of Ohio
614-466-0358
Robert.holderbaum@puco.ohio.gov

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Case No(s). 18-1607-EL-BGN

Summary: Exhibit Local Resident exhibit 16 from hearing date 10/06/20 - Volume II electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.