

DEPARTMENT OF NATURAL RESOURCES
Division of Ecological Resources

STATE OF MINNESOTA
Memorandum

DATE: September 2, 2011

PHONE: (651) 259-5115

TO: Suzanne Steinhauer
Department of Commerce, Office of Energy Security

FROM: Jamie Schrenzel 
MDNR, Division of Ecological and Water Resources

SUBJECT: Black Oak/Getty Wind Draft Avian Report Initial Review

The Minnesota Department of Natural Resources (DNR) has reviewed the Draft Avian Report for the Black Oak and Getty Wind Projects, dated August 2011. During a meeting regarding the report on August 30, 2011, the DNR agreed to provide initial comments this week and to follow with more detailed comments in the coming weeks. This memo provides initial comments for the purpose of identifying any additional survey needs in a timely manner and, as discussed, more comments will follow.

Generally, the Draft Avian Report for Black Oak and Getty Wind Projects provides enough avian information for the purpose of continuing development of the Avian and Bat Protection Plan without further avian surveys during the fall 2011 migration survey season. The DNR plans to follow up with more information regarding recommendations for the Avian and Bat Protection Plan based on the results of this report. Considering possible risk to bats in the area, there are numerous wetlands in the vicinity of the project areas and a river located northeast of the Getty Wind project boundary. The DNR has some concern regarding risk to bats, particularly in the vicinity of the Getty Wind project area and has previously commented (see attached letter) regarding bats in this area. However, as the project proposers noted in the August 30, 2011 meeting regarding this report, the preliminary turbine layout includes avoidance of wetlands and the nearby river habitat, which are considered probable bat habitat. Due to the location of the project in the vicinity of features that may attract bats, pre-construction acoustic bat data would ideally be included in the record prior to permit issuance. However, because the primary purposes of collecting pre-construction data is for impact avoidance and the preliminary site layout avoids areas of probable higher risk to bats, the DNR recommends that these efforts be considered voluntary by the Department of Commerce. If data is collected during the 2011 fall migration period for bats, the DNR recommends following the attached draft protocols for the remainder of the season.

Also, when considering data collection and bat risk for these sites, it is important to note that post-construction fatality surveys would also provide bat fatality data in addition to avian fatality data. Initial review of survey results for the Black Oak and Getty Wind project areas indicates that risk level would be estimated at a minimum of moderate risk, and possibly high risk. This assessment will be further developed in the next set of comments. For purposes of this discussion, either a moderate or high risk level would correspond with DNR recommended draft protocols for post-construction fatality surveys. Therefore, the DNR plans to recommend post-construction fatality surveys, which would assess fatality of both birds and bats.

Please note that this assessment is based on a preliminary turbine layout and current avoidance efforts. Additional pre-construction surveys may be warranted if the turbine layout changes substantially.

Thank you for your coordination regarding the Black Oak and Getty Wind Draft Avian Report.