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Grassland Easements Pose Challenges for Energy Projects in the Dakotas

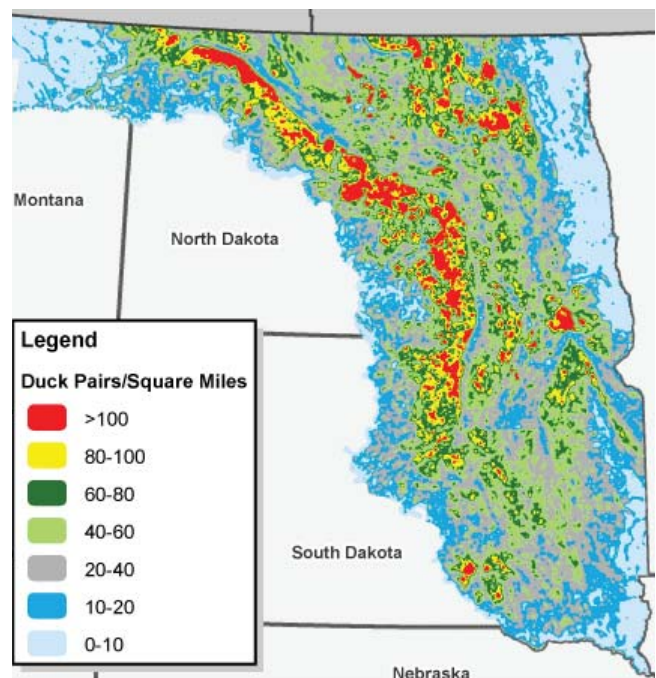
In some circles, the wind-swept plains of the northern U.S. and southern Canada are known as the “Saudi Arabia” of wind. To others, the same region is known for encompassing the “duck factory” of North America. As one wildlife expert put it, there is “an unfortunate convergence” of wind resource, wetlands, and wildlife habitat in the northern Great Plains. Policies have evolved to address this convergence, with important implications for proposed wind energy projects.

According to staff from the U.S. Fish and Wildlife Service (USFWS), federal Environmental Assessments (EAs) will be required for future wind projects that affect lands under USFWS easements. These easements encumber large tracts of land in the Prairie Pothole Region, which includes much of the Dakotas and produces over half of the continent’s duck population. Energy developers seeking to capture the wind resource in this region need to consider the potential costs and constraints of adding a federal environmental review process to the project timeline.

The USFWS uses two types of perpetual easements on privately owned land to protect waterfowl habitat. Each type of easement entails different constraints and procedures. **Wetland easements** limit energy development only in areas of inventoried wetlands that are subject to USFWS control on easement lands. USFWS staff say that wind projects have successfully avoided such protected wetlands to date (though high wetland density can make avoidance challenging for turbine and road siting).

Grassland easements, by contrast, can cover whole sections, and the vegetative cover on these lands cannot be disturbed without complex approvals.

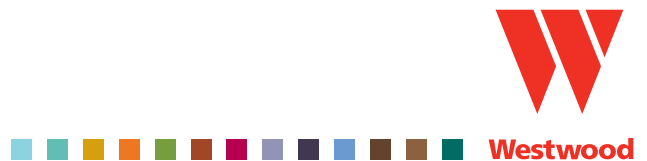
The first U.S. project where wind turbines and access roads were constructed on USFWS grassland easement lands was a 180 MW project that straddles the eastern North Dakota-South Dakota border. Ten percent of this wind farm (12 of 120 turbines) was built on grassland easement lands. Although project developers obtained a USFWS special use permit and a right-of-way permit, USFWS staff have indicated that these permits will not be sufficient for subsequent projects. Future grassland easement impacts will trip the National Environmental Policy Act and require an EA, which is used to minimize impacts and determine whether an Environmental Impact Statement (EIS) needs to be prepared.



The unparalleled density of wetlands in the Prairie Pothole Region, combined with the surrounding grasslands, translates into a high density of breeding ducks in many areas that also have a high wind resource.

Policies will continue to evolve with the expected growth of energy development in the Dakotas. One indicator of this ongoing process is the Programmatic EIS being prepared by the USFWS and the Western Area Power Administration (WAPA). This broadly applicable document will address wildlife and habitat issues in areas where WAPA transmission service and federal wildlife lands converge.

The bar has been raised and will likely rise higher. Future wind energy projects that are carefully designed to be compatible with USFWS management objectives will help ensure that grassland easement lands remain available for continued wind power development.



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