RECORD OF DECISION

for

The Proposed Issuance of an Endangered Species Act Section 10(A)(1)(B) Incidental Take Permit

to

MidAmerican Energy Company

for the

Wind Energy Portfolio (22 projects in Iowa)

U.S. Fish and Wildlife Service

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Introduction

This Record of Decision (ROD) was prepared by the U.S. Fish and Wildlife Service (USFWS or Service) in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA), as amended. The purpose of this ROD is to document the decision of the USFWS in response to an application submitted by the MidAmerican Energy Company (MEC) for an Incidental Take Permit (ITP) addressing species listed under the Endangered Species Act of 1973 (ESA), as amended. The information contained in this ROD is based on the ITP application and the submission of a supporting Habitat Conservation Plan (HCP; MEC 2019), the Final Environmental Impact Statements (FEIS) addressing this action, and other information in the administrative record. The Service's decision to issue the ITP follows a determination that the ITP issuance criteria under section 10(a)(2)(B) of the ESA have been met. The ITP allows for the operation and proposed mitigation activities of MEC's wind energy portfolio (the covered projects include 22 existing projects) throughout Iowa to occur in compliance with the ESA. The ITP and its associated HCP provide protection for and promote the conservation of the affected covered species while enabling MEC to conduct otherwise lawful activities associated with the operation of the 22 facilities, proposed mitigation activities, and other activities covered by the HCP.

This ROD presents the Service's permit decision and the rationale supporting the decision, identifies the reasonable range of alternatives considered in the FEIS, the environmentally preferable alternative, and discusses whether all means to avoid or minimize environmental harm from implementation of the selected alternative have been adopted (40 CFR 1505.2).

Proposed Action

The Service proposes to issue an ITP to MEC under the authority of section 10(a)(1)(B) of the ESA for a period of 30 years. Documents used in the preparation of this ROD include the following, all herein incorporated by reference:

- Draft Environmental Impact Statement for Proposed Habitat Conservation Plan and Incidental Take Permit for the MidAmerican Energy Company Iowa Wind Energy Project Portfolio (USFWS 2018);
- Final Environmental Impact Statement for Proposed Habitat Conservation Plan and Incidental Take Permit for the MidAmerican Energy Company Iowa Wind Energy Project Portfolio (USFWS 2019a);
- Draft Habitat Conservation Plan for MidAmerican Energy Company Iowa Wind Energy Project Portfolio (MEC 2018)
- Final Habitat Conservation Plan for MidAmerican Energy Company Iowa Wind Energy Project Portfolio (MEC 2019);
- USFWS Biological Opinion on the MidAmerican Energy Company Habitat Conservation Plan and Incidental Take Permit (USFWS 2019b [pending]); and
- USFWS Findings and Recommendations for the Proposed Issuance of an Endangered Species Action Section 10(a)(1)(B) Incidental Take Permit for MidAmerican Energy Company Iowa Wind Energy Project Portfolio (USFWS 2019c [pending]).

Purpose and Need

The purpose of the Service's proposed ITP action is to fulfill our legal and conservation obligations under section 10(a)(1)(B) of the ESA in response to MEC's HCP and request for an ITP. Any permit issued by the Service must meet all applicable issuance criteria and implementation should be totally feasible (see 16 U.S.C. 1539(a)(2)(B); 43 CFR 46.420(b)). Issuance criteria include requirements that the applicant

will minimize and mitigate the impacts of the taking on covered species to the maximum extent practicable and the taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.

Project Description

MEC is an integrated electricity utility that operates and maintains electric generation and electric and natural gas transmission and distribution assets. MEC has installed more than 4,000 megawatts (MW) of wind generation capacity in Iowa and continues to develop wind projects across the state. MEC is seeking incidental take coverage for covered species take associated with 22 wind energy projects that they own and operate within the state of Iowa (Table 1). Projects are located in the following Iowa counties: Adair, Adams, Audubon, Buena Vista, Carroll, Cass, Crawford, Floyd, Grundy, Guthrie, Hamilton, Ida, Madison, Marshall, O'Brien, Pocahontas, Polk, Pottawattamie, Sac, Tama, Webster, and Wright. Further descriptions of the projects can be found in Section 2 of the applicant's HCP (MEC 2019).

Table 1. Summary of covered projects within MEC's existing wind energy portfolio in the state of Iowa.

Facility	Year Constructed	Turbines	Turbine Size (MW)	Total Megawatts (MW)
Adair	2008	76	2.3	174.8
Adams	2016	65	2.3/2.4	154.3
Carroll	2008	100	1.5	150.0
Century	2005, 2007	145	1.5/1.0	200.0
Charles City	2008	50	1.5	75.0
Eclipse	2012	87	2.3	200.1
Highland	2015	214	2.3	502.0
Ida Grove	2016	134	1.8/2.3	301.1
Intrepid	2004, 2005	122	1.5/1.0	175.5
Laurel	2011	52	2.3	119.6
Lundgren	2014	107	2.3	251.0
Macksburg	2014	51	2.3	119.6
Morning Light	2012	44	2.3	101.2
O'Brien	2016	104	2.3/2.4	250.3
Pomeroy	2007, 2008, 2011	184	1.5/2.3	286.4
Rolling Hills	2011	193	2.3	443.9
State Fair Turbine	2007	1	0.5	0.5
Victory	2006	66	1.5	99.0
Vienna I	2012	45	2.3	105.6
Vienna II	2013	19	2.3	44.6
Walnut	2008	102	1.5	153.0
Wellsburg	2014	60	2.3	140.8
Total	*n/a*	2,021	*n/a*	4,048.3

Plan Area

MEC's HCP defines the Plan Area as all areas that are within the sphere of influence of MEC's HCP (i.e., the state of Iowa). For the purposes of the ITP, the Plan Area may be narrowed to a subsection where incidental take of and mitigation for covered species is expected to occur and where it is authorized in the ITP. This includes all easements, fee lands, and lands leased or owned by MidAmerican for operation of the 22 projects, as well as land that will become mitigation lands.

Covered Species

The proposed action is issuance of an ITP by the Service pursuant to the provisions of section 10(a)(1)(B) of the ESA, which would authorize the incidental take of the following five species: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), little brown bat (*Myotis lucifugus*), tri-colored bat (*Perimyotis subflavus*), and bald eagle (*Haliaeetus leucocephalus*) (Table 2). The Indiana bat is listed as endangered under the ESA (32 FR 4001). The bald eagle was delisted from the Federal List of Endangered and Threatened Wildlife under the ESA in the lower 48 states in 2007 (72 Fed. Reg. 27,346 (2007)) but is still protected under the Bald and Golden Eagle Protection Act (BGEPA; 16 U.S.C. § 668). Although the northern long-eared bat is currently listed as threatened under the ESA (80 Fed. Reg. 17,934 (2015)), the final 4(d) Rule for this species published in January 14, 2016 (81 Fed. Reg. 1,900 (2016)) exempts from ESA section 9 take prohibitions the incidental take of NLEB resulting from otherwise lawful activities.

Table 2. Species covered by the MEC HCP.

Common Name	Scientific Name	Listing Status[1]	Year Federally Listed
Indiana bat	*Myotis sodalis*	SE, FE	1967
Northern long-eared bat	*Myotis septentrionalis*	FT	2015
Little brown bat	*Myotis lucifugus*	Not listed[2]	--
Tri-colored bat	*Perimyotis subflavus*	Not listed[2]	--
Bald eagle	*Haliaeetus leucocephalus*	Delisted[3]	Delisted 2007

[1]SE = state-endangered, FE = federally endangered, FT= federally threatened
[2]Little brown bat and tri-colored bat were included in the HCP in case of listing over the duration of the permit.
[3]Although delisted from the ESA in 2007, bald eagles remain protected by the Bald and Golden Eagle Protection Act (16 U.S.C. § 668).

Additionally, the little brown bat and tri-colored bat, currently non-listed species, are included in the HCP as covered species so that each is addressed in the event that it is listed within the term of the permit (30 years). During the 1982 amendments to the ESA, Congress considered treatment of non-ESA-listed species and clearly intended that the section 10 process would provide for conservation of listed and non-listed species and protect section 10 permittees from uncertainties tied to future listing (H.R. Report No. 97-835, 97th Congress, Second Session; 50 Fed. Reg. 39,681 (1985)). If an unlisted species is "adequately covered" under an HCP as if it was listed pursuant to section 4 of the ESA, with the HCP measures for the species deemed satisfactory to permit issuance criteria under ESA section 10(a)1(B) and the measures described in the HCP for conservation of unlisted species are implemented consistently with the HCP, then in the event the species is listed the permittee will be in full ESA compliance for the species, the No Surprises Assurances will apply and no further action will be required of the permittee.

Covered Activities

The Service does not authorize the siting, construction, repowering, or operations of wind energy facilities. Rather, an ITP from the Service provides an applicant with incidental take coverage for listed species under the ESA for lawful activities. The only project activities for which the applicant has

requested take coverage are project operations and proposed mitigation activities for the covered species. In their HCP, MEC has committed to measures for construction, repowering, maintenance, and decommissioning that will avoid take of the covered species as well as other federally-listed species from these activities (see Section 5.3 of the HCP).

Protection Measures and Conservation Strategies

The ITP is conditioned on implementation of the HCP. MEC has developed its HCP with technical assistance from the Service. Impact avoidance and minimization measures associated with the covered activities are described in Section 2.2.1 of the FEIS and Section 5.3 of the HCP. The duration of the proposed ITP is 30 years. The conservation strategy of the HCP is intended to support the long-term persistence and integrity of the covered species in Iowa and increase the scientific understanding of the risk of wind power development on the covered species. The full conservation plan can be found in Section 5.0 of the HCP.

Monitoring and Adaptive Management

Chapter 5.4 of the HCP addresses the monitoring and reporting program to be implemented as part of the proposed action. Section 5.5 of the HCP addresses the adaptive management approach that will be used to evaluate and respond to potential changed circumstances within the plan area, and thereby ensure that the conservation measures identified in the HCP are being implemented adequately and meeting the goals and objectives outlined in the HCP.

Alternatives

The USFWS evaluated a broad range of alternatives to the proposed action. Seven alternatives were analyzed in the FEIS, including a no-action alternative and six action alternatives. These alternatives were developed by breaking down the federal action into elements affecting administration of the permit, elements affecting covered bats, and elements affecting eagles. The alternatives carried forward for detailed analysis were those combinations that were expected to have measurable and meaningful differences in environmental consequences based on the best available science.

No Action Alternative

Under the No Action Alternative, an ITP would not be issued, and no HCP would be prepared. MEC would avoid take of Indiana bats by raising the cut-in speed to 6.9 m/s at facilities within the Indiana bat range (see Section 3.4.2.2.1 of the FEIS) and would obtain a separate eagle take permit for any facility with expected take of bald eagles. No post-construction monitoring or mitigation for bats would occur, as take would be avoided for Indiana bats. Take of northern long-eared bats resulting from operation of wind turbines is currently exempt under the 4(d) rule, and little brown bats and tri-colored bats are not currently protected under the ESA. Should the little brown bat or tri-colored bat become listed, the northern long-eared bat 4(d) rule be revised or removed, or the northern long-eared bat's listing be changed to endangered, it is anticipated that MEC would implement measures to avoid take of these species as well.

Alternative A

Under Alternative A, all turbines would operate with a cut-in speed of 5.0 m/s during the entire bat active season (March 15 through November 15) with blades feathered below the cut-in speed. This operational protocol is estimated to reduce all bat fatalities, including those of the covered species, by 62% (using the average reductions; Table 2.1-2 of the FEIS). An HCP would be developed (see Section 2.2.1.1.1 of the FEIS), and an ITP would be issued for Indiana bats, northern long-eared bats, tri-colored bats, little brown bats, and bald eagles. Bald eagle minimization would include carrion removal (see Section 2.2.1.1.2 of

the FEIS) and take of bald eagles would be mitigated (see Section 2.2.1.1.3 of the FEIS). Post-construction monitoring would be conducted (see Section 2.2.1.1.6 of the FEIS), and an adaptive management framework would be implemented according to the HCP to ensure that take remains in compliance with the ITP (see Section 2.2.1.1.7 of the FEIS). Take of the covered bat species would be mitigated with up to 1,852 acres of habitat protection/restoration and up to 27 artificial roost structures (Section 2.2.1.1.5 of the FEIS).

Alternative B

Under Alternative B, all turbines would operate with a cut-in speed of 5.0 m/s during the peak bat fatality period (July 15 through October 15) with blades feathered below the cut-in speed. In addition, all turbines within 1,000 ft. of suitable Indiana or northern long-eared bat habitat would operate with a cut-in speed of 5.0 m/s for the entire bat active season (March 15 through November 15). All other turbines would operate at their respective manufacturer's cut-in speed (see Table 1.2-1 of the FEIS) outside of the peak bat fatality period with blades feathered below the manufacturer's cut-in speed from March 15 through July 14 and October 16 through November 15 (see Section 2.2.1.1.4 of the FEIS). These actions would be expected to reduce all bat fatalities, including those of the covered species, by 62% when operating at 5.0 m/s and by 35% when operating at the manufacturer's cut-in speed (see Table 2.1-2 of the FEIS).

An HCP would be developed (see Section 2.2.1.1.1 of the FEIS), and an ITP would be issued for Indiana bats, northern long-eared bats, tri-colored bats, little brown bats, and bald eagles. Bald eagle minimization would include carrion removal (see Section 2.2.1.1.2 of the FEIS) and take of bald eagles would be mitigated (see Section 2.2.1.1.3 of the FEIS). Post-construction monitoring would be conducted (see Section 2.2.1.1.6 of the FEIS), and an adaptive management framework would be implemented according to the HCP to ensure that take remains in compliance with the ITP (see Section 2.2.1.1.7 of the FEIS). Take of the covered bat species would be mitigated with up to 1,852 acres of habitat protection/restoration and up to 30 artificial roost structures (Section 2.2.1.1.5 of the FEIS).

Alternative C

Under Alternative C, the cut-in speed of all turbines would be raised to 5.0 m/s during the peak bat fatality period (July 15 through October 15) with blades feathered below the cut-in speed. In addition, all turbines would be feathered below their respective manufacturer's cut-in speed (see Table 1.2-1 of the FEIS) from March 15 through July 14 and from October 16 through November 15 (see Section 2.2.1.1.4 of the FEIS). These operational protocols would be expected to reduce all bat fatalities, including those of the covered species, by 62% during the fall migratory period when operating at 5.0 m/s and by 35% during the remainder of the bat active season when operating at the manufacturer's cut-in speed (see Table 2.1-2 of the FEIS).

An HCP would be developed (see Section 2.2.1.1.1 of the FEIS), and an ITP would be issued for Indiana bats, northern long-eared bats, tri-colored bats, little brown bats, and bald eagles. Bald eagle minimization would include carrion removal (see Section 2.2.1.1.2 of the FEIS) and take of bald eagles would be mitigated (see Section 2.2.1.1.3 of the FEIS). Post-construction monitoring would be conducted (see Section 2.2.1.1.6 of the FEIS), and an adaptive management framework would be implemented according to the HCP to ensure that take remains in compliance with the ITP (see Section 2.2.1.1.7 of the FEIS). Take of the covered bat species would be mitigated with up to 2,075 acres of habitat protection/restoration and up to 30 artificial roost structures (Section 2.2.1.1.5 of the FEIS).

Alternative D

Under Alternative D, all turbines would be feathered below their respective manufacturer's cut-in speed (see Table 1.2-1 of the FEIS) for the entire bat active season (March 15 through November 15). No

facilities or turbines would have raised cut-in speeds. This operational protocol would be expected to reduce all bat fatalities, including those of the covered species, by 35% (Table 2.1-2 of the FEIS).

An HCP would be developed (see Section 2.2.1.1.1 of the FEIS), and an ITP would be issued for Indiana bats, northern long-eared bats, tri-colored bats, little brown bats, and bald eagles. Bald eagle minimization would include carrion removal (see Section 2.2.1.1.2 of the FEIS) and take of bald eagles would be mitigated (see Section 2.2.1.1.3 of the FEIS). Post-construction monitoring would be conducted (see Section 2.2.1.1.6 of the FEIS), and an adaptive management framework would be implemented according to the HCP to ensure that take remains in compliance with the ITP (see Section 2.2.1.1.7 of the FEIS). Take of the covered bat species would be mitigated with up to 3,200 acres of habitat protection/restoration and up to 50 artificial roost structures (Section 2.2.1.1.5 of the FEIS).

Alternative E
Under Alternative E, all turbines would operate with a cut-in speed of 6.0 m/s during the entire bat active season (March 15 through November 15) with blades feathered below the cut-in speed. This operational protocol is estimated to reduce all bat fatalities, including those of the covered species, by 63% (using the average reductions; Table 2.1-2 of the FEIS).

An HCP would be developed (see Section 2.2.1.1.1 of the FEIS), and an ITP would be issued for Indiana bats, northern long-eared bats, tri-colored bats, little brown bats, and bald eagles. Bald eagle minimization would include carrion removal (see Section 2.2.1.1.2 of the FEIS) and take of bald eagles would be mitigated (see Section 2.2.1.1.3 of the FEIS). Post-construction monitoring would be conducted (see Section 2.2.1.1.6 of the FEIS), and an adaptive management framework would be implemented according to the HCP to ensure that take remains in compliance with the ITP (see Section 2.2.1.1.7 of the FEIS). Take of the covered bat species would be mitigated with up to 1,852 acres of habitat protection/restoration and up to 28 artificial roost structures (Section 2.2.1.1.5 of the FEIS).

MEC's HCP Alternative
Under MEC's HCP Alternative, all turbines would be feathered below their respective manufacturer's cut-in speed (see Table 1.2-1 of the FEIS) for the entire bat active season (March 15 to November 15). Additionally, the cut-in speed would be raised to 5.0 m/s from July 15 to September 30 at four facilities: Macksburg, Lundgren, Charles City, and Wellsburg, when temperatures are above 50^0 Fahrenheit (F). These four facilities have been identified as having the highest level of risk to the covered bat species (see Chapter 3 of the FEIS for more details on post-construction monitoring results to-date).

The projects would operate under MEC's HCP, and an ITP would be issued for Indiana bats, northern long-eared bats, tri-colored bats, little brown bats, and bald eagles. Bald eagle minimization would include carrion removal (see FEIS Section 2.2.1.1.2 and MEC's HCP Section 5.3.2) and take of bald eagles would be mitigated (see FEIS Section 2.2.1.1.3 and MEC's HCP Section 5.3.3). Post-construction monitoring would be conducted (see FEIS Section 2.2.1.1.6 and MEC's HCP Section 5.4), and the adaptive management framework in MEC's HCP would be implemented to ensure that take remains in compliance with the ITP (see FEIS Section 2.2.1.1.7 and MEC's HCP Section 5.5). Take of the covered bat species would be mitigated with up to 3,200 acres of summer bat habitat protection and/or restoration (see Section 2.2.1.1.5 of the FEIS and MEC's HCP Section 5.3).

Decision and Rationale

The Service's decision would be to adopt MEC's HCP Alternative and issue a permit to the applicant pursuant to section 10(a)(1)(B) of the ESA for the incidental take of the covered species. The proposed HCP meets the statutory criteria for issuance of a section 10(a)(1)(B) permit, meets the applicant's needs, and provides conservation measures that minimize and mitigate for the incidental taking of the covered

species to the maximum extent practicable. The HCP also meets the issuance criteria for incidental taking of Bald Eagles under BGEPA (50 CFR 22.26(f)).

Conditions

As required by section 10(a)(1)(B) of the ESA, the ITP requires implementation of the HCP to ensure that the impacts of take of the covered species caused by covered activities will be minimized and mitigated to the maximum extent practicable. These conditions for implementation of the HCP are also incorporated into the findings of the USFWS' Biological Opinion and ESA section 10 Findings for the Proposed Action. Any changes to the HCP shall be subject to the provisions of the final HCP, as described in the HCP Chapter 8.4 Amendments. The Service has concluded that it is not necessary to further condition the ITP using features of the other feasible alternatives because the final HCP was found to meet the statutory criteria for issuance of an ITP under section 10 of the ESA.

Environmentally Preferable Alternative

The environmentally preferable alternative is the alternative that "causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long term environmental impacts against short-term impacts in evaluating what is the best protection of these resources" (43 CFR 46.30.)

Among the alternatives analyzed in the FEIS, there are four primary resource categories affecting the environment for which measurable differences were observed: non-covered bats fatalities, covered bats fatalities, bat mitigation actions, and carbon dioxide emissions. Impacts to bird species, including the bald eagle, are the same across alternatives. These impacts are summarized in Table 3, below.

Table 3. Summary of resource categories measurably affecting the environment.

Alternative	Total Annual Non-listed and Non-Covered Bats	Estimated Maximum Annual Take of Covered Bat Species	Maximum Acres of Mitigation	Annual Increase in CO2 (in tons)[1]
No Action Alternative	30,325	1,040	0	119,653
Alternative A	21,163	726	1,852	141,193
Alternative B	23,108	792	1,852	62,554
Alternative C	23,328	801	2,075	53,100
Alternative D	36,200	1,241	3,200	0
Alternative E	20,606	707	1,852	311,645
MEC's HCP Alternative	33,576	1,241	3,200	5,342

[1]None of the alternatives result in direct CO2 emissions, this is calculated based on projected energy losses due to operational adjustments, and assuming that those losses would need to be offset by fossil-fuel based energy production.

Bat fatality rates of all species and mitigation for covered species are inversely related to the amount of electricity generation lost and carbon dioxide emitted. Because of this, there is no single alternative that has the least impact in all categories. Therefore, in order to identify the most environmentally preferable

alternative, we must consider the relative impact of each resource on the human environment, the duration of the impact, and the context in which the impact is occurring.

Following the direction given by CEQ, above, the alternative that would be the least damaging to the biological environment, if this is measured in fatalities of non-listed and non-covered bat species, is Alternative E. Alternative E would result in 15,594 fewer non-listed, non-covered bat fatalities per year than the highest alternative (Alternative D). In the context of up to 714,743 additional fatalities that could be happening annually at other turbines in Region 3 (see Table 5.3-1 of the FEIS), large population sizes of these species across broad geographic ranges, and higher reproductive rates than covered bat species, it is difficult to confidently determine if a difference of up to 15,594 annual non-covered, non-listed bat fatalities would have a notable or permanent impact to those species. Alternative E's 15,594 bat fatalities represents 2% of the 714,743 bat fatalities that could be occurring annually in Region 3. We believe it is reasonable to expect that, in the context of the projects subject to this federal action, a difference of 2% of the regional fatality rate is unlikely to influence any population level effects that wind energy may or may not be having on non-listed, non-covered bats. However, because these bat population sizes are not currently known, it is not possible to calculate or model this impact directly.

Annual take of all covered bat species varies by 534 bats per year among alternatives. The level of take under any of the alternatives is not expected to affect regional populations of covered bats nor jeopardize their existence. Also, the mitigation associated with each alternative was calculated to fully offset the impacts of the taking, with the goal of no net loss to the species. We therefore determine that the impacts to covered species are comparable across alternatives, and no single alternative can be confidently considered the most or least damaging.

Alternative D and MEC's HCP Alternative have the highest maximum acres of mitigation, which is substantially higher (a 54.3% increase) than the alternative with the next highest amount of mitigation (Alternative C). The restoration and protection of forested habitat is a permanent, positive impact on the natural environment. Because mitigation lands will be protected in perpetuity, it is expected that mitigation will benefit all species of bats, as well as other wildlife using the areas, beyond the term of the permit.

The alternatives differ in the amount of energy produced based on the operational adjustments, which in turn affects the amount of carbon produced by MEC. The more energy produced by wind, the less that needs to be produced by burning fossil fuels, thereby lowering the amount of carbon and greenhouse gases produced by MEC. Thus, Alternative D is expected to have the greatest energy production (no net loss from no feathering), and therefore no annual increase in the air pollutant, CO2. Among the remaining alternatives, MEC's HCP Alternative is expected to have the lowest increase in CO2 emissions (i.e., least amount of additional fossil-fuel based energy production to offset losses due to operational adjustment) and is substantially lower than the next highest (90% lower than the emissions expected under Alternative C). Although we do not have enough information available to determine the long-term effects of varying levels of CO2 emissions under the alternatives, we consider Alternative D and MEC's HCP alternative to be comparable, with Alternative D being slightly less damaging to the physical environment.

Because the alternatives are all comparable with respect to impacts to the covered species, and accounting for the context and duration of the overall impacts of the resource categories, as described above, we consider that the number of acres of mitigation carries most weight in determining the environmentally preferable alternative, followed by fatalities of non-listed, non-covered bat species, then amount of emissions. Because both Alternative D and MEC's HCP Alternative provide the highest amount of

mitigation lands, they best protect, preserve, and enhance natural resources in the Plan Area. MEC's HCP Alternative is expected to result in fewer all-bat fatalities than Alternative D, and therefore is less damaging to the biological environment. While MEC's HCP Alternative is expected to result in a net increase in CO2 annually and Alternative D is not, the amount is a minimum of 90% lower when compared to the remaining four alternatives. Therefore, we determine that the MEC's HCP Alternative is, overall, the environmentally preferable alternative.

Public Involvement

Scoping

On April 28, 2016, the Service published a Notice of Intent (NOI) in the Federal Register to solicit feedback from potentially affected federal, state, and local agencies, tribes, and the public in determining the scope of this EIS (81 FR 25414-25417). Publication and distribution of the NOI initiated the process of public scoping for this EIS. Public scoping meetings were held on May 17, 2016, in Council Bluffs, Iowa, and on May 18, 2016, in Ankeny, Iowa. A Service website[1] was created to provide agencies and the public with information related to the project, and online webinars were held on May 10, 2016, and May 23, 2016. The scoping period closed on May 31, 2016.

On May 10, 2016, a postcard was sent via the United States Postal Service (USPS) to affected landowners and lessees identified by MEC. On May 11, 2016, a letter was sent via the USPS to county, state, and federal agencies and non-governmental organizations (NGOs) informing them that the Service was initiating scoping for development of this EIS. A scoping notice letter was also sent to any Native American tribes that had previously expressed an interest in any part(s) of Iowa, as well as an e-mail regarding the scoping webinar (sent on May 19, 2016). In addition, a public notice was published in the Des Moines Register from May 12, 2016, through May 18, 2016, with the location and times of the public scoping meetings.

The scoping meetings provided an opportunity for the attendees to learn about the Proposed Action (i.e., issuance of an ITP) and comment on environmental issues of concern and the alternatives that should be discussed in the EIS. Comments received during the scoping process are summarized in Section 1.4 of the FEIS.

Draft EIS

A draft EIS (USFWS 2018) was subsequently produced and made available for a 45-day public comment period beginning on August 31, 2018 (83 FR 44652). A total of 95 comments were received pertaining to the Draft EIS and Draft HCP (MEC 2018) from non-governmental organizations and individuals. No comments were received from Federal agencies, State agencies, or local agencies. It should be noted that some duplicate comments were received, and some individual commenters submitted multiple comments. One public hearing was held during the comment period, on September 27, 2018, in Ankeny, Iowa. An online public hearing was also held during the comment period, on October 3, 2018. Two individuals provided testimony during the public meeting on the DEIS held on September 27, 2018 in Ankeny, Iowa. Appendix E of the FEIS includes a copy of all comment letters and public testimony received and associated responses. Comments received were incorporated into and resulted in some modifications to the FEIS. A summary of major changes made to the Draft EIS is included in Appendix F of the FEIS.

[1] http://www.fws.gov/midwest/rockisland/te/MidAmericanHCP.html

Final EIS

The Final EIS and the Draft ROD were published in the Federal Register on October 7, 2019. The final 30-day notice period for these documents closed November 6, 2019. Six comments from the public regarding the final documents were received during the final 30-day notice period. The comments stated positions against the issuance of the permit, but did not provide new information relevant to the permit decision.

Signature

Christopher P. Jensen

Acting Deputy Regional Director

U.S. Fish and Wildlife Service

11/15/2019

Date

References

MidAmerican Energy Company (MEC). 2018. Draft Habitat Conservation Plan, MidAmerican Energy Company, Iowa Wind Energy Project Portfolio. Prepared by MidAmerican Energy Company. April 2018.

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USFWS 2019a. Final Environmental Impact Statement for Proposed Habitat Conservation Plan and Incidental Take Permit for the MidAmerican Energy Company Iowa Wind Energy Project Portfolio. U.S. Fish and Wildlife Service, Iowa—Illinois Field Office. Moline, IA.

USFWS. 2019b. Biological Opinion on MidAmerican Energy Company Iowa Wind Energy Project Portfolio. U.S. Fish and Wildlife Service, Iowa – Illinois Field Office. Moline, IA. (Pending)

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