



June 14, 2024

Via Email Delivery

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Re: Vista Sands Solar Proceeding, Docket No. 9820-CE-100  
Public Comments on the Draft Environmental Impact Statement

The Wisconsin Society for Ornithology (WSO) is an active statewide nonprofit organization with over 1,200 members started in 1939. Its mission is to promote the enjoyment, study, and conservation of Wisconsin's birds. Throughout its existence, WSO has been the state's leading organization for the study of birds by connecting professionals and amateurs in bird research and advocacy. It works diligently to understand the birdlife of Wisconsin and help it thrive.

WSO has been engaged in bird conservation efforts at the Buena Vista Wildlife Area and surrounding land from the start. WSO founding members Frances and Frederick Hamerstrom researched and created the original management plan for prairie chickens in the 1950's. As a proud and determined partner of the public-private partnership that has kept the Greater Prairie-chicken species viable in this state, WSO has owned land near the Buena Vista Wildlife for sixty-seven (67) years for this specific purpose and has participated for decades in Greater Prairie-chicken management planning and actions.

WSO has concerns about the size, proximity, and potential impact of the VSS solar farm project on the Greater Prairie-chicken habitat that includes the Buena Vista Wildlife Area and surrounding lands, both public and private. The Draft Environmental Impact Statement (DEIS) does not address or follow through with all of the issues relevant to the viability of prairie-chickens in Wisconsin.

WSO commends and appreciates the Public Service Commission and the Wisconsin Department of Natural Resources (DNR) for the DEIS it produced within a short time as part of this Public Service Commission proceeding. We note the expertise and understanding shown by those who work on Greater Prairie-chicken issues regularly and for this DEIS. Now, however, there is additional time to consider these issues in more depth and to strengthen conclusions and recommendations with input from other experts, organizations, and individuals.

Now is also the time to protect the nearly seventy-year financial and social investments in the public-private partnership that has so far ensured the existence of Greater Prairie-chickens in Wisconsin. The fate of this diminishing bird and all the investment in its continuance in this state should not be arbitrarily determined by one company's failure to include proper wildlife and environmental considerations in its site selection for this extremely large solar farm project.

The DNR should be using their well-developed expertise and professional judgment not just to raise issues and concerns, but carry them to their reasonable conclusions and protect public lands and investments. As the representative of the people of Wisconsin regarding natural resource use and as manager of the public and leased lands in this area, the DNR has a committed responsibility to represent the best conservation principles to provide open, undeveloped landscape for the Greater Prairie-chicken and other rare grassland species as well as recreation and hunting for all.

The Greater Prairie-chicken is a species of Greatest Conservation Need according to the Wildlife Action Plan for Wisconsin. As a species that needs large amounts of open space, it is also an umbrella species for other grassland birds with low and declining populations, including Northern Harrier, Upland Sandpiper, Sedge Wren, Henslow's Sparrow, Field Sparrow, Vesper Sparrow, Grasshopper Sparrow, Clay-colored Sparrow, Savannah Sparrow, Bobolink, Eastern Meadowlark, and Western Meadowlark.

The State of Wisconsin, through the DNR, has made an established commitment for nearly seventy years and invested significant amounts of taxpayer dollars and DNR staff time in not just preserving, but also expanding and improving, this grassland and wetland landscape for bird conservation and recreational use by residents. The DNR has enacted several property and species management plans with the designated purpose of providing additional habitat for Greater Prairie-chickens and other rare species. They also include specific management goals of connecting the Buena Vista Wildlife Area to the Paul J. Olson Wildlife Area to increase prairie chicken genetic diversity and population. We refer to Dr. Peter Dunn's individual comments and scientific expertise to support the necessity of this access corridor for the genetic diversity and survival of Greater Prairie-chickens in Wisconsin.

The final EIS should consider these substantial investments and specific approved plans, with the preeminent role they deserve, in its review. While renewable energy is a commendable goal, the priority in this immediate area has already been explicitly established and continuously supported by the DNR and by the Counties in their planning and implementation of these goals towards an open, undeveloped landscape for Greater Prairie-chickens and other grassland birds (as well as tourist and recreational uses and income). There is more than enough available land in these counties for mutually advantageous plans that include solar farms not in close proximity to protected wildlife areas.

The DEIS contains many strong points regarding the biology and science of Greater Prairie-chickens and their extreme desire to avoid both natural and artificial impediments to a wide-open landscape. While solar farms and arrays may be new to these spaces, they are just another form of tree or structure for these birds to avoid. The DNR and other organizations have spent decades

trying to add open land and remove trees, brush and other impediments from land around and in Buena Vista Wildlife Area. Incremental land losses and habitat fragmentation are known to affect Greater Prairie-chickens and other grouse species and are also known to have contributed to this and other grouse species disappearing from areas in this state. Allowing fences, solar arrays, buildings, and wires to come right up to habitat used by and needed for Greater Prairie-chickens throughout their life cycle will result in actual loss of habitat as well as avoidance and functional loss of habitat.

There should be at least a one-mile minimum buffer space setback of the VSS project and all its structures and equipment from DNR owned and leased properties and from known lek locations. The issue is not just the lek itself, but that female Greater prairie-chickens prefer to nest and raise chicks within one to two miles of lek locations. Cutting off one side of a lek area may impact the viability of that area for prairie chicken use during their entire life cycle.

The 2024 lek survey work for Greater Prairie-chickens is now completed and should be included in the final EIS. Lek locations from this year may impact buffer space.

The section regarding fencing should be reevaluated in light of VSS responses to Data Request-PSC-Grant-7 (and possibly other testimony and responses) that claim fencing must be at least seven feet high and that other DEIS recommendations are not feasible for various reasons. The fencing described by VSS would result in miles of fences that may not be passable for Greater Prairie-chickens and other wildlife.

The DEIS does not include analysis of current studies indicating that solar energy facilities may be ecological traps for birds. As requested in WSO's earlier scoping comments, the EIS needs to thoroughly review and demonstrate what the effects of the VSS project will be on all resident and migratory birds in the short-term and long-term and incorporate those findings into the planning of the VSS project.

While the DNR covers several key issues in the DEIS, it did not take them to their final conclusions of cumulative effects. Cumulative effects include:

- Consideration of the Portage Solar project already approved in combination with the Vista Sands Solar application;
- Years of clearing land, building roads, increased traffic, installing transmission wires, and other construction for both projects, which may occur simultaneously for 3-4 years or over a longer period of time if the two projects begin at different times;
- Stormwater and soil retention issues;
- Fences, wires and structures that provide additional predator perches;
- Impacts from other potential solar farm projects in the vicinity of the Buena Vista Wildlife Area and the Paul J. Olson Wildlife Area;
- Additional effects of global climate change; and
- Landscape level ecological changes to the region with increased solar farm development.

The DEIS does not address mitigation efforts that may be required from VSS for the impact of its project on the viability and critically-low population of Greater Prairie-chickens.

In addition, a comprehensive monitoring plan (not just two graduate student researchers) that would be paid for by VSS needs to be developed and implemented to evaluate the short- and long-term effects of the VSS project on Greater Prairie-chickens and other wildlife, along with adaptive management measures that will be implemented to address the results of the monitoring.

In December 1955, the WSO position statement on the Greater Prairie-chicken conservation program included the following.

“Conserving our native grouse species is a Conservation Department responsibility to all the people of Wisconsin. No single landowner, group, county, or section of the state should be allowed to disrupt or impede sound conservation measures.

Refusing to recognize the urgency for conservation at this time will undoubtedly result in last-ditch measures to preserve the vanishing species in the too-late future. Let us not drift passively down the road which led to the complete extinction of the prairie grouse in the Eastern States not many years ago.”

The Wisconsin Society for Ornithology restates this same position relative to the Vista Sands Solar project with the same vigor as it was stated at that earlier crucial time for conservation of the Greater Prairie-chicken. In its final Environmental Impact Statement, the DNR should consider and include the significant investments and explicit plans already made for the Greater Prairie-chicken, the Buena Vista Wildlife Area, and the Central Wisconsin Grassland Conservation Area. The DNR should follow science, analysis, experience, and cumulative effects to their reasonable conclusions.

This rare Wisconsin bird should be protected by and for all of those who live in Wisconsin and our future generations. Now is the time we need to implement sound conservation measures rather than risk regrets later.

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