

November 21, 2007

Mr. Rudyard Edick
New York Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, New York 12233

Re: Submittal of Buffalo Road Wildlife Study Plan to New York State Department of Environmental Conservation (“DEC”)

Mr. Edick,

As per our discussion during our meeting at DEC offices in Albany on October 30, 2007, Invenergy hereby submits for DEC review and comment a proposed pre-construction wildlife studies for the Buffalo Road Study Area located in Wyoming County, New York (the “Study Area”).

Invenergy’s proposed Wildlife Study Plan, outlined in the enclosed table, is designed to be consistent with our discussions on October 30 and will provide the DEC with site-specific information on avian and bat communities, migration, and habitat use. Should Invenergy elect to proceed with development of a wind energy facility in the Study Area, the study results would be used in the SEQRA process to assess the potential risk the proposed facility could pose to wildlife species.

As you and your staff are aware, numerous avian radar studies have been completed for other wind projects near the Study Area, and these studies provide significant data on the patterns and characteristics of nocturnal passerine migration in the region, including but not limited to flight direction, flight height and passage rate. Extensive bat acoustic monitoring surveys have also been conducted in the region, and the enclosed study plan includes additional bat surveys to improve the understanding of bat activity in the region and to assessing annual variations in bat survey results at a specific site.

In addition to the enclosed Wildlife Study Plan, Invenergy has previously submitted to DEC two other study reports for the Study Area: a “Spring 2007 Breeding Bird and Area Search Survey” and an “Initial Review Of Existing Natural Resources”.

Please review the enclosed Wildlife Study Plan and provide me the DEC’s written comments and/or concurrence on the plan. If you or your staff have any questions please feel free to contact my at (304) 549-7696 or at eduncan@invenergyllc.com.

Regards,

Erik Duncan
Invenergy Wind North America
2028 Benedict Circle
St. Albans, WV 25177

Enclosure

Wildlife Study Plan

For Buffalo Road Study Area

Submitted to DEC by Invenergy by Letter Dated November 21, 2007

Study Type	Seasons	Study Objectives	Study Methods
Bat (acoustic) detector surveys	<u>3-4 Seasons:</u> Fall '07 (completed) Spring '08 (Apr 15- May 31) Summer '08 (_____) Fall '08 (July 15 – Oct 15)	Characterize presence and possible species (guild level id) composition of bats in Study Area at different heights. Correlate results to weather conditions in Study Area.	Anabat detectors installed in two different met towers. Each met tower to contain three detectors as follows: <ul style="list-style-type: none"> • 2 detectors near the top of the tower, one facing horizontally and one vertically per Al Hicks (NYDEC) recommendation. • 1 detector at a lower height.
Migrant raptor surveys	<u>2 seasons:</u> Spring '08 (early April - mid-May) Fall '08 (Sept 1 – Oct 15)	Characterize the occurrence and flight patterns of diurnally migrating raptors in the Study area, including number and species, general flight direction, and approximate flight altitude. Document timing of migration. Compare migrations in study area to migrations at Hawk Watch sites known to commonly have significant levels of diurnal raptor migration.	On each observation day, one experienced observer will visit the site for 8 hours, from 8 am until 4pm. (Note that diurnal raptor surveys are often conducted for 6 hours per day, from 9am until 3pm, but additional hours are proposed here to maximize the number of possible raptors to be observed). All observations will be made from a point within the Study Area selected by the observer to be at a high elevation and to have the good views in all directions. The observer will select the survey days to target optimal migration weather conditions (i.e. southerly winds in spring, following passage of a low pressure system) and to correlate with regional raptor movements seen at HMANA Hawk Watch sites. For each season, there will be a total of nine survey days completed. Surveys in each season will be done on three separate weeks, with three surveys days in each survey week and breaks of two weeks between each survey week.
Wintering raptor surveys	Winter 2008	Characterize the occurrence of wintering raptors (including but not limited to Bald Eagle, Golden Eagle and Short-eared Owl) within the study area. Determine relative distribution patterns, habitat use and presence/absence.	Survey methods will follow (in part) recently developed HMANA winter raptor survey methods. Surveys will occur throughout the Study Area and will be primarily conducted from road sides with binoculars and spotting scopes. Surveys will be conducted from dawn to dusk to include any potential crepuscular owl activity. Surveys will be done on a total of six (6) days selected from early January through early March, spaced such that there are two survey days per month. Reporting will relate survey results to historical information of wintering raptors in the area as well as a summary of publicly available literature.
Natural Community Mapping	Winter/Spring 2008	Gather detailed metadata (supplemented by on-site observations) regarding unique or potentially significant habitat areas. Focus specifically on potential bat hibernacula.	A concise report consisting of GIS information and the results of a one-day site visit (conducted in conjunction with other work in the Study Area) to document potential bat hibernacula and natural communities of interest or concern.
Post Construction Monitoring	TBD	Determine the affects of the potential wind energy facility on birds and bats by directly sampling casualties from beneath turbines.	Methodology to be determined based on upcoming DEC post-construction guidelines and supplemental survey recommendations.

New York State Department of Environmental Conservation

Division of Environmental Permits, 4th Floor

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Alexander B. Grannis
Commissioner

January 9, 2008

Mr. Erik Duncan
Invenergy Wind North America
2028 Benedict Circle
St. Albans, WV 25177

Re: DEC Comments on Wildlife Study Plan
Proposed Buffalo Road Wind Project
Wyoming County

Dear Mr. Duncan:

Thank you for your submission of the "Buffalo Road" Wildlife Study Plan dated 30 November 2007 with respect to the proposed wind project in Wyoming County. Based on our technical staff's review, please find our comments below.

Bat acoustic survey: The results should be correlated to both the habitat type in the immediate and broader vicinity of the detectors and the weather conditions at the time of survey. Habitat type should include the vegetation type and ground cover at the meteorological tower in question, the distance from trees and water bodies, and any other relevant information. For example, habitat type would include whether the area under study is a clearing, a shrub land, or forest (with type of forest). It would also include what is in the nearby landscape - whether it is near a clearing in the woods, a forest edge, an agricultural field, an old brushy field, a grassland, a wetland/stream, etc.

Migrant raptor surveys: For Spring surveys, the dates should include April 1 until the end of May/beginning of June. For Fall surveys, the dates should include Sept 1 until November 1. The current plan of ending the surveys by October 15th will not provide any sampling days to cover later migrants.

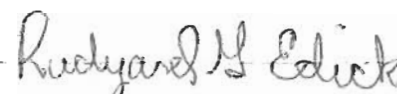
Wintering raptor surveys: In addition to summarizing existing literature, the following entities should be contacted for further information: local birding clubs & organizations; bird hotlines; and the regional DEC biologists. The information provided should be as detailed as possible and include recent and historical bird occurrences by location, species type, specific time of spotting, habitat where identified, etc:

Natural Community Mapping: Besides potential bat hibernacula, grassland bird habitat should also be surveyed, as well as any wetlands in the project site.

Post Construction Monitoring: In addition to ground searches, post-construction studies could also include habitat displacement/habituation effects on birds and bats, breeding bird surveys (BBS), acoustical surveys, spring and fall migrant surveys, and/or radar studies.

Please contact me if you have any further questions. I can be reached at rgedick@gw.dec.state.ny.us or 518.402.9150.

Most Respectfully,



Rudyard G. Edick
Environmental Analyst II
Energy Projects & Management