



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
110 Radnor Road, Suite 101
State College, Pennsylvania 16801-4850

October 27, 2021

David Allen
Earthres
P.O. Box 468
Pipersville, PA 18947

RE: USFWS Project #2009-0293
PNDI # 649479

Dear Mr. Allen:

This responds to your correspondence, which was received by the U.S. Fish and Wildlife Service (Service) on July 20, 2021, regarding the *Wind Energy Safety Ordinance Application* for the proposed Anthracite Ridge wind energy facility located in Schuylkill County, Pennsylvania. Anthracite Ridge, LLC, proposes to construct up to 83 wind turbines, new access roads, overhead transmission lines, an electrical collector system between turbines, and an onsite substation. We previously commented on wind energy development at this location in letters dated March 23, 2006, November 13, 2008, April 26, 2011, September 3, 2013, April 30, 2018, and July 11, 2019, and in an email of June 10, 2020. In addition, we have had several conference calls regarding this project and most recently met with representatives from Anthracite Ridge on November 18, 2019, to discuss the project. The proposed project is located within the range of the federally endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*). The following comments are provided pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.; Act) to ensure the protection of federally threatened and endangered species.

As previously stated, the Service supports the development of wind power as an alternative energy source; however, wind farms can have negative impacts on wildlife and their habitats if not sited and designed with potential wildlife and habitat impacts in mind. Selection of the best sites for turbine placement is enhanced by ruling out sites with known, high concentrations of birds and/or bats passing within the rotor-swept area of the turbines or where the effects of habitat fragmentation will be detrimental. In support of wind power generation as a renewable source of power, development sites with comparatively low bird, bat, and other wildlife values would be preferable and would have relatively lower impact on wildlife.

Due to the anticipated impacts from forest clearing and turbine operations, we recommended a summer bat survey of the project area. According to an October 22, 2019, email from Jeff Zirpoli

(Shoener Environmental, Inc.), summer bat mist-net surveys were conducted in 2010 and 2014 within the project area. In 2010, bat captures included 20 little brown bats (*Myotis lucifugus*), 118 northern long-eared bats, 63 big brown bats (*Eptesicus fuscus*), 5 eastern small-footed bats (*Myotis leibii*), 4 tricolored bats (*Perimyotis subflavus*), 23 eastern red bats (*Lasiurus borealis*), and 5 hoary bats (*Lasiurus cinereus*). In 2014, bat captures included 12 big brown bats, 4 eastern red bats, and 1 tricolored bat. We are unaware whether any additional summer bat surveys have been conducted within the project area.

To determine whether the project may affect any potential bat winter habitats (*i.e.*, hibernacula), the project area was surveyed for cave and mine openings. Desktop and field-based winter habitat assessments completed in 2018 identified 151 abandoned mine portals within the project area. According to the October 22, 2019, email, from Mr. Zirpoli, 43 of the 151 portals were surveyed for bats in 2009. Seventy-five bats were captured at 17 of the 43 portals and included 32 tricolored bats, 27 little brown bats, 15 northern long-eared bats, and 1 big brown bat. Northern long-eared bats have been documented at eight abandoned mine portals within the project area. We are unaware whether any additional surveys for hibernating bats have been conducted at the remaining 108 portals.

On March 12, 2020, Anthracite Ridge, LLC, provided the Service with a “pathways analysis” explaining various construction activities that have the potential to result in take¹ of federally listed bats. On June 10, 2020, the Service provided comments on the project proponent’s assessment and identified a number of outstanding issues/questions the Service needs before we are able to make a determination as to whether construction impacts have the potential to result in take. The Service also noted that an analysis of project operations and the potential for take of Indiana bats has not been provided. To date, the Service has not received additional information from the project proponent.

Because of their potential to affect threatened and endangered species, wind power projects must consider the Endangered Species Act (Act) section 9 provisions governing take, similar to any other development project. Section 9 of the Act prohibits the take of federally listed animal species, unless the take is authorized. Take incidental to an otherwise lawful activity may be authorized by an incidental take permit pursuant to section 10(a)(1)(B) of the Act. The Service may issue such a permit upon completion of a satisfactory habitat conservation plan (HCP) for the listed species that would be taken by the project. An HCP typically requires substantial time and effort to complete. There is no mechanism for authorizing incidental take “after the fact.” During our December 19, 2019, meeting with the project proponent, the Service stated that if impacts to federally listed bats from construction (Indiana bat and northern long-eared bat) and operations (Indiana bat) could not be avoided, that we recommend the preparation of an HCP. The Service is still waiting for additional information outlined above; therefore, because there has been no additional information provided that indicates take of federally listed bats will be avoided, our position has not changed. For more information on HCP development, please visit www.fws.gov/endangered/what-we-do/hcp-overview.html.

¹ As defined in the Act, take means “. . . to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.”

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

If you have any questions regarding these comments, please contact Pamela Shellenberger of my staff at 814-234-4090 x7459.

Sincerely,

A handwritten signature in black ink that reads "Sonja Jahrsdoerfer". The signature is written in a cursive, flowing style.

Sonja Jahrsdoerfer
Project Leader

cc:

Nick Cohen, Anthracite Ridge

Emails:

Nick Cohen: ncohen@cleanairgen.com

David Allen – dallen@earthres.com