UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

October 23, 2012

Ms. Laura Hill
Assistant Field Supervisor
West Virginia Field Office
U.S. Fish and Wildlife Service
694 Beverly Pike
Elkins, WV 26241

Subject: Draft Environmental Impact Statement (DEIS) for the Proposed Issuance of an Incidental Take Permit for the Beech Ridge Energy (BRE) Wind Project Habitat Conservation Plan, Greenbrier and Nicholas Counties, West Virginia (CEQ # 20120268)

Dear Ms. Hill:

In accordance with Section 102(2) (C) of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332(2) (C), Section 309 of the Clean Air Act, 42 U.S.C. § 7609, and the Council on Environmental Quality (CEQ) regulations, 40 CFR Parts 1500-1508, the United States Environmental Protection Agency (EPA), has reviewed the DEIS for the above referenced project.

The DEIS evaluates the potential impacts of four alternatives actions including the No Action alternative, related to the U.S. Fish and Wildlife Service's (USFWS) proposed issuance of an Endangered Species Act Incidental Take Permit (ITP) for the Beech Ridge Wind Energy Project. Currently, 67 wind turbines have been constructed. The Wind Energy Project will consist of up to 100 wind turbines, access roads, transmission and communication equipment storage areas, and control facilities. The proposed ITP would authorize the incidental take of the Indiana bat and the Virginia big ear bat associated with the construction and operation of up to 33 additional wind turbine, associated infrastructure, and the operation of 67 existing wind turbines. The assessment includes evaluation of impacts associated with the decommissioning of the entire project at the end of the life span of the project.

The proposed project is located in Greenbrier and Nicholas counties, West Virginia. The BRE has leased 6,860 acres for the project from a commercial timber company. The area of direct land use is 71 acres. The DEIS has identified 8 streams and 3 wetlands within the area of the construction of the additional 33 wind turbines.

The DEIS does not identify a preferred alternative. The USFWS is seeking public input into the selection of a preferred alternation through the DEIS comment period. EPA has evaluated the DEIS and has rated the project (each alternative) as an EC-2, Environmental Concerns, Insufficient Information. EPA has developed the rating system to evaluate EISs under the NEPA process. A copy of the EPA EIS rating system is enclosed for your information.

Further information regarding the rating system can be found at: http://www.epa.gov/Compliance/nepa/comments/ratings.html. EPA has based the EC-2 on the following comments. EPA recommends that these comments be considered to further improve the project.

1. For clarification and to be consistent with the rest of the alternative numbering system, the No-Action Alternative should be identified as "Alternative 1: No Action Alternative"

2. The DEIS should consider as part of the alternative analysis whether reducing the number of wind turbines by selecting a higher power output per unit wind turbine would affect bird and bat strikes.

3. It is suggested that the historical bat caves and hiberacula areas be referenced on a map relative to proposed project site.

4. According to the Purpose and Need (P&N) the project will produce up to 186 MW of electricity while complying with the Endangered Species Act (ESA). The stated power output performance for the alternatives is in megawatt-hours. In order to determine if the alternative is meeting the power condition of the Purpose and Need an estimate of operating hours should be included.

5. The intent of the DEIS P&N is to evaluate Beech Ridge Energy's application for an ITP. The analysis of the DEIS provides the USFWS with the necessary tools to make an informed decision on the issuance of the ITP. It is suggested that the P&N be specific to provide a discussion of the intent of the NEPA analysis to inform decision-making for the Federal agency in issuance of the permit. .

6. While the DEIS identifies wetlands and streams within the area of construction for the additional 33 wind turbines, it does not clearly quantify these impacts; please provide a discussion of avoidance, minimization and mitigation to these aquatic resources. Any necessary permits will need to be approved by appropriate agencies.

7. All construction activities and the completed facilities (including access roads and transmission line right of ways) must comply with all state, local and federal requirements for sediment and erosion and stormwater management.

EPA appreciates the USFWS efforts in early coordination throughout the development of the project. USFWS should continue the effort to avoid and minimize the project impacts to the ecological community. If you have any questions regarding our concerns, please feel free to contact me or Kevin Magerr at (215) 814 5724.

Sincerely,

Barbara Rudnick, PG
NEPA Team Leader