

Black Oak ECP General Comments
 January 13, 2015

1. Had a hard time telling how much time was spend surveying near the nest that is within the project area. Also would like to see how the flight paths intersected with the proposed turbines.
2. Discussion on the removal of the two turbines near the known eagle nest?
3. Recommend updating eagle survey minutes, giving a summary of eagle minutes observed by season compared to survey effort.
 - a. Example:

Row Labels	Sum of Year	Sum of Total Eagle Minutes (for model)	Sum of Survey Minutes
Breeding	289612	16	4680
2011	265452	3	3960
2012	8048	0	240
2014	16112	13	480
Winter	112676	3	3360
2011	24132	1	720
2012	72432	0	2160
2014	16112	2	480
Grand Total	402288	19	8040

4. Recommend redoing Local area eagle population to extend out to 11 or 12 miles to capture nearest neighbor and see if that changes ½ MID overlap with project area.
5. Do flight paths from the Padua nest overlap with the two proposed turbines near the Jennison’s property?
6. FWS wants to discuss overall concern of the two proposed turbines near the Jennisons property, or to discuss operational changes to these turbines to minimize risk to eagles and other mig birds
7. Need to address Golden Eagles:
 - a. Will potentially provide prosecutorial discretion if one is taken
 - b. Will be easier to add to permit if GOEA permits become available
 - c. GOEA are a small but realistic risk
8. Just to be clear, you have an eagle nest within the project footprint (if it is still there). The ECP defines the project footprint as: **Project footprint** – the minimum-convex polygon that encompasses the wind-project area inclusive of the hazardous area around all turbines and any associated utility infrastructure, roads, etc. That puts this project in a **Category 1**: has an important eagle-use area or migration concentration site within the project footprint. That doesn’t mean it can’t be permitted, but it means we do need clear information on the actual risk that nest poses. That means determining flight paths from hat nest in relation to the proposed turbines, and looking at the actual amount of time that nest was surveyed.

9. Can we talk about the triggers list I send to you all last year and talk about incorporating that into the ECP? I'd like to talk about incorporating some of those into the ECP.
10. For eagle take numbers, need to determine the local area population (LAP) and see what percentage the estimated take numbers are of this. Looking at the R3 scale is too broad (LAP is the 43 mile natal dispersal area). This will also help determine what Category your project falls into.
11. Post-construction eagle use monitoring: This is fine if you want to do it, however, if you have limited resources, I would recommend putting your effort into the post-con mortality searches. The model is not designed to look at eagle use after the turbines are in operation. However, the model can be updated with on-the-ground fatality numbers from each year. If eagle use surveys are continued, I would recommend doing them near turbines or concern, or during times of the year when eagles are likely in higher numbers or are at higher risk.
12. More information needed on what post-construction monitoring protocol (including duration and # of years).