

MAINE AUDUBON

Working to conserve Maine's wildlife and wildlife habitat

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October 2, 2013

Dan Courtemanch
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

RE: Bingham Wind Project

Dear Dan,

On behalf of Maine Audubon and our 15,000 members and supporters, please find below our comments in regard to the Bingham Wind Project. This is where we stand now. Given that there are discussions occurring on a number of these issues, it is likely that we'll submit additional comments. We have visited the project site.

Maine Audubon strongly supports the issues of concern raised by the Maine Department of Inland Fisheries and Wildlife (DIFW). We reviewed the application focusing specifically on potential impacts to:

- water quality and flow,
- Northern spring salamander,
- Northern bog lemming,
- bats,
- Bald and Golden Eagles,
- and migratory birds and bats.

It's our understanding that these issues are the subject of continuing dialogue between the applicant and DIFW and we are hopeful that the areas of concern can be addressed and resolved by the applicant.

Impacts to water quality and flow

Given the significance of the cold water resource including habitat for Atlantic salmon, Brook trout and Northern spring salamanders, it's critical that stormwater and stream crossings be managed in such a way as to ensure no undue adverse impact to the water quality, water quantity, aquatic species movement, and temperature of existing surface waters in the project area. We strongly recommend that the applicant amend its application to improve the existing stream crossings and the new stream crossings using Stream Smart practices. These include: span the stream, set the elevation right, match the

elevation to the slope of the streambed, and ensure there is natural substrate in the bottom of the crossing. We also urge the applicant to improve the existing stream crossings along the ATV trail near the most southerly string of turbines. We understand this will involve some in-stream work but believe the short-term disturbance now to correct poorly functioning road-stream crossings will provide long-term benefits that are critical to the success of the project.

In addition, we ask that the application be amended to make clear that cutting within the buffers of Atlantic salmon and Northern spring salamander habitat needs to be minimized. Such cutting should not remove all capable vegetation during initial construction or during regular maintenance. Instead, the applicant should cut only those trees that will actually grow to a height during the next 3-4 years that will create a hazard to the lines. It's our understanding that this is the applicant's intent but we would prefer that it is made clear in any permit. Trees provide better shade than shrubs. Shade is important to maintaining cold stream temperatures and fallen leaves provide nutrients into the stream for the basis of the food web. Shrubs are not as effective as trees in intercepting and holding water.

Northern Bog Lemming

The applicant has done a good job avoiding impacts to Northern bog lemmings and their habitat. Utilizing a 500' buffer around the wetland where the Northern bog lemming has been documented is good. Development is also downstream of that wetland. Such practices will prevent the project from interfering with the hydrology of the habitat. Field review of other wetlands by the applicant has identified no other viable potential habitat (no activity, no sedge cover, sphagnum mats). Our concerns have been adequately addressed for this species.

Bats

There is a potential for bats to be killed at high rates at some turbine locations. Our concern is heightened by the tremendous stress/mortality that is occurring as a result of white-nose syndrome across much of the eastern U.S. and Canada, including Maine. We strongly support DIFW's recommended curtailment guidelines and we understand the applicant has agreed to abide by them. These should be included in the permit.

Bald and Golden Eagles

Although there are confirmed Bald and Golden Eagles in the area, the distance to the Bald Eagle nest is far enough to minimize any potential hazard. The known Golden Eagle in the area has been found deceased in Canada. Although there may be other Golden Eagles in the area, we believe the project is on the edge of the core area typically used in Maine by Golden Eagles, and is far enough away from their likely locations.

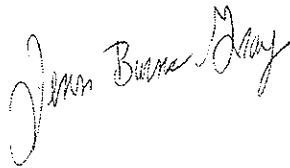
Migratory Birds and Bats

According to the applicant's surveys, there appear to be high passage rates in the project area for migratory birds and bats compared with other projects, especially in the fall. In addition, the low flight heights mean that there is a higher chance of birds and bats being caught in the rotor sweep area causing direct mortality. We urge the DEP to ensure

rigorous post-construction studies (including daily searches over multiple years with a lengthy search window in both spring and fall) to document mortality. If DIFW finds mortality rates to be a problem, the turbine operations should be adjusted accordingly. Also, we request that there be a permit condition directing that the applicant to use new technology and operation techniques should they become necessary. For example, there may be a way to use on-line tools like BirdCast (<http://birdcast.info/forecasts/>) to predict nights of heavy migration and then curtail turbines for limited hours overnight. During these events, all or particularly problematic turbines could be stopped.

Thank you for your consideration. Please feel free to contact us with any questions.

Sincerely,



Jennifer Burns Gray
Staff Attorney and Advocate



Susan Gallo
Wildlife Biologist

