



Comments on Wintering Grassland Raptor Survey Work Plan
Lewis Wind Facility
October 23, 2026

In conformance with 16 NYCRR § 1101-1.1(b), Lewis Wind LLC (Lewis Wind or Applicant) has provided the *Winter Raptor Survey Work Plan, Lewis Wind Project, Towns of Lewis, Leyden, and West Turin, Lewis County, New York, Towns of Annsville and Ava, Oneida County, New York* dated October 2026. The Office of Renewable Energy Siting and Electric Transmission (ORES or the Office) has reviewed this study work plan. In conformance with 16 NYCRR § 1101-1.1(b)(4) (Chapter XI, Title 16 New York Codes, Rules and Regulations (NYCRR) Part 1101), the Office is providing the following comments:

Field Survey Protocols for State-listed Winter Raptor Species

For major renewable energy facilities subject to Article VIII where wintering grassland raptor surveys are recommended based upon the pre-application consultation process in 16 NYCRR § 1101-1.1, the Applicant is responsible for developing a pre-construction study work plan (16 NYCRR § 1101-1.1(b)(4)). The Applicant's work plan should follow existing protocols¹, to the maximum extent practicable. The Office is authorized to accept a field survey work plan that can be completed in the appropriate seasonal window within one year, in conformance with 16 NYCRR § 1101-1.1(b)(2)(iv). The Office is available to discuss customization of these protocols to address site-specific, project-specific factors, including but not limited to the size of the project area, the amount of open habitat within the project area, and the visibility of that habitat from proposed survey points.

Upon conclusion of survey work, Office Staff will review survey effort, survey results and other factors in consultation with NYSDEC to make a site-specific, project-specific determination of presence and site use by New York State-listed threatened and endangered species during the wintering grassland raptor season.

All communications to and from the Office concerning this survey are subject to Public Officers Law Article 6 (Freedom of Information Law). Accordingly, if the Applicant seeks trade secret or other protection of any report or accompanying information from disclosure, the submission must be accompanied by: (a) an appropriate request in conformance with FOIL and § 16 NYCRR 1100-1.4(a)(4); and (b) a proposed redacted version of the report or other information in searchable PDF format.

¹ New York State Department of Environmental Conservation Survey Protocol for State-listed Wintering Grassland Raptor Species (as updated August 2021).

Proposed Wintering Grassland Raptor Survey Work Plan

Based on our desktop review of the submitted study work plan, the Office provides the following comments:

The Office noted that the WRS survey plan does not include survey points in open areas where the breeding bird survey documented essential behaviors of threatened or endangered species or areas considered by the applicant to have less than 25 acres of open habitat. Please note that the Office will presume that any unsurveyed open areas 25 acres or larger constitute wintering occupied habitat for threatened or endangered species.

It is recommended that survey points be added to provide full visual coverage of all open habitats having an area of 25 acres or greater within the entire facility site, including in the following approximate locations:

- A survey point should be added at location A at the north extent of the study area to provide visual coverage of open areas.
- Survey point 1 should be shifted north to location B to improve visual coverage of northwest of field.
- Survey point 2 should be shifted west to location C to improve visual coverage of west of field and maintain spacing from additional survey point D.
- A survey point should be added at location D to improve visual coverage of the southeast corner of the open area.
- A survey point should be added at location E to improve visual coverage of the northwest corner of the open area.
- A survey point should be added at location F to improve visual coverage of vast open areas contiguous with the facility to the east and south.
- A survey point should be added at location G to provide visual coverage of northeast corner of open area.
- A survey point should be added at location H to provide visual coverage of eastern side of open area.
- Survey point 8 should be shifted south to location I for improved visual coverage to the south.
- A survey point should be added at location J to provide visual coverage of vast open areas contiguous with the facility to the east.
- Survey point 9 should be shifted south to location K to provide appropriate spacing from additional point J.
- A survey point should be added at location L to provide visual coverage of western side of the open area which appears to be at least 25 acres.
- A survey point should be added at location M to provide visual coverage of center of open area which appears to be at least 25 acres.

- A survey point should be added at location N to provide visual coverage of eastern side of open area which appears to be at least 25 acres.
- Survey point 11 should be shifted east to location O to provide visual coverage of vast open areas contiguous with the facility to the east.
- Survey point 10 should be shifted north to location P to provide appropriate spacing from location O.
- A survey point should be added at location Q to improve visual coverage of northwest corner of open area.
- Survey point 12 should be shifted west to location R to improve visual coverage of open area contiguous with the facility to the west.
- Survey point 15 should be shifted east to location S to improve visual coverage of open areas to the west.
- A survey point should be added at location T to improve visual coverage of open areas to the center and south.

To clarify the above, the Office provides the attached map depicting the approximate locations of the recommended survey points (Attachment A).

Please note that the comments above are based solely on desktop analysis of aerial imagery and open field size; therefore, the actual location of survey points may need to be adjusted based on field verification of visibility or the existence of more suitable habitat. After initial field visits and the location of stationary points are confirmed, the Applicant should provide updated shapefiles and photographic documentation of the final ground-truthed viewshed assessment for each point.

Any area of suitable open habitat that the Office determines has *not* been adequately surveyed, either in frequency, spatial coverage, or duration, may (1) become occupied habitat if essential behaviors are observed in habitat within ½ miles of said area, OR (2) become or remain occupied habitat if the Office determines that the Applicant's stationary survey points or protocols were not sufficient to reliably and accurately detect wintering raptor presence and behaviors within the facility boundary, OR (3) remain occupied habitat if preexisting data exist irrespective of survey results or the age of the data.

ATTACHMENT A - RECOMMENDED SURVEY POINTS