NEW YORK STATE
Department of Public Service
Office of Renewable Energy Siting and Electric Transmission

KATHY HOCHUL
Governor

RORY M. CHRISTIAN
DPS Chief Executive Officer

JESSICA WALDORF
ORES Interim Executive Director

Rolling Hills Wind Project
Towns of Warren, Stark, German Flatts, Little Falls and Danube, Herkimer County
Town of Springfield, Otsego County
Permit Application No. 24-03066

Pre-application Wildlife Site Characterization Consultation

January 6, 2025

Pursuant to § 1100-1.3(g), Rolling Hills Wind, LLC, a subsidiary of Terra-Gen, LLC, (Rolling Hills Wind or Applicant) provided a Wildlife Site Characterization Report dated November 21, 2024. As discussed in the initial meeting occurring on 1/3/2025, the Office of Renewable Energy Siting (ORES or Office) and New York State Department of Environmental Conservation (NYSDEC) reviewed this report. ORES, in consultation with NYSDEC, shares its initial findings based on the information provided by Rolling Hills Wind:

Initial Findings of Occupied Habitat

Northern Long-Eared Bat

The proposed facility site is not within one and a half (1.5) miles of a known maternity roost site. The proposed facility site is not within five (5) miles of a known hibernaculum site. Therefore, no further investigation is warranted for northern long-eared bat at this time.

The facility will be required to curtail turbine operations pursuant to §1100-6.4(o)(4)(v) to minimize impacts to northern long-eared bats. The necessary amount of mitigation required to achieve a net conservation benefit will be determined when the operating capacity of the project has been finalized. Additionally, to minimize impacts to this species, the Office recommends that tree clearing activities be conducted between November 1 and March 31.

If the Applicant has not already done so, the Office recommends that the Applicant request a meeting with the United States Fish and Wildlife Service as soon as practicable regarding their potential regulatory jurisdiction over northern long-eared bat onsite.

Indiana Bat

The proposed facility site is not within two and a half (2.5) miles of a known maternity roost site or a hibernaculum site. Therefore, no further investigation is warranted for Indiana bats at this time.

Bald Eagles

The proposed facility site is within [redacted] eagle nest and [redacted] eagle nests of uncertain status. Recent data submitted to eBird indicates the presence of bald eagle within the proposed facility site. Attachment A demonstrates the proximity of these eagle nests and observations to the facility site.

Information on the location of project components and a project construction schedule, including any proposed blasting or other noisy activities, will be needed before any assessment can be made regarding project impacts on nesting bald eagles. Note that any turbines sited within two miles of an active nest will likely adversely impact nesting eagles requiring the submission of a Net Conservation Benefit Plan. In addition, the facility may impact eagles not nesting in proximity to the facility and will be required to undertake mitigation to achieve a net conservation benefit should any eagle fatalities occur, pursuant to §1100-6.4(o)(6).

Grassland Birds

The proposed facility site is entirely within the Mohawk River Valley Grassland Focus Area, highlighting the importance of open habitat in this area.

The proposed facility site is within mapped occupied habitat for northern harrier and short-eared owl. The proposed facility site is [redacted] for Henlow's sparrow that is greater than five (5) years old and upland sandpiper that is greater than five (5) years old. Recent winter raptor Surveys conducted in by NYSDEC Region 4 staff documented breeding northern harrier [redacted]. In addition, recent data submitted to eBird indicates the presence of northern harrier, and short-eared owl within the proposed facility site. Attachment B demonstrates the proximity of these element occurrences and observations to the facility site.

It is recommended the Applicant conduct winter raptor surveys in 2024-2025. A work plan should be developed following the *New York State Department of Environmental Conservation Survey Protocol for State-listed Wintering Grassland Raptor Species* (August 2021). The Applicant developed and submitted a wintering raptor survey work plan on November 27, 2024. ORES provided comments on the work plan on December 5, 2024.

It is also recommended that the Applicant conduct breeding bird surveys in 2025 following the *New York State Department of Environmental Conservation Survey Protocol for State-listed Breeding Grassland Bird Species* (March 2022) and submitted at least one (1) month prior to the commencement of field work. Due to the known occurrence of upland sandpipers in proximity to the facility, ORES recommends breeding bird surveys commence in mid-April.

Upon receipt and review of the full reports and associated shapefiles for all surveys conducted on site (both breeding bird and winter raptor), a determination will be made regarding the extent of impacts to listed grassland bird species.

Construction and operation of the project within occupied habitat will result in a take of listed species. To fully avoid impacts to listed grassland bird species, no project elements should be placed in fields where nests, roosts, or essential foraging behavior are determined to be located.

Other State-listed Species

The Wildlife Site Characterization Report provided by the Applicant identifies multiple observations of State-listed endangered (E), threatened (T), and species of special concern (SSC), in proximity of the proposed facility site.

In addition, recent data submitted to eBird also indicates the following species within five (5) miles of the proposed facility site: American bittern (SSC), black tern (E), common loon (SSC), common nighthawk (SSC), common tern (T), Cooper's hawk (SSC), grasshopper sparrow (SSC), golden eagle (E), horned lark (SSC), least bittern (T), osprey (E), peregrine falcon (E), pied-billed grebe (T), red-headed woodpecker (SSC), red-shouldered hawk (SSC), sharp-shinned hawk (SSC), and vesper sparrow (SSC). Attachments B, C, D, and E demonstrate the proximity of these observation to the facility site.

The proposed facility is [redacted] of a New York Natural Heritage Program (NYNHP) element occurrences of a peregrine falcon nest. Attachment E demonstrates the proximity of the element occurrence to the facility site. To avoid impacts to peregrine falcon, the Office recommends that any construction activities visible from the nest be conducted between August 1 and March 31. If construction activities visible from the nest are to occur outside this work window, the applicant will be required to monitor the nest and will only be allowed to proceed if the nest is determined to no longer be occupied.

Changes to the project location may impact these species.

Based on the information found in this section, the following surveys are recommended:

Marsh Bird Survey: Given the proximity of the proposed facility site to documented observations of least bittern and pied-billed grebe (see Attachment C), the Applicant should discuss with ORES the expected layout of the project within wetlands and adjacent areas. Impacts to least bittern and pied-billed grebe can be avoided if all construction and disturbance activities occur outside suitable marsh wetlands. If there is the potential for project elements to be located within onsite wetlands or their adjacent areas, or the construction of such elements will cause disturbance to said wetland areas, it is recommended that the applicant conduct marsh bird surveys in 2024. Per the NYS Marsh Bird Monitoring Program Survey Instructions, any marsh bird survey at this facility site must be conducted between *May 1st and June 15th*.

Forest Raptor Survey: The facility is sited within large areas of forested habitat (see Attachment F) and in proximity to documented observations of Cooper's hawk, red-shouldered hawk, and sharp-shinned hawk. To minimize impacts to these forest raptors, the Office recommends that tree clearing activities be conducted between August 16 and April 22. If tree clearing is to occur outside this work window, forest raptor surveys that focus on the use of the facility site by other state-listed species that are not grassland birds are recommended within the core forest block steppingstones depicted in Figure 2 that will be impacted (temporary or permanent). Surveys should be designed based on methods and guidance for Terrestrial Visual Encounter Surveys (TVES) and diurnal broadcast surveys found within the Multiple Species Inventory and Monitoring Technical Guide from the USDA https://www.fs.usda.gov/treesearch/pubs/24985.

The results of this survey will provide valuable information in preparation of the siting permit application as provided in section § 1100-2.12 Exhibit 11: Terrestrial Ecology.

Preliminary Estimate of Occupied Habitat

Please note that these initial findings are based on an initial review of the Wildlife Site Characterization Report provided by Rolling Hills Wind. Additional information from the results of on-site surveys, details on the location and placement of project components, and a description of the current habitats where project components will be placed are needed before a complete determination of occupied habitat within the facility site can be made.

ORES will update these findings upon receipt and review of the above referenced reports and associated shapefiles.

Summary of Recommended Habitat Assessments and/or Field Surveys

Grassland Birds: Habitat assessments (field surveys) are recommended in the appropriate seasonal windows within one year. In general, open habitat greater than 25 acres within the facility area boundary should be surveyed for breeding grassland birds and wintering raptors following an approved work plan. Habitat assessments for breeding grassland birds should include a description of the current landcover and the crop history for the most recent 5 years for any fields greater than 25 acres in size where components may be sited.

Winter raptor surveys are recommended in 2024-2025 following the *New York State Department of Environmental Conservation Survey Protocol for State-listed Wintering Grassland Raptor Species* (August 2021).

Breeding bird surveys are recommended in 2025 following the *New York State Department of Environmental Conservation Survey Protocol for State-listed Breeding Grassland Bird Species* (March 2022).

Marsh Birds: If there is the potential for project elements to be located within onsite wetlands or their adjacent areas, or the construction of such elements will cause disturbance to said wetland areas, it is recommended that the applicant conduct marsh bird surveys in 2025.

Forest Raptors: If tree clearing activities are to occur between April 22 and August 16, forest raptor surveys are recommended in the core forest block steppingstones that will be impacted or will be subject to habitat alteration.

If Rolling Hills Wind concurs with these recommendations and agrees to conduct the habitat assessments and field surveys described above, please develop appropriate pre-construction study work plans and submit for review by the Office and NYSDEC prior to the commencement of field work, in compliance with §1100-1.3(g)(4). If the Applicant opts not to conduct any of the recommended surveys because it believes that suitable habitat for a given species is not present at the site, please provide a detailed description of the methodology used to determine that no suitable habitat exists in compliance with §1100-1.3(g)(3).

ATTACHMENT A – LISTED EAGLES SPECIES

ATTACHMENT B – LISTED GRASSLAND BIRD SPECIES

ATTACHMENT C – LISTED MARSH BIRD SPECIES

ATTACHMENT D – LISTED FOREST RAPTOR SPECIES

ATTACHMENT E – OTHER LISTED AVIAN SPECIES

ATTACHMENT F – SIGNIFICANT LANDSCAPE FEATURES

ATTACHMENT G – SIGNIFICANT NATURAL COMMUNITIES AND RARE PLANTS