



DIVISION OF NATURAL RESOURCES

Wildlife Resources Section
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Bob Wise
Governor

Ed Hamrick
Director

December 15, 2004

Ms. Sandra Squire
Executive Secretary
WV Public Service Commission
201 Brooks Street
Charleston, WV 25301

Dear Ms. Squire:

The West Virginia Division of Natural Resources (WVDNR) requests Intervenor Status in Case Number 04-1886-E-CS-Cn, Liberty Gap Wind Generating Facility.

The WVDNR is concerned about potential impacts to wildlife and wildlife habitats, including rare plant communities and rare, threatened, and endangered species. Of particular concern are the federally threatened bald eagle, federally endangered Virginia big-eared bat, and federally endangered Indiana bat, all known to occur within the project area. Two rare plants, Porter's reedgrass and silver nail-wort are known to within the footprint of the project. A listing of caves, unique plant communities, and rare, threatened, and endangered species occurrences within 10 miles of the project site is attached. Although most of these are not known from the project site itself, the area has not been adequately surveyed to determine if these species are present.

Caves used by Virginia big-eared bats are found within five miles of the project site. The most important caves are Hoffman School Cave (owned by the WVDNR), Minor Rexrode Cave, and the Sinnett/Thorn cave system. Hoffman School and Sinnett/Thorn caves contain maternity colonies of Virginia big-eared bats in the summer, and both are listed as Critical Habitat for this bat by the US Fish and Wildlife Service. The bats using these caves represent about 25% of individuals in maternity colonies in West Virginia; Hoffman School Cave contains the largest known maternity colony in the state. In addition, both these caves and Minor Rexrode Cave serve as hibernacula for this species in the winter.

Radio telemetry studies conducted by WVDNR biologists have demonstrated that Virginia big-eared bats travel up to 6 miles from the colony sites to forage during the non-hibernation period. These bats forage in a variety of habitats including hay fields, old fields, and forests, and appear to prefer areas that provide a mosaic of these habitat types.

Indiana bats also hibernate in caves in the project area. Minor Rexrode Cave houses a small hibernating concentration of this species each winter. In summer, Indiana bats usually roost under the exfoliating bark of trees. Maternity colonies can be located up to 300 miles from the hibernation site. Male bats, however, often remain within five mile of their hibernation caves.

Ms. Sandra Squire
Page 2
December 15, 2004

Studies at the Mountaineer wind facility on Backbone Mountain, Tucker County, have demonstrated that bat mortality at wind power facilities in West Virginia can be substantial. Mortalities were documented for seven species of bats, and total number of mortalities has been estimated at more than 2000 bats per year. Because bats are long-lived and reproduce slowly, high mortality levels over time could have serious impacts to bat populations. The Liberty Gap project is located within foraging range of a significant number of Virginia big-eared bats and within the potential summer Indiana bat habitat around known Indiana bat hibernacula. Project construction is likely to create the preferred habitat of Virginia big-eared bats (a mosaic of open and forest habitats) and could increase the use of this area by Virginia big-eared bats. In addition to potential impacts to endangered bats, the project is likely to impact the more common bat species, especially red and hoary bats and eastern pipistrelles, the species most commonly impacted at the Backbone Mountain site.

In West Virginia, the federally threatened bald eagle nests in the eastern portion of the state within the Potomac River watershed. WVDNR biologists conduct annual surveys to identify nesting territories as well as to document nest productivity. Bald eagles nest, winter and migrate through Pendleton County. Three nests are located within 10 miles of the proposed Liberty Gap project site, and WVDNR biologists and managers have observed bald eagles residing in the area year round.

Not much is known about the impacts of wind power projects on wildlife in the eastern United States, but information is being gathered. The Bats and Wind Energy Cooperative (BWEC), a partnership between representatives of government agencies, private industry, academic institutions, and non-governmental organizations, is currently conducting studies designed to investigate interactions between bats and wind turbines.

The Mountaineer project is one of the study sites being used by the BWEC. The goal of this research is to establish a basis for developing means of preventing or minimizing bat mortality at wind turbine sites.

Because of the potential impacts to federally listed species, as well as other wildlife, the WVDNR recommends that a multi-year pre-construction study be conducted to assess potential impacts to wildlife. This should include monitoring of bald eagles and other raptors present in the vicinity of the project (and along proposed transmission line routes) and monitoring of seasonal use of the area by endangered and non-endangered bats utilizing appropriate techniques such as radar, thermal imaging, and acoustical monitoring.

Sincerely,



Ed Hamrick
Director

Pyrgus wyandot - Grizzled skipper
Stygobromus morrisoni - Morrison's cave amphipod
Southern bog lemming - Synaptomys cooperi
Thryomanes bewickii altus - Appalachian Bewick's wren
Trichopetalum weyeriense - Grand Caverns blind cave millipede
Trichopetalum whitei - Luray Caverns blind cave millipede
Zapus hudsonis - Meadow jumping mouse

Plants

Aconitum reclinatum - White monkshood
Arabis patens - Spreading rockcress
Arabis serotina - Shale barren rockcress (endangered)
Betula papyrifera - Paper birch
Calamagrostis porter ssp. porteri - Porter's reedgrass
Calystegia spithamea ssp. purshiana - Shale barren bindweed
Carex aestivalis - Summer sedge
Carex davisii - Davis sedge
Carex emoryi - Emory's sedge
Carex pedunculata - Longstalk sedge
Carex polymorpha - Variable sedge
Clematis albicoma - White-haired leatherflower
Clematis occidentalis var. occidentalis - Purple clematis
Coeloglossum viride var. virescens - Long-bract green orchis
Cornus rugosa - Roundleaf dogwood
Eriogonum allenii - Yellow buckwheat
Glyceria acutiflora - Sharp-scaled manna-grass
Gymnocarpium appalachianum - Appalachian oak fern
Helianthus laevigatus - Smooth sunflower
Heuchera alba - White-flower alumroot
Hudsonia tomentosa - False heather
Juglans cinerea - Butternut
Luzula bulbosa - Southern woodrush
Oenothera argillicola - Shale barren evening-primrose
Oryzopsis asperifolia - White-grained mountain ricegrass
Packera antennariifolia - Pussytoes ragwort
Paronychia argyrocoma - Silver nail-wort
Paxistima canbyi - Canby's mountain-lover
Pieris floribunda - Mountain fetter-bush
Pinus resinosa - Red pine
Piptatherum canadense - Canada mountain ricegrass
Piptatherum racemosum - Black-fruit mountain ricegrass
Poa saltuensis - Drooping bluegrass
Prunus alleghaniensis var. alleghaniensis - Allegheny plum
Rosa acicularis ssp. sayi - Prickly rose
Saxifraga michauxii - Michaux saxifrage
Saxifraga pennsylvanica - Swamp saxifrage
Scirpus atrocinctus - Black-girdle bulrush
Sibbaldiopsis tridentata - Three-toothed cinquefoil
Solidago harrisii var. arguta - Shale barren goldenrod
Spiranthes tuberosa - Little ladies'-tresses
Symphoricarpos albus var. albus - Snowberry

Taenidia montana - Mountain pimpernel
Trillium nivale - Snow trillium
Woodsia ilvensis - Rusty woodsia