

United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pocosin Lakes National Wildlife Refuge
205 South Ludington Drive
P.O. Box 329
Columbia, NC 27925-0329
Phone: 252/796-3004

FILED

DEC 07 2011

December 6, 2011

Clerk's Office
N.C. Utilities Commission

Ms. Renne Vance, Chief Clerk, N.C. Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

RE: Docket No. EMP-61, Sub 0

Pantego Wind Energy, LLC – Application for Certificate of Public Convenience and Necessity

Dear Ms. Vance:

The United States Fish and Wildlife Service (Service) has a vested interest in northeast North Carolina as evidenced by the presence of nine National Wildlife Refuges (NWRs) encompassing over 360,000 acres. In addition, the Service has a National Fish Hatchery and a Migratory Bird Field Office (MBFO) in the area. Staff members from the Service's Ecological Services Field Office (ESFO) in Raleigh also routinely work on issues within the region.

The Department of the Interior and the Service support the development of wind and other renewable energy sources in the right places. That being said, the location of the Pantego Wind Energy, LCC project causes us great concern and we want to make the Commission aware of these concerns. Service staff (primarily ESFO and MBFO) have been communicating with representatives of the company for months now and have relayed these concerns to them as well. We are currently providing technical assistance to the company on migratory bird survey protocols, but my understanding is that the study they are conducting this winter is to help determine the best locations for turbines within the selected project area/site and will not be used to assess the suitability/impacts on migratory birds of the project site itself.

During the winter, Pocosin Lakes and Mattamuskeet NWRs become home to hundreds of thousands of migratory waterfowl. Although the birds concentrate on the refuges, they routinely fly out to surrounding agricultural and other lands to forage. One species of special concern is the tundra swan (*Cygnus columbianus*). Tundra swans are large birds weighing up to 23 pounds with a wingspan of 5 1/2 feet. The breeding grounds for tundra swans are in Alaska and western Canada. Part of the population migrates south along the Pacific Coast during the winter, but the other part, the Eastern Population of tundra swans, migrates across the continent to North Carolina, Virginia, Maryland, and Pennsylvania. Eastern North Carolina winters approximately 70 - 80% of this Eastern Population of tundra swans. Thus, this area supports a substantial part of this international migratory bird resource for four to six months annually.

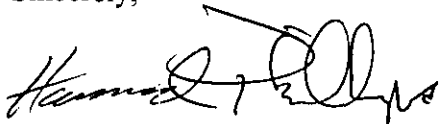
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Tundra swan use of the Pantego Wind Energy, LCC project site in the winter is well documented. Most of these birds are probably associated with the Pungo Unit of Pocosin Lakes NWR (approximately 2 miles apart at the closest points) but some are probably associated with Mattamuskeet NWR (approximately 15 miles apart at the closest points). In addition, studies have shown that there is a lot of mixing among tundra swans on the wintering grounds, so it is likely that many different individual birds within the population use the site, rather than the same birds using the site over and over again.

While there are few data on the potential impacts of wind farms on tundra swans, it seems reasonable to be concerned about 1) site avoidance (which means a loss of foraging habitat) and 2) direct mortality from turbine blade strikes (especially at night – tundra swans and other migratory waterfowl wintering at Pocosin Lakes NWR are known to fly between roosting and foraging areas at night). Additional study is needed to better understand these and other possible impacts of the proposed wind farm on tundra swans and other migratory bird resources wintering at Pocosin Lakes and Mattamuskeet NWRs. Due to crop rotations in the project area and other variables, it would likely take years, rather than a single field season as is planned for the company's current study, to gather the appropriate data. As stated above, the Service continues to provide technical assistance to Pantego Wind Energy, LCC on their proposed study, but thus far we have not received any written survey reports or migratory bird risk assessments from them. As there appears to be no other review process for this proposed project, delaying the decision on the application for a Certificate of Public Convenience and Necessity until risk assessment studies are completed would seem prudent.

Based on the information we currently have and our experience with the migratory birds wintering at Pocosin Lakes NWR, we believe that detrimental impacts to tundra swans from the proposed wind farm are likely. Other migratory bird resources, such as bald eagles, might also be affected. Direct mortality from blade strikes, if they occur, might be considered a violation of the Migratory Bird Treaty Act. We offer all of this information for you to consider as you evaluate Pantego Wind Energy, LLC's application for a Certificate of Public Convenience and Necessity.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Phillips", written over a horizontal line.

Howard Phillips
Refuge Manager