



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241

September 6, 2013

Re: Notice of Availability of Final Environmental Impact Statement, Habitat Conservation Plan, and Responses to Comments for an Incidental Take Permit Associated with the Beech Ridge Energy Wind Energy Project, West Virginia

Dear Interested Party:

Under the National Environmental Policy Act (NEPA), the U.S. Fish and Wildlife Service (Service) is advising agencies and the public of the availability of the Final Environmental Impact Statement for the proposed issuance of an incidental take permit for the Beech Ridge Wind Energy Project (FEIS), the Final Habitat Conservation Plan for the project (FHCP), and Responses to Comments on the draft EIS and draft HCP.<sup>1</sup> These documents are being made available prior to a final agency decision on the permit application so that parties who commented on the draft EIS and draft HCP can see how their comments were addressed.

Pursuant to the Endangered Species Act of 1973, as amended (ESA), Beech Ridge Energy, LLC and Beech Ridge Energy II, LLC have applied as co-applicants for a 25-year permit to authorize incidental take of the federally listed endangered Indiana bat (*Myotis sodalis*) and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) associated with construction, operation, maintenance, and decommissioning of the Beech Ridge Wind Energy Project, in Greenbrier and Nicholas Counties, West Virginia. The FHCP includes conservation measures to avoid, minimize, and mitigate the effects of project activities on these two species of endangered bats. Issuance of an incidental take permit by the Service would be contingent upon implementation of the FHCP, an Implementing Agreement included as an appendix to the FHCP, and adherence to any permit conditions.

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<sup>1</sup> On August 24, 2012, the Service published in the Federal Register a notice of receipt of application and availability of the draft HCP and draft EIS, initiating a 60-day public comment period. Based on public comments on the draft documents, the Service has prepared responses to comments and revised and finalized its EIS. Beech Ridge Energy also has revised its HCP.

**Document Availability:**

Electronic copies of the FHCP, FEIS, and Responses to Comments will be available by no later than September 13, 2013, on the West Virginia Field Office's Web site at [http://www.fws.gov/westvirginiafieldoffice/beechn\\_ridge\\_wind\\_power.html](http://www.fws.gov/westvirginiafieldoffice/beechn_ridge_wind_power.html).

The documents also will be available, starting September 13, 2013, on the Federal eRulemaking Portal at <http://www.regulations.gov> under Docket Number FWS-R5-ES-2012-0059. In the Search box, enter FWS-R5-ES-2012-0059, which is the docket number. Then on the left side of the screen, under the Document Type heading, click on the Notices link to locate the documents.

Paper and compact disk copies of the documents also are available for public review on weekdays during regular business hours (8:00 a.m. – 4:00 p.m.) at the West Virginia Field Office, 694 Beverly Pike, Elkins, West Virginia, and at the following West Virginia libraries: 1) Kanawha County Public Library, 123 Capitol Street, Charleston; 2) Greenbrier County Public Library, Lewisburg; and 3) Rupert Public Library, 602 Nicholas Street, Rupert.

Those who do not have access to the Internet or cannot visit our office or local libraries can request compact disk copies of the documents by telephone at 304-636-6586 or by letter to the West Virginia Field Office.

**Next Steps:**

We will evaluate the permit application, associated documents, and public comments in reaching a final decision on whether the application meets the requirements of section 10(a) of the ESA (16 U.S.C. 1531 *et seq.*). We also will evaluate whether issuance of a ESA section 10(a)(1)(B) permit would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether to issue a permit. If the requirements are met, we will issue the permit to the applicant. We will document our decision in a record of decision and issue or deny the permit no sooner than 30 days after publication of the Environmental Protection Agency's notice of the FEIS in the Federal Register. Publication of this notice is anticipated on September 13, 2013.

Thank you for your interest in this permit application. Should you have questions, please contact Laura Hill of this office at (304) 636-6586, Ext. 18.

Sincerely,



John Schmidt  
Field Supervisor