

THE STATE OF NEW HAMPSHIRE BEFORE THE  
SITE EVALUATION COMMITTEE  
DOCKET NO. 2015-02  
APPLICATION OF ANTRIM WIND ENERGY, LLC  
FOR A CERTIFICATE OF SITE AND FACILITY  
FIRST SUPPLEMENTAL PRE-FILED DIRECT TESTIMONY OF CAROL R. FOSS  
ON BEHALF OF THE  
AUDUBON SOCIETY OF NEW HAMPSHIRE

August 15, 2016

**Qualifications of Carol R. Foss**

**Q. Please state your name and business address.**

A. My name is Carol R. Foss and my business address is 84 Silk Farm Road, Concord, NH 03301. My qualifications have not changed from my May 23, 2016 pre-filed testimony in this docket.

**Purpose of Testimony**

**Q. What is the purpose of your testimony?**

A. The purpose of this testimony is to provide comments on the provisions for Common Nighthawk mitigation in the Bird and Bat Conservation Strategy (BBCS) for the Antrim Wind Energy Project. On 27 July 2016, NH Fish and Game biologists notified NH Audubon biologists of a recent Common Nighthawk fatality at the Lempster wind energy facility. This fatality, which was discovered on 22 July and appears to be an adult female, is the third Common Nighthawk fatality at the Lempster facility. If the SEC grants a permit for the Antrim Wind Energy Project, we urge that stronger requirements for Common Nighthawk mitigation be included as conditions of the permit.

**Q. What specific comments do you have regarding Common Nighthawk mitigation as presented in the BBCS of July 9, 2016?**

A. My comments are as follows (referenced to the pertinent sections of the BBCS):

1.4 Goals and Objectives: In light of the facts that: three mortalities of the state-listed endangered species, the Common Nighthawk (*Chordeiles minor*), have occurred at an operating New Hampshire wind energy facility, one as recently as July 22, 2016; incidental observations of Common Nighthawk occurred in the vicinity of the project area during pre-construction surveys (BBCS p. 18); clearing of vegetation for roads and

turbine pads creates areas highly attractive to Common Nighthawks for nest sites; and New Hampshire's Common Nighthawk breeding population has dwindled to approximately 9 known pairs as of the 2016 breeding season; we strongly recommend that the BBCS include an objective specific to preventing Common Nighthawk mortality.

#### 5.3.1 Potential Project Impacts to Birds:

This section states that bird collisions at the Antrim Wind Energy Project are not expected to adversely affect bird populations and that Common Nighthawks are unlikely to nest at the project site. While I would not go as far as to say that Common Nighthawk nesting at the site is *likely*, it is certainly a strong possibility. While vegetation restoration eventually will reduce the likelihood of nesting, such vegetation will take several years to become established, and even after establishment some unvegetated and sparsely vegetated areas will remain. Given the occurrence of nighthawks in the vicinity of the project, the fact that project construction will create potential nesting habitat, and the continuing issue of fatalities at the Lempster wind energy facility, it is important to acknowledge the potential collision risk for this species. Mortality of a Common Nighthawk would have an adverse effect on New Hampshire's breeding population, which would be particularly severe if the mortality involved a female.

7 Post-Construction Evaluation and Management: Given the discussion above, we strongly recommend inclusion of a specific objective addressing monitoring for Common Nighthawk nesting activity.

7.1 Evaluation Phase Field Studies: Evaluation Phase field studies need to include specific surveys for Common Nighthawk activity. Since the Common Nighthawk is active primarily at dawn and dusk, surveys conducted concurrently with standardized mortality surveys will not be effective for detecting this species. Surveys should be conducted *annually for the life of the project, including during decommissioning*, using the following protocol, unless otherwise advised in writing by NHFG.

Surveys should be conducted during the following time periods and separated by a minimum of 14 days:

- a. June 1-15
- b. June 16-30
- c. July 1-15

Surveys should be conducted from 20:00 to 21:30 hours on clear to partly cloudy evenings with no precipitation and wind speed not exceeding Beaufort 3 (10 mph) at ground level. Clear, calm, warm evenings are preferred.

If a nighthawk is observed displaying in the vicinity of a turbine, NHFG should be notified within

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24 hours and the turbine should be shut down from half an hour before sunset (approx. 8:00 pm) to sunrise (approx. 5:00 am) daily until nighthawk activity at the site has ceased for the season. An experienced individual should conduct behavioral observations on a minimum of three evenings (or until a nest is located) within one week of the initial detection to determine if a nest is likely and conduct inspections during daylight hours to locate and cordon off the nest site to protect eggs and nestlings from disturbance or damage by pedestrians or vehicles. This mitigation strategy has proven successful in avoiding Common Nighthawk mortality at other wind energy facilities.

9.1 Wildlife Mortality Monitoring Program: We applaud the commitment to develop a Wildlife Mortality Monitoring Program document, and recommend that a draft of this document be made available for public review. We also applaud the commitment to procure permits for onsite staff to retrieve dead or injured birds and bats, and strongly urge that a freezer be available at the operations building in which dead specimens can be stored pending retrieval by state or federal personnel.

9.3 Phased Consultation Process: We strongly recommend that the consultation process also include available specialists from the non-governmental or academic communities with expertise on the affected species or species group. We also recommend that notification to NHFGD and USFWS of a biologically significant event occur within 24 rather than 48 hours of discovery.