



July 11, 2012

Public Comments Processing
Attention FWS-R9-MB-2011-0094
Division of Policy and Directives Management
U. S. Fish and Wildlife Service
4401 North Fairfax Drive • MS 2042-PDM
Arlington, VA 22203-1610

Submitted VIA *Federal eRulemaking Portal*:

<http://www.regulations.gov/#!submitComment;D=FWS-R9-MB-2011-0094-0001>

**Re: Eagle Permits; Revisions to regulations governing take necessary to protect interests in particular localities
– Docket Number: FWS-R9-MB-2011-0094**

Dear U. S. Fish and Wildlife Service

Allegheny Highlands Alliance (AHA) appreciates this opportunity to submit the following comments in response to the Fish and Wildlife Service's notice, **Eagle Permits; Revisions to regulations governing take necessary to protect interests in particular localities** as issued by the DOI/FWS and published on April 13, 2012 at *77 Federal Register 22278-22280*.

The Allegheny Highlands Alliance ("AHA"), organization comprised of members residing in West Virginia, Virginia, Maryland, Pennsylvania and North Carolina whose mission is "Protecting Our Mountains for Future Generations". In furtherance of our stated mission, AHA's specific purposes shall include but not be limited to the following:

- (A) To advance public knowledge and understanding of the cultural, biological, environmental diversity, uniqueness, and sensitivity of the major ridgelines that comprise the Allegheny Highlands;
- (B) To preserve and protect areas of particular scenic, geologic, biologic, historic, wilderness, and/or recreational importance in the Allegheny Highlands;
- (C) To aid in the establishment of responsible policies to protect scientific, educational or aesthetic values;
- (D) To conduct regional and resource studies as a basis for the wise use of the various resources of the Allegheny Highlands; to develop programs in energy conservation and wise production; to serve local communities, the region, the people of the Allegheny Highlands as an agency for popular enlightenment. For cultural improvement, and for scientific advancement;

(E) To advocate governmental policies for the conservation and wise management of energy and natural resources of the Allegheny Highlands.

There is growing concern regarding the potential for listed species, Bald and Golden Eagles, as well as unlisted species and the resultant population declines given the rapid proliferation of industrial wind energy facilities and the documented large-scale mortality that has already occurred at some facilities. There is limited knowledge of migration and other movement behaviors of listed species, Bald and Golden Eagles, as well as unlisted species and of behavioral responses to landscape changes and turbine designs and operation limits as well as with the Service's ability to understand interactions with wind power facilities, the impacts of Project alternatives, the effectiveness of mitigation measures, and the cumulative impacts of the numerous threats to listed species, Bald and Golden Eagles, as well as unlisted species throughout their range which are highly uncertain and must be evaluated using the best available data, reasonably obtainable new data developed and risk assessments.

AHA having coordinated with the American Bird Conservancy, hereby expresses its support for and endorsement of the entire comments submitted to the service concurrently on behalf of Conservation Law Center and American Bird Conservancy.

In addition we are extremely concerned with the 100th meridian management decision. We believe that if FWS really thinks the eastern Golden Eagle population is too small and vulnerable to allow take permits for wind projects, then FWS should be telling wind developers not to locate in any areas with eastern Golden Eagles. Failure to do so will result in industrial wind energy project development going ahead without the NEPA analysis and public review that an eagle take permit would bring and deserves. Essentially, without a take permit process in place, no wind developer can be cajoled (much less required) to implement adaptive management or mitigation measures. Should FWS decide to change the 100th meridian policy in the future, will permits for eastern Golden Eagles be bound to the current decision or will there be another opportunity for the public to comment? What is FWS doing or going to do to protect the small and vulnerable population of eastern Golden Eagles? With only an estimated population of 1,000 to 2,500 Golden Eagles east of the Mississippi we cannot afford to take the risk and the process should be open for public comment.

Thank you for this opportunity to submit our concerns and comments. We look forward to participating in the rule making processes as they develop. Please add AHA to the notification list for these processes, using the contact information below.

Sincerely,

Larry V. Thomas
President
Allegheny Highlands Alliance
P.O. Box 194
Circleville, WV 26804-0194
340-567-2602
larryvthomas@aol.com

