

Wind General Permit Conditions

Version 9.15.2022

A. **Authorization.** You are authorized to injure and/or kill bald eagles and golden eagles incidental to operations of the wind energy project listed in the location above. Take is authorized provided there is no practicable alternative. The authorization applies only to incidental take resulting from activities conducted in accordance with the description contained in the general permit application and the terms of the permit.

(1) If you discover the take of four eagles of any one species during the tenure of the general permit, the project may continue to be authorized to incidentally take eagles through the term of the existing general permit but will be denied eligibility for future general permits for incidental take. You may apply for a specific permit for incidental take at that project. You may request reconsideration of this denial by following the review procedures set forth at § 13.29 of this subchapter, including providing the information required in § 13.29(b)(3).

(2) If the Service conducts monitoring at a wind project, any eagles discovered by the Service may be attributed to the wind project. The number of eagles considered as discovered will be adjusted based on the Service-monitoring detection rate.

B. **Prohibited.** This permit does not authorize the take of an eagle nest or disturbance of an eagle nest, including substantively modifying nesting substrate sufficient to render the substrate unsuitable for eagle nesting. This permit does not authorize the possession of eagles, nestlings, or eggs except for authorized disposal purposes.

C. **Compensatory Mitigation.** You must implement required compensatory mitigation.

(1) You obtain the required eagle credits from a Service-approved conservation bank or in-lieu fee program within 90 days of the effective date of your permit. Based on the hazardous volume of the project, you must obtain eagle credits at the following rates:

Atlantic/Mississippi EMUs: 6.56 eagles/km³,
Central EMU: 7.88 eagles/km³, and
Pacific EMU: 11.48 eagles/km³.

The hazardous volume of a project is calculated in cubic-kilometers as the number of turbines multiplied by $0.200\pi(d/2)^2$ where d is the diameter of the blades in kilometers.

(2) You must keep records to document compliance with this requirement and provide them to the Service with your annual report.

D. Avoidance and Minimization:

(1) **Hazardous Attractants.** Avoid attracting eagles to the project due to anthropogenically created or enhanced hazardous attractants. Remove existing and avoid creating new anthropogenic eagle attractants throughout the project, including resources that could attract foraging, roosting, and/or nesting behavior. These include:

- (a) Any garbage/waste discovered in the project site must be collected and disposed of in an appropriate trash receptacle securely protected from wildlife.
- (b) Remove any discovered animal carcasses squirrel-size or larger. Dispose of animals in a manner that will not attract eagles, such as beyond line-of-sight of Project infrastructure or at a designated disposal site such as a landfill. To increase the chances of locating animal carcasses, you must:
 - (i) Look for animal carcasses while travelling within the Project Footprint. Look for eagles, vultures, or other scavenging birds that are consistently present and/or consistently circling (e.g. in a kettle) in one area.
 - (ii) Report discovered animal carcasses or animal behavior that suggests a carcass may be present to the site manager within 8 hours. For animal behavior, search the vicinity within 24 hours.
 - (iii) Remove discovered animal carcasses from the site as soon as possible but not to exceed 72 hours of discovery.
- (c) Minimize anthropogenic creation of shelter and forage for small mammals in the project footprint, such as debris storage and waste materials.

(2) Collision Risks. You must avoid and minimize collision risks in the project, including collisions with turbines, vehicles, towers, and collector and/or generation-tie-line.

- (a) Maintenance vehicle movement must be restricted to pre-designated access, Project personnel or contractor-required access, or public roads. Where feasible, use existing roads and previously disturbed areas during construction, operation, and maintenance to minimize impacts to native habitat.
- (b) Implement a maximum 25mph speed limit within the project. Be alert for wildlife. Require additional caution in low-visibility conditions when driving any vehicle.
- (c) When applicable, bury collection lines to minimize eagle collision and electrocution risk associated with above-ground lines. Any above-ground lines must be electrocution-safe.
- (d) Implement practicable measures to reduce collision with wind turbines.

E. Adaptive Management. You must develop an adaptive management plan. Your adaptive management plan must be based on the best available science and monitor advances in scientific understanding regarding the effects of a project, adjustments to project operations and practices, and identify criteria for implementation of the mitigation hierarchy, including avoidance, minimization, and compensation actions.

If you discover three or more eagles of a single species at your project, you must submit your adaptive management plan with your notification and a description and justification of which adaptive management approaches you will be implementing.

F. Monitoring Measures. You are required to implement methods for discovering eagles at your project.

- (1) On-site personnel, such as staff, contractors, and volunteers, must be trained how to visually scan for eagle remains.
- (2) On-site personnel must conduct visual scans when on site.

(3) Each wind turbine must be searched at least once every 3 months. To the extent practicable, this should correspond to the local peak of the four eagle-use seasonal abundance periods:

Feb 22-Apr 11,
May 17-Sept 6,
Sept 28-Dec13, and
Dec 14-Feb 14.

G. Reporting Discovered Eagles. Discovered eagles must be reported to the Service.

(1) You must collect the following relevant information:

- i. Discovery date;
- ii. Collection date;
- iii. Species;
- iv. Sex and age (fledgling, juvenile, adult), if known;
- v. How eagle remains were located;
- vi. Condition (alive or dead);
- vii. Description (if alive, indicate if sick or injured; if dead, indicate if intact, freshly killed (eyes moist), semi-fresh (stiff, eyes desiccated), partially decomposed feathers and/or bones, or other);
- viii. GPS coordinates in decimal degrees with datum clearly identified (the reference system that geographic coordinates are associated with such as WGS 84) for the location where found, OR nearest turbine/pole/structure ID number;
- ix. Type and configuration of structure or features found near eagle remains and potentially responsible for injury/mortality (structure type; nameplate information; manufacturer, model number, height; presence/absence of guy wires; turbine, pole, structure ID#; etc.);
- x. Ground distance (estimated or exact) remains found from nearest pole, line, turbine, or other structure;
- xi. Suspected cause of mortality/injury (collision with turbine, collision with wire, collision with other structure, electrocution, other);
- xii. Disposition (freezer onsite, National Eagle Repository, left in place, rehabilitator, U.S. Fish and Wildlife Service Office of Law Enforcement (OLE));
- xiii. Record any Federal Band number, Color Markers, or transmitter descriptions; report Federal Band and Color Markers to the U.S. Geological Survey's Bird Banding Laboratory at: <reportband.gov> and provide the Service with the date this information was reported;
- xiv. Any special notes or additional information (e.g., if associated with a mortality event involving unusually high numbers of eagle takes associated with a particular turbine or feature; weather conditions at likely time of death, if known); and
- xv. Photos of the eagle remains.

(2) *Annual Report.* You must report all eagles discovered in the previous year in your annual report. You must report incidental take using Form 3–202–15. You must submit valid reports in a timely and accurate manner.

(3) *2-Week Report*. If you discover three or more eagles of any one species during the tenure of the general permit, you must notify the Service in writing within two weeks of discovering the take. Your notification must include the reporting data required in F(1) for each discovered eagle, your adaptive management plan, and a description and justification of which adaptive management approaches you will be implementing.

H. Disposition. You must dispose of eagles as described below, unless you are directed otherwise by the Service.

(1) *Injured Birds*: If an eagle is injured, Permittee must immediately contact a permitted migratory bird rehabilitator or a licensed veterinarian and follow their instructions for transport, care, and/or disposition of birds. We encourage you to offset the costs of treating injured eagles by paying the expenses through donations, in-kind assistance, or other means.

(2) *Freshly Deceased*: If the eagle is (a) freshly dead (has no smell, eyes are not sunken in, and the body is usually intact and has not been scavenged) or (b) has a telemetry unit: contact the Southeast Cooperative Wildlife Disease Study Lab (SCWDS Lab) at 706-542-1741 to see if the remains are acceptable and the lab is able to accept them.

If the SCWDS is able to accept the remains, fill out the lab's submission form. If possible, refrigerate remains rather than freezing. Send the remains by Federal Express or as directed by the lab.

(3) *Other Eagle Remains*. If the eagle is not freshly dead, or the lab is not able to receive the remains, OR it is not feasible for your station to ship the remains to the lab, you must ship the remains to the National Eagle Repository following the Repository's Shipping Guidelines. The guidelines are available at <<http://www.fws.gov/eaglerepository/factsheets.php>>.

I. Subpermittees. You may designate subpermittees to conduct some or all of your permitted activities. Subpermittees must be at least 18 years of age. You must designate subpermittees in writing, including the name and contact information of the individual or entity and the date(s), location(s), and activitie(s) authorized. Subpermittees must have a copy of their subpermittee designation and this permit when conducting activities and display it upon request whenever exercising its authority. You are responsible for ensuring that your subpermittees are qualified to perform the work and adhere to the terms of your permit. You are also responsible for maintaining current records of designated subpermittees. As the permittee, you are ultimately legally responsible for compliance with the terms and conditions of this permit and that responsibility may not be delegated.

J. Other Conditions.

1. You must comply with all of the regulations and permit conditions in part 21 of this subchapter, including any provisions specific to authorizing incidental take of migratory birds.

2. You must keep records of all activities conducted under this permit, including any subpermittee activities carried out under the authority of this permit (see § 13.46 of this subchapter). Your records must include an internal, discovered-eagle reporting system for bald eagle and golden eagle remains found at the site of the activity.

3. By accepting this permit, you are authorizing the Service to inspect the location and records relating to the activity (see § 13.21(e) of this subchapter). The Service may require you to participate in the Service's program-wide monitoring, such as providing access to Service staff or contractors. The Service will provide reasonable notice for requests to access sites and negotiate with the permittee about practicable and appropriate access conditions to protect human health and safety and address physical, logistical, or legal constraints.
4. You are responsible for ensuring that the permitted activity complies with all Federal, Tribal, State, and local laws and regulations.
5. The Service may amend, suspend, or revoke a permit issued under this subpart if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspension, and revocation of Federal permits set forth in §§ 13.23, 13.27, and 13.28 of this subchapter.
6. Notwithstanding the provisions of § 13.26 of this subchapter, you remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.
7. The Service will regularly evaluate whether the take of bald eagles and golden eagles under general permits remains compatible with the preservation of eagles. If the Service finds, through the best available information, that the general permit program is not compatible with the preservation of bald eagles or golden eagles, the Service may suspend issuing general permits in all or in part after publishing a notice in the Federal Register. If the Service suspends general permitting, take currently authorized under this general permit remains authorized until expiration unless you are notified otherwise.