



Briefing on the U.S. Fish & Wildlife Service Land-Based Wind Turbine Guidelines Questions and Responses April 9, 2012

This document summarizes the questions and responses that were not addressed during the webinar briefing on the U.S. Fish & Wildlife Service ('Service') Land-Based Wind Turbine Guidelines ('Guidelines'). Responses are provided by the Service staff who presented on the webinar.

Question: Will a similar approach be taken with offshore wind development?

Response: Atlantic Coast development is permitted by State or federal authorities, so voluntary guidelines may not be needed for coastal development. Great Lakes development may be entirely different since the U.S. Army Corp of Engineers has authority. While the Wind Energy Guidelines are specifically for land-based projects, we are working closely with state and federal agency partners on protocols for pre- and post-construction monitoring of proposed offshore wind facilities.

Question: Is the Service planning to provide standardized methods and protocols for field surveys and mortality estimators?

Response: We are working with USGS to develop standardized post-construction estimators for searcher efficiency, predators, and federally-listed species. Pre-construction field surveys are very habitat and species dependent so will most likely be handled at the Regional Office instead of the national level. However, pre-construction survey methodologies are available from the NWCC in their [Comprehensive Guide to Studying Wind/Wildlife Interactions](#).

Question: Is there a list of useful databases or other resources to consult in Tier 1?

Response: The Service has a list of useful sources online at the following website: www.fws.gov/windenergy.

Question: Does the Service have a plan for storing, managing, and making available data and/or results of studies conducted in accordance with these Guidelines (for analysis of cumulative effects, application to future projects, etc.)?

Response: FWS would like to have such a database, but there are concerns that proprietary information may be released through a Freedom of Information Act Request. At the request of developers, a database is being developed with the American Wind Wildlife Institute. That data should be available for cumulative impact assessments and other research. We are working on this with AWWI, but it has just started.

Question: Figure 1 of the finalized Guidelines appear to lump any projects that could impact ANY ESA or BGEPA species as automatically moderate or high impact. Can you comment on why this assumption is made and whether an example exists of a project scenario in the U.S. where no eagles and no ESA species are potentially impacted?

Response: Correct, any project that could impact any federally-listed species or bald or golden eagles is considered moderate or high impact. These species have particular conservation concerns and require additional time and mitigation, and sometimes permits, to address potential impacts. There may be examples of projects where no eagles or federally-listed species are likely to be significantly adversely impacted. We usually hear about the problem projects instead of the low impact projects. Also, it really depends on siting and mitigation measures.

Question: Can you help me understand "how many mortalities are too many?" For an endangered species, obviously, the answer is one. What if there are one/two/three/seven mortalities a year? How does the agency look at this? If one a year but you follow best management practices (BMPs) and communicate with the Service, is that acceptable? If 20 a year, same question.

Response: It can depend on the species. For federally-listed species, take of one individual is in violation of the Endangered Species Act (ESA). However, it is possible to apply for an incidental take permit under the ESA. That will provide a limit of take that will not result in jeopardy. There is a different model for eagles. Technically, the take of one migratory bird is in violation of the Migratory Bird Treaty Act.

Question: At any time does the Service have input on the adequacy of the Bird and Bat Conservation Strategy (BBCS), and if so, does that affect the enforcement discretion statement?

Response: We do recommend that developers share a draft of the BBCS with the Service for review and comment. This is part of the communication strategy and consideration of the Service's recommendations. The Service will not approve the BBCS, but we retain the ability to comment on it. The 'Considerations of the Guidelines in MBTA and BGEPA Enforcement' section (page 6 of the Guidelines) does include language about communication with the Service as part of the enforcement discretion.

Question: The Guidelines state that population-level risk assessment will not be done much at the project level. Is there a section of the Guidelines that addresses how to integrate information on impacts to both reproduction and survivorship (through habitat effects or direct turbine induced mortality) without doing population modeling? This question is in the context of project-scale assessments.

Response: The Guidelines do allow for population-level risk assessments at the project level, but the "population" should be defined relative to the project. For example, it is very difficult to assess population level impacts from one project. However, it makes more sense to apply it across the landscape with multiple wind energy projects. FWS is working with partners, such as USGS, to determine how best to do population-level assessments at the landscape level.

Question: Is the Service aware of many small to medium sized (i.e., less than 1MW) wind turbines?

Response: Yes. We have heard from the Dept. of Agriculture about small to medium sized wind turbines used on farms and in communities. There are programs in Agriculture that support small wind turbine

development. We are also using smaller turbines at National Wildlife Refuges to reduce our carbon footprint.

Question: Some certification sites are being developed in regional areas across the U.S. These sites are made available to industry to put up turbines for 1 to 2 years of testing. How may these Guidelines relate to such sites? They have relatively short term installations of wind turbines of various sizes but are continually used as industry needs.

Response: We are not familiar with certification sites; however, we highly recommend that NREL, or the authorizing agency, coordinate with the Service to ensure that the sites are not located in high risk areas.