

Wind Development Project Reviews

Threatened and Endangered Species Migratory Birds



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Agenda

- Authorities
- Effects
- Process
- Avoidance/Minimization/Mitigation
- Other Issues



NPPD Photo



- **Migratory Bird Treaty Act**
- **Bald and Golden Eagle Protection Act**
- **Endangered Species Act**



Migratory Bird Treaty Act

- Protects non-game bird species from “take”
- Incidental “take” not provided
- BMPs include turbine placement, seasonal restrictions and grassland restoration and mitigation.

Bald and Golden Eagle Protection Act

- Draft Guidelines currently in place
- Final Guidelines expected in December, 2012
- Permits for incidental "take" are possible

Endangered Species Act

- Section 7 consultation requires a Federal nexus (WAPA, RUS)
- Section 9 prohibits “take” (harm, harass, etc.)
- If no Federal nexus, Section 9 prohibitions still apply

Review Process

Start Early

- Contact agencies at site selection phase
- Review documents on the Nebraska Wind and Wildlife Site
- **USFWS Land-based Wind Energy Guidelines** (March 2012)
- Work with agencies to avoid, minimize, and mitigate adverse effects to wildlife species and their habitats

Did I say... **“Start Early?”**

USFWS Land-based Wind Energy Guidelines

- Tiered approach
 - Tier 1- Preliminary screening of possible project sites
 - Tier 2- Site characterization of one or more sites
 - Tier 3- Field studies to document wildlife and habitat and to predict project effects
 - Tier 4- Post-construction studies to estimate effects
 - Tier 5- Other post-construction studies and research



Direct Effects



Indirect Effects

- Behavioral changes
- Species displacement



Jim Ducey

- Habitat fragmentation
- Increased predation
- Invasive species



Kody Unstad

Avoidance

Is this an appropriate site for a wind project?



Minimization

- Bird flight diverters
- Turbine placement
- Line burial
- Buffers



Mitigation

- Grassland nesting birds
 - Reclamation and conservation easement
 - Land acquisition
 - Deed restrictions
- Listed species impacts
- Wetland mitigation
 - Conservation easements
 - Wetland reclamation



How to make it easy



- **Early** project reviews
 - - at site selection phase whenever possible
 - - work with federal and state agencies
- **Plan** and **budget** for mitigation and monitoring, research

Important Issues

- Consistency
- Cumulative impacts
- Section 10 permits/HCP

Questions ?

