

1 **Recommendations for Use of Avian & Bat Protection Plan for Addressing**
2 **Wind/Wildlife Interactions**

3 October 21, 2008
4

5 The “Other Models” Subcommittee recommends that the Federal Advisory Committee
6 include voluntary use of an Avian & Bat Protection Plan (ABPP) as part of a
7 comprehensive framework for national guidelines to minimize wildlife impacts from
8 wind development. An ABPP would serve as a complementary tool (*not a substitute*) to
9 the development of more traditional, prescriptive “guidelines”, by providing a mechanism
10 by which wind developers can voluntarily agree to *implement* a specific commitment and
11 plan to address wind/wildlife interactions on an early and ongoing basis. For example, if
12 the FAC develops formal, traditional guidelines (regarding studies, monitoring, etc.) or
13 best management practices, an ABPP then would provide an important *mechanism* to
14 ensure that the national guidelines are being used by a company.¹
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16 Under the concept, a wind project developer would create an ABPP that incorporates
17 certain key elements or guiding principles (developed by the FAC) and include a
18 commitment to implement the applicable federal and state formal guidelines to address
19 project-specific avian issues. Based on development and implementation of the ABPP by
20 a developer, the FAC also *could* consider recommending “incentives” for a developer,
21 such as assurances regarding regulatory compliance.
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23 **Avian and Bat Protection Plan in the Context of the Wind Industry**

24 A wind industry Avian & Bat Protection Plan would be a company-specific or project-
25 specific document that delineates a program designed to reduce the risks that result from
26 avian interactions with proposed and existing wind facilities. A company-wide ABPP
27 may provide an opportunity for a company to address migratory bird and bat issues on a
28 broader scale than afforded by a project by project approach, and may be used to
29 establish company policies and processes that will help the company ensure compliance
30 with Federal and state wildlife statutes. A project-specific ABPP would provide more
31 site-specific measures to minimize impacts to wildlife resources. Although each company
32 or project’s ABPP may be different, the overall goal of any ABPP would be to reduce
33 avian and bat mortality. The development of an ABPP would be governed by specific

¹ The APP approach is employed successfully today by the electric utility industry and the USFWS to reduce avian electrocution and collision mortality associated with power lines. The utility industry and the Service engaged in cooperative development of guidelines for Avian Protection Plans. The principles and voluntary guidelines are intended to allow electric utilities to tailor an APP that will best fit their needs while furthering the conservation of avian species and improving reliability and customer service. A utility that implements the principles contained in the APP guidelines greatly reduces avian risk as well its risk of enforcement under the Migratory Bird Treaty Act.

In the power line context, the APP guidelines provide a framework for designing and implementing a utility program to reduce avian mortalities and document utility actions. It may include the following elements: corporate policy, training, permit compliance, construction design standards, nest management, avian reporting system, risk assessment methodology, mortality reduction measures, avian enhancement options, quality control, and public awareness.

34 Guidelines for ABPP Development – to be developed and recommended by the FAC –
35 that lay out key elements and principles that should be reflected in the ABPP.

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37 Therefore, in addition to establishing more traditional guidelines that govern project
38 study requirements and siting BMPs, the FAC also would develop an ABPP guidance
39 document that establishes guiding principles to aid developers in their development of a
40 voluntary ABPP. Although not all of the recommended elements in the ABPP guidance
41 document would need to be included in every ABPP because of the specific
42 circumstances of a project or geographical area, the recommended ABPP guidelines
43 would represent an overview of elements that should be considered for inclusion in a
44 project-specific ABPP and/or that developers may find helpful in crafting their own,
45 individually-tailored ABPPs.

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47 To ensure use of this voluntary implementation tool, the FAC also *could* recommend a
48 set of incentives for the industry. For example, a wind company that implements the
49 principles contained in ABPP guidelines could be provided with certification for good
50 practices and/or assurances by the USFWS to reduce the risk of enforcement under the
51 MBTA.

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53 **Development of ABPP Guidance Document:**

54 **Key Elements that Should be Included in an Avian & Bat Protection Plan**

55 The ABPP guidance document should include the following elements or principles for
56 development of an ABPP.

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58 **1. Corporate Policy**

59 *In the ABPP, a company should provide a commitment to develop and implement a*
60 *specific company policy to address wind/wildlife issues.* An ABPP should include a
61 statement of company policy confirming a commitment to work cooperatively towards
62 the protection of birds and bat species. This should include a commitment by the
63 company to balance its goal of producing wind energy generation in a cost-effective
64 manner with state and federal regulatory requirements protecting avian and bat species,
65 as well as the need to obtain and comply with all necessary permits, monitor incidents of
66 avian and bat mortality, and take all reasonable efforts to construct and alter
67 infrastructure and project operations to reduce the incidence of avian and bat mortality.

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69 **2. Permit Compliance**

70 An ABPP should identify and implement a process under which a company will obtain
71 and ensure compliance with all necessary permits, as well as ensuring compliance with
72 all federal, state and tribal laws related to wildlife.

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74 **3. Risk Assessment Methodology & Site Selection**

75 *In an ABPP, a company would agree to implement a rigorous method for evaluating*
76 *avian and bat risks and to use the risk assessment methodology in making siting*
77 *decisions. A company should agree to assess risk to birds and bats from development of*
78 *wind power at all proposed sites in order to avoid, minimize, and mitigate adverse*
79 *impacts. A company can have the greatest impact on reducing avian mortality by*

80 focusing its efforts in a cost-effective manner to avoid locations and areas that pose the
81 greatest risk to migratory birds and bats. Therefore, as a general matter, an ABPP should
82 include a method for evaluating the risks posed to birds in a manner that identifies areas
83 and issues of particular concern. A risk assessment study should begin with a pre-
84 assessment analysis of available data regarding habitat type, site topography, avian and
85 bat use, avian mortality, established flyways, adjacent wetlands, prey populations, and
86 other factors that can increase avian interactions with wind facilities. The process will
87 include pre-construction surveys for avian and bat use, according to protocols and time
88 frames recommended by states and the USFWS, as well as an evaluation of the
89 effectiveness of design standards, and possible remedial actions. The avian reporting
90 system should be an integral component of this risk assessment. An ABPP also should
91 provide for the development of models that will enable a company to utilize biological
92 information to assess risk and avoid and minimize avian impacts. The risk assessment
93 methodology should be used to identify sites where wind power development would pose
94 high mortality risks or fragmentation of important habitats, and these sites should be
95 avoided.

Comment [C1]: Consideration of at risk species may include other species in addition to birds and bats

97 **4. Site Design and Development Practices**

98 *In the ABPP, a developer would agree to implement best site design, construction and*
99 *management practices as identified by states and the USFWS.* A company also would
100 agree to consider avian and bat interactions in micro-siting, design and installation of new
101 facilities, as well as in the operation and maintenance of existing facilities. Inclusion of
102 best site selection and design practices for both new and retrofit techniques should be
103 included in an ABPP. The company also should agree to use all reasonable and feasible
104 generally accepted best management practices during construction and operation of the
105 facility.

107 **5. Consultation & Information Sharing**

108 *In the ABPP, a company would agree to share relevant non-proprietary site and study*
109 *data and to work cooperatively with USFWS.* Specifically, the company should agree to
110 share relevant, non-proprietary information concerning wildlife resources in and around a
111 wind project area and the potential adverse impacts to those resources. Shared
112 information should include publicly available data from monitoring efforts and pre and
113 post-construction study results relative to the project area. In the ABPP, a company
114 should agree to work cooperatively with the USFWS in the future to avoid and minimize
115 impacts to wildlife resources as new relevant project information becomes available.

117 **6. Post-construction Monitoring and Avian/Bat Reporting System**

118 *In the ABPP, a company would commit to establish post-construction monitoring and a*
119 *mortality reporting system.* A company agrees to voluntarily monitor relevant avian and
120 bat interactions, including mortalities, through the development of a formal avian and bat
121 fatality reporting system. A company also agrees to make the data reasonably available to
122 the USFWS and the states, as much as possible in a compatible format to advance
123 adaptive management, leasing, and site/regional comparison. The company also will
124 make specimens collected on site reasonably available to the state and/or USFWS. An
125 ABPP should provide for the development of such a reporting system, which can help a

126 company pinpoint areas of concern by tracking both the specific locations where
127 mortalities may be occurring and the extent of such mortalities. Data collected by
128 company personnel should include avian and bat mortalities or injuries, as well as
129 remedial actions taken.

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132 **7. Mortality Reduction Measures**

133 *In the ABPP, a company would agree to use the results of a risk assessment to revise*
134 *siting decisions and identify and undertake appropriate mitigation. A company also*
135 *commits to review and provide post-construction mortality monitoring data and to work*
136 *cooperatively with the states and the USFWS to take action if the data indicate a*
137 *mortality problem. Proposed actions may include actions beyond site-specific mitigation.*
138 *After completing a risk assessment, a company should focus its efforts on areas of*
139 *concern, ensure that development activities are not out of proportion to the risks*
140 *encountered by birds and bats, and then determine whether a mortality reduction plan*
141 *needs to be implemented for existing projects.*

Comment [C2]: Other subcommittees are grappling with adaptive management and compensatory mitigation.

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144 **8. Avian Enhancement Options**

145 *In the ABPP, a company would agree to develop and implement actions that will provide*
146 *a net benefit to habitat and species. An ABPP may include opportunities for a company*
147 *to enhance avian populations or habitat, including managing habitats to benefit migratory*
148 *birds, or working cooperatively with agencies or organizations in such efforts. Where*
149 *feasible, such proactive development of new ideas and methods to protect migratory birds*
150 *and bats, through participation in research initiatives, should be encouraged and explored.*

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152 **9. Quality Control & Adaptive Management**

153 *In the ABPP, a company would agree to monitor its operations and continually seek to*
154 *improve wildlife-related performance, study protocols, mitigation approaches, and study*
155 *methodologies to reduce future wind-related wildlife risks. An ABPP should include a*
156 *mechanism to review existing practices, ensuring quality control and adaptive*
157 *management. The company also commits to perform a regular self-audit of its*
158 *performance on wildlife-related issues and to upgrade the ABPP periodically to improve*
159 *its effectiveness at reducing wildlife problems.*

160

161 **10. Key Resources**

162 *An ABPP should identify key resources and personnel to address avian protection issues,*
163 *including, for example, a list of experts who may be called upon to aid in resolving avian*
164 *issues. These could include consultants, State and Federal resource agencies, universities,*
165 *or conservation groups. An ABPP that connects avian experts with company decision-*
166 *makers may reduce the risk of avian incidents.*

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