Module 4: Adherence, Communication, and Coordination
Objectives

- Describe industry adherence with the Guidelines.
- Describe FWS law enforcement discretion.
- Describe additional coordination with States and Tribes, and communication with industry under the Guidelines.
Adherence

Discretion Language

- The Service urges voluntary adherence to the Guidelines and communication with the Service when planning and operating a facility.

- The Service cannot absolve individuals or companies from MBTA or BGEPA liability.

WEG page 6
Adherence

- The Office of Law Enforcement focuses its resources on investigating and prosecuting those who take migratory birds without identifying and implementing reasonable and effective measures to avoid take.

- Early communication with the Service is critical.
Adherence

**Appropriate Documentation and Communication**

- Developer’s or operator’s adherence to these Guidelines can include:
  
  - Identification and implementation of reasonable and effective measures to avoid the take of species.
  
  - Communicate with the Service.
Adherence

Appropriate Documentation and Communication

• Each developer or operator will be responsible for maintaining internal records sufficient to demonstrate adherence to the Guidelines and response to communications from the Service.

• Examples: environmental studies and surveys, internal or external review or audit, bird and bat conservation strategy (BBCS).
Service – State Coordination and Cooperation

- Promote consistency between the Guidelines and state guidelines.
- Service is available to States to confer, coordinate, and share expertise.

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Service – State Coordination and Cooperation

• The following tools are available to assist in reaching agreements which foster consistency between the Service and States:
  • Cooperative Agreements with interested state governments
  • Joint agency reviews
  • Examples of communication mechanisms: information sharing, project review, sharing species lists, and providing agency contact lists

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Service – State Coordination and Cooperation

- The Service will explore opportunities to:
  - Provide training
  - Develop national geographic data to identify sensitive ecosystems
  - Establish national BMPs
  - Develop standard protocols
  - Assist in identifying and obtaining funding for research

WEG page 56
Service – Tribal Consultation and Coordination

- Unique government-to-government relationship.
- The Service consults with Indian tribal governments when federal actions and activities may affect a Tribe’s resources, lands, rights, or ability to provide services to its members.

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Service – Tribal Consultation and Coordination

- The Service will provide technical assistance upon request.
- The Service may facilitate collaboration with other agencies and organizations, at the request of the Tribe.
- The Service must seriously consider and respond to all Tribal concerns.
Non-Governmental Organizations

• NGOs can provide meaningful contributions to the tiered approach, including:
  • Identifying environmentally sensitive areas
  • Providing site specific feedback to developers and agencies
  • Help design and implement mitigation
  • Assist with design and implementation of research
  • Work with diverse audiences

WEG page 58
NGO Conservation Lands

- The Service and agencies can coordinate and consult with NGOs that own lands or easements which might be impacted by a wind energy project.
Module 4 Summary

- Describe adherence with the Guidelines
- Describe FWS law enforcement discretion
- Coordinate with State, Tribes, and NGOs under the Guidelines