

**APPENDIX E**  
**INCIDENTAL BIRD AND BAT CASUALTY PROCEDURE**

Criterion Environmental Operating Procedure  
Incidental Bird and Bat Casualties

Revision: 1

Procedure Number  
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**Incidental Bird and Bat Casualties**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Facility Manager, Criterion Wind Project

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## 1.0 PURPOSE

This protocol governs the treatment of incidental bird and bat fatalities at the Criterion Wind Energy Project. This protocol does not comprise a fatality study searching protocol but rather describes actions to be taken when bird and bat fatalities are encountered by onsite staff not involved in formal fatality searches.

## 2.0 DEFINITIONS

**Migratory Bird Treaty Act** (16 USC 760c-760g) – The Act as amended implements protection of all native migratory game and non-game birds with exceptions for the control of species that cause damage to agricultural or other interests. The Act prohibits the take of any migratory bird, part, nest, egg, or product. Take, as defined in the Act, includes by any means or in any manner any attempt at hunting, pursuing, wounding, killing, possessing, or transporting any migratory bird, nest, egg, or part thereof. An official list of migratory birds is maintained at 50 CFR §10.13 by the USFWS.

**Bald and Golden Eagle Protection Act** (16 USC 668-668d, 54 Stat. 250) – The Act as amended provides for the protection of the Bald and Golden Eagle by prohibiting, except under certain specified conditions, the taking, possession, and commerce of such birds. The Act defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collects, molest or disturb. There are civil and criminal penalties for persons violating the law or regulations.

## 3.0 INSTRUCTIONS

### 3.1 Incidental Finds (Birds)

- Bird fatalities found near a turbine (e.g., on a turbine pad or the access road), must not be touched or otherwise disturbed. A Criterion employee must be notified immediately. If formal fatality studies are being conducted at the time of discovery, the Criterion employee must notify the technicians conducting the onsite studies of the find and provide the information listed below. If the find occurs when studies are not being conducted, the Criterion employee must document the fatality and notify Exelon Environmental:
  - Record information about the carcass on a Incidental Casualty Record Form:
  - Mark the casualty with a pin flag for future reference and note on the flag the Casualty ID
  - Photograph the carcass
    - Photos should be at close enough range to capture any distinguishing marks and/or feather color
    - Photos should also capture the location of the carcass relative to the turbine (i.e., zoomed out enough to capture both the carcass and the turbine)
    - Photos should include a reference item for scale (e.g. ruler, etc.)
- Notify appropriate person(s) within Exelon Environmental as soon as possible, but within 24 hours

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**3.2 Incidental Finds (Bats)**

- If facility personnel encounter a bat fatality near a turbine (e.g., on a turbine pad or the access road), they must notify a Criterion employee immediately. If formal fatality studies are being conducted at the time of the discovery, the Criterion employee must notify the technicians conducting the onsite studies of the find and provide the information listed below. If the find occurs when studies are not being conducted, the Criterion employee will document the fatality and notify the appropriate person(s) in Exelon Environmental:
- Record information about the carcass on a Incidental Casualty Record Form
- Photograph the carcass
  - Photos should be at close enough range to capture any distinguishing features, especially:
    - The head, with focus on the muzzle and ears
    - The tail membrane, especially the back-side
    - Fur color, especially the back side. If the back is greasy or insect-riddled, the belly side.
    - Relative size of the carcass. Photos should include a reference item for scale using a ruler
    - Photos should also capture the location of the carcass relative to the turbine (i.e., zoomed out enough to capture both the carcass and the turbine)
- Collect the carcass in a Ziploc baggie along with Carcass Tag
- Typical wildlife diseases (e.g., rabies) will not be an issue with a dead animal, however, personnel shall wear disposable latex or other protective glove when handling the carcass
- Store in freezer (preferably a chest freezer) on site (e.g., O&M Building, Criterion trailer, etc.) and record an entry in the Freezer Log Form
- Notify appropriate person(s) within Exelon Environmental as soon as possible, but within 24 hours

**3.3 Reporting and Notification**

- Exelon Environmental Contacts
  - Von Abernethy
    - (803) 617-9379 (Mobile) / (803) 295-5732 (Office)
  - Ed Tracey
    - (410) 868-4780 (Mobile) / (410) 787-6530 (Office)
- After the fatality has been documented according to the steps outlined above and reported internally (as soon as possible but within 24 hours), Exelon Environmental shall notify the US Fish and Wildlife Service of the find, in accordance with requirements of the USFWS Permit MB70075A-0..
- Bats collected under either an amended Maryland DNR Collection Permit or MD DNR Salvage permit must be reported annually. Birds collected under MD DNR Salvage Permit (i.e., once fatality studies begin), must be reported to DNR after spring migration (June 9) and annually. Birds collected under USFWS Permit MB70075A-0 must be reported monthly and annually.

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**3.4 Record Keeping**

- The following information shall be maintained on-site:
  - Collection or Salvage Permits
  - Incidental Bird & Bat Casualty Forms
  - Copies of Bird & Bat Carcass Freezer Tags
  - Criterion Freezer Log

**3.5 Training**

- All site personnel will participate in annual bird and bat awareness training.

**3.6 Other Related Documents or Procedures**

Not Applicable

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**Appendices**

**Incidental Bird & Bat Casualty Record Form**

Date: \_\_\_\_\_ Turbine No.: \_\_\_\_\_ Observer(s): \_\_\_\_\_

Casualty Type (circle one):      Bird              Bat              Casualty ID (mmddyTurbine#): \_\_\_\_\_

Condition (circle as appropriate):    Whole              Parts only              Scavenged

List part(s) found (if not whole): \_\_\_\_\_

Casualty found on:

- Pad
- Access Road
- Main Road (name): \_\_\_\_\_
- Other (describe): \_\_\_\_\_

Distance from Turbine: \_\_\_\_\_ (ft)              Bearing to Turbine: \_\_\_\_\_

Photos Taken (record photo numbers): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Bird & Bat Casualty Freezer Tag**

Casualty ID: \_\_\_\_\_ Observer(s): \_\_\_\_\_  
Freezer Record Number: \_\_\_\_\_ Date In: \_\_\_\_\_

**Bird & Bat Casualty Freezer Tag**

Casualty ID: \_\_\_\_\_ Observer(s): \_\_\_\_\_  
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