

## **Appendix D: Applicant Memorandum**

**To:** Kraig McPeck, Sara Schmuecker, and Ryan Anthony, U.S. Fish and Wildlife Service, Illinois-Iowa Ecological Services Field Office

**From:** Joan Heredia, Rock Creek Wind Project, LLC (a wholly owned subsidiary of Enel Green Power North America, Inc.)

**RE:** Rock Creek Wind Energy Project – Eagle Take Permit Application  
Confirmation of the Species and Facilities Covered by this Application

**Date:** November 2, 2018

On July 21, 2016, Rock Creek Wind Project, LLC (Project Company) submitted a permit application and Eagle Conservation Plan (ECP) to the U.S. Fish and Wildlife Service (Service) for the incidental non-purposeful take of bald eagles (*Haliaeetus leucocephalus*) associated with operation of the Rock Creek Wind Energy Project (Project) in Atchison County, Missouri. This application was for a programmatic permit authorizing the take of bald eagles that could be inadvertently killed or injured through collision with operating wind turbines at the Project over a 5-year term. The Project Company submitted an amendment to the Service on May 26, 2017, which requested a permit with a 30-year term under the new Eagle Rule (81 Federal Register 91494). This memorandum is being provided to the Service to clarify and confirm the permit application is requesting authorization for incidental take of one eagle species (bald eagles) associated with operating wind turbine generators. No other eagle species or Project facilities are to be covered by this permit application.

Our decision is based on extensive information we have gathered together with wildlife professionals in the course of our evaluation of the Project in accordance with the USFWS Land-Based Wind Energy Guidelines.

Based on that information, we recognize that bald eagles are known to occur throughout the year in northwestern Missouri. As documented during extensive avian use surveys conducted during our evaluation of the Project prior to construction, bald eagles have been observed breeding/nesting, migrating, and wintering in the general vicinity of Project. Additionally, given the number of bald eagles observed during avian use surveys (479 bald eagles were observed between December 2014 and March 2016), the Project Company recognizes there is risk of this species colliding with turbines during Project operations.

Golden eagles, on the other hand, are not known to occur throughout the area on a year round basis. And while a small number of golden eagles are known to winter in northwestern Missouri, they are not known to breed or nest in the area. Consistent with these facts, only 4 golden eagles were observed in a total of 564 avian use survey hours at the Project, making them less than 1% of the total eagle observations at the Project. These survey results directly confirmed the overall rarity of golden eagles in the area, which is also consistent with and the absence of high quality foraging habitat (e.g., areas of concentrated ground squirrel or rabbit use) within the Project. Based on all of the foregoing information, the Project Company does not believe that operating wind turbines at the Project poses

any significant or material risk to golden eagles and it has therefore not elected to seek authorization for incidental take of golden eagles as part of this permit application.

Along these same lines, the Project Company does not believe that electrocution of eagles on power poles associated with the Project pose any significant or material risks to either bald or golden eagles. We recognize electrocution of eagles that perch on power poles is associated with up to 10% of the anthropogenic source of bald eagle mortality across the United States (based on data analyzed between 2006 and 2011),<sup>1</sup>but we have implemented the Avian Power Line Interaction Committee's suggested practices<sup>2</sup> designed to minimize that risk during construction of power poles associated with the generation tie-line. With the implementation of these practices, we do not believe that power pole electrocution poses any significant or meaningful risk of killing or injuring any eagle species at the Project. As a result, the Project Company is confining its permit application to potential bald eagle mortality associated with operation of the 150 utility-scale wind turbine generators.

The law does not require that every action that poses even a minimal or theoretical risk to bald or golden eagles be permitted. Indeed, if that were the case, constructing tall buildings or operating motor vehicles in areas where any eagles are known to reside would require a permit. That is not what the law intends or requires. To be sure, if new information becomes available to suggest that the risk to golden eagles is higher than expected, or that other Project facilities pose a risk of injuring or killing a bald eagle, the Project Company will coordinate with the Service regarding appropriate next steps.

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<sup>1</sup> Allison, T.D. 2012. Eagles and Wind Energy: Identifying Research Priorities. A white paper of the American Wind Wildlife Institute, Washington, DC.

<sup>2</sup> [https://www.aplic.org/uploads/files/2643/SuggestedPractices2006\(LR-2\).pdf](https://www.aplic.org/uploads/files/2643/SuggestedPractices2006(LR-2).pdf)