

Appendix A. Response to Public Comments

Commenter: Sally Sarvey

Comment: I witnessed the application and procedure implemented for the Pioneer Wind Park in Converse County in Wyoming. Some observations: the FWS took years to complete the study of the mountainous environment where the turbines had already been placed and operated by sPower. The one year of collection found that one golden eagle per that year was killed. That was the basis on which the Eagle Take permit was issued. The permit is issued for many years but is re-evaluated in five years. As I understand it after that one year of collection no more are instituted. I don't know if the tower-blade technicians let carcasses lay or collect them. It's not possible for the public to see under the turbines. In other words after the one year of study there is no follow up.

The impression that I was left with after attending the meeting to explain the issuing of the permit was that an eagle take permit is nothing but formality. s Power was not fined for operating before a permit to kill was issued and in fact an eagle was killed. And after one year of study and decision making there is no further study.

Why bother? Kill eagles who mate for life, Drive sage grouse away, interrupt migratory patterns of birds and big game. Mitigation will take care of it is the answer. It's a formality. But the eagles are dead.

Why take the time to study? To the public it appears to be a sham. As you can deduce I say I am against this process. I haven't studied the Dunlap area but I am aware that eagles exist everywhere in this state. Apparently dead ones have been found beneath the 77 towers. Has a wind operator ever been fined for over killing after a take permit is issued?

Response:

This comment is noted. With the exception of the Cumulative Effects section, the scope of the analysis in the Environmental Assessment (EA) is limited to the Dunlap Wind Energy Project. The EA discusses the Project history as related to persecution and fines resulting from illegal take of eagles resulting from its operations.

The Eagle Act requires the Service to determine that any take of eagles it authorizes is "compatible with the preservation of bald eagles or golden eagles". Permittees cannot exceed authorized take levels on their permit without consequences. Eagle-specific post-construction monitoring is required for the Incidental Eagle Take Permit (IETP) and is included as a permit condition. The required post-construction fatality monitoring also includes searcher efficiency trials and carcass persistence trials designed for the purpose of addressing uncertainty and for developing robust estimates of mortality at the project site.

Applicants whose otherwise lawful activities may result in take of eagles, can apply for IETP so that their projects may proceed without potential violations of the Eagle Act. The Service may issue an IETP for eagle take that is associated with, but not the purpose of, an activity. Such permits can be issued by the Service when the take that is authorized is compatible with the Eagle Act preservation standard; it is necessary to protect an interest in a particular locality; it is associated with, but not the purpose of, the activity; and it cannot be practicably avoided (50

CFR, Part 22 and Federal Register 81;91494 (2016)). The preservation standard under the Eagle Act means to be consistent with the goals of maintaining stable or increasing breeding populations in all eagle management units and the persistence of local populations throughout the geographic range of each species (50 CFR, Part 22).

Comment determination: Non-substantive

Commenter: Eli Riggs

Comment: It says the Eagle take permit is 30 years, but the project is 35 years... what happens during those other 5 years?

Reading the draft, I do not understand exactly what will be done to help conserve the eagles. Will nests and Eagles be relocated, and if so where will they be relocated?

If there is an education opportunity for youth with a passion for Wildlife, I would like to please get information for participation. I would appreciate an opportunity to help and to learn from it. I am an active member of NWTF which hosts an annual convention in Nashville, Tennessee that I always attend, and I would love to possibly help give a presentation on your project if possible.

I'm also active with Tennessee Wildlife Federation events and education.

Also, if there are any wounded / injured Eagles as a result of this project or the take permit, and the US Fish and Wildlife Services is trying to identify possible places to relocate such Eagles, I would like to suggest Dolly Parton's Eagle Sanctuary in Pigeon Forge, Tennessee. If you would please consider that, I would love and appreciate being involved or assisting in any relocation efforts of these eagles from Wyoming to Tennessee, if at all possible. I frequently visit this eagle sanctuary, and it is a great program not only to save the lives of Eagles unable to live in the wild, educational and enjoyed by many people visiting Dollywood Theme Park each year who want the opportunity to see Eagles and learn more about them. They have saved many Eagles there through the years.

Response:

This comment is noted. The Applicant is requesting a 30-year Incidental Eagle Take Permit (IETP). The Proposed Action is to issue a 30-year IETP. There is no mention of the Project duration or life being 35-years in the Environmental Assessment (EA). The Applicant projects the Project lifespan to be 30 years. However, the Applicant did provide a Project fact sheet for the purpose of public scoping, early in the application process, to be posted on the Service's Wind Energy website. This fact sheet states that the Applicant has leased lands from the State of Wyoming for the duration of 35-years. This has no bearing on the resources analyzed or the potential decision as related to the EA, and is strictly between the State of Wyoming and the Applicant.

Applicants that choose to pursue an IETP work with the Service to develop conservation measures to avoid and minimize take, thereby attempting to negotiate the best possible conservation outcome for eagles in such situations. At this time, the Service believes that the appropriate avoidance and minimization measures are implemented at this project, but will be reevaluated throughout the permit period and in consideration of any future permit applications. Applicant will be required to implement the adaptive management plan described in the EA and Eagle Conservation Plan (ECP), including any additional conditions of the permit to further minimize potentially negative impacts to eagles.

The Service is not offering volunteer opportunities as related to carrying for, transporting, and otherwise direct involvement with eagles to the general public as part of the permitting process and analysis related to potentially issuing an IETP for the Dunlap Wind Energy Project.

The Applicant submitted an ECP as part of their application which contains “*Injured Wildlife – Procedures For Reporting And Care*” section which outlines specific protocols for handling injured eagles including the rehabilitation facilities to be used. These rehabilitation facilities are permitted to possess eagles by both state and federal government. The primary objective of these procedures is to provide immediate care for injured eagles.

The Service’s role as related to this federal action is to respond to the application received for an IETP and to analyze impacts of potentially issuing the permit. The Service has no direct authority over the actual project and therefore has no discretion on providing presentation opportunities to the public.

Comment determination: Non-substantive