



NATIVE ENDANGERED & THREATENED SP. HABITAT
CONSERVATION PLAN

Permit Number: ESPER0011567

Version Number: 0

Effective: 2021-05-14 **Expires:** 2027-05-14

Issuing Office:

Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Endangered Species Permit Office
5600 American Boulevard, West, Suite 990
Bloomington, Minnesota 55437-1458
permitsR3ES@fws.gov

Digitally signed by

Permittee:

Union Electric Company dba Ameren Missouri
1901 Chouteau Avenue, MC602
St. Louis, Missouri 63103

Principal Officer:

Ajay Arora - Chief Renewable Development Officer

Authority: Statutes and Regulations: 16 U.S.C. 1539a, 16 U.S.C. 1533d 50 CFR 17.22, 50 CFR 17.32, 50 CFR 13

Location where authorized activity may be conducted:

The Permit Area includes the area in Adair and Schuyler counties, Missouri in which all turbines are located as well as all easements, fee lands, and land leased for other facilities associated with the project as described in HCP Section 2.4, and shown in HCP Figure 1.

Reporting requirements:

See permit conditions for reporting requirements

Authorizations and Conditions:

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. Valid for use by permittee named above. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local, tribal, or other federal law.

C. Acceptance of this ITP serves as evidence that the Permittee and its authorized agents understand and agree to abide by all of the terms of the ITP and all sections of title 50 Code of Federal Regulations, parts 13 and 17, pertinent to issuance of incidental take permits. Section 11 of the Endangered Species Act of 1973, as amended (ESA), provides for civil and criminal penalties for failure to comply with permit conditions.

D. The person listed above must counter-sign the permit to acknowledge receipt and signify agreement to fully abide and implement this permit. You must sign and return an original signature copy to the Field Office listed below in condition S.

Permittee Signature: _____



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E. The authorization granted by this permit is subject to compliance with, and implementation of the Final Habitat Conservation Plan for The High Prairie Renewable Energy Center (HCP), executed by the Permittee and the U.S. Fish and Wildlife Service (Service). This Incidental Take Permit (ITP) and the HCP are binding upon the Permittee, and any authorized officer, employee, contractor, or agent conducting permitted activities.

F. The Permittee will be responsible for implementing the HCP and the terms and conditions of this ITP. The Permittee will allocate sufficient personnel and resources to ensure the effective implementation of the HCP and the ITP. Failure of the permittee to implement the HCP and terms and conditions will be a violation of the permit.

G. The authority issued to the Permittee applies to all of the Permittee's officers, directors, employees, agents, subsidiaries, contractors, and subcontractors. The Permittee is liable for any ITP violations that occur by any of the persons and/or entities referenced in this paragraph or by any other persons and/or entities under the control of the Permittee. The Permittee shall conduct an educational program to inform all such persons and entities of this ITP and the HCP's terms and conditions, and the Permittee shall be responsible for supervising their compliance with those terms and conditions. All applicable contracts between the Permittee and such persons and entities, where relevant, shall require their compliance with the HCP and this ITP.

H. The Permittee is authorized under the Endangered Species Act of 1973, as amended (Act), to incidentally take the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (*M. septentrionalis*), and little brown bat (*M. lucifugus*) to the extent that take of these species would otherwise be prohibited under section 9 of the Act, and its implementing regulations, or pursuant to a rule promulgated under section 4(d) of the Act. Take must occur incidental to otherwise lawful activities associated with operation of the High Prairie Renewable Energy Center as described in the HCP, and as conditioned herein.

I. The Permittee will provide funding assurance for the HCP as described in Chapter 8 of the HCP. These funding assurance mechanisms will ensure that sufficient funds are available for full implementation of all aspects of the HCP. The funding assurances will be secured and provided to the Service within 90 days of ITP issuance.

J. A copy of this ITP must be in possession of the Permittee and designated agents while conducting covered activities.

K. Unless the ITP is amended, suspended, revoked, or terminated, the permit duration is 6 years. The ITP will be amended if the Permittee significantly modifies a major component of the HCP that results in impacts beyond those already considered in the NEPA and/or Section 7 analysis. Decisions to amend this permit will be made by the Service and will be made accordingly to relevant Section 10 implementing regulations and guidelines. This permit cannot be renewed.

L. This ITP authorizes the take of up to 72 Indiana bats, 18 northern long-eared bats, and 96 little brown bats over a non-renewable 6 year ITP term.

M. The Permittees shall ensure that all minimization and mitigation activities as described in Chapter 7 of the HCP are carried out as more fully described therein, including by way of example, but not limited to:

M.1. Feathering of turbine blades below a wind cut-in speed of 5.0 m/s from 45 minutes before sunset to 45 minutes after sunrise when ambient temperature is above 4.4°C (40°F) from sunset to sunrise from April 1 – October 31. The ambient temperature threshold may be revised to no more than 10°C (50°F) based on acoustic data collected at the site. The time of feathering before sunset and after sunrise may be revised to no less than 30 minutes based on acoustic data collected at the site. Revisions to the ambient temperature threshold and time before sunset and after sunrise may only after consultation with, and written approval from, the Service.

M.3. Mitigation for the impacts of the taking including the preservation and permanent protection of 217 credit/acres of occupied forested habitat for Covered Species at Chariton Hills Conservation Bank (Service authorized pursuant to a Conservation Bank Enabling Instrument (dated July 11, 2018; USFWS 2018).

N. The Permittee shall ensure that all monitoring activities set forth in the HCP are carried out as more fully described in Chapters 7 and 8 of the HCP, including by way of example, but not limited to:

N.1. Take compliance monitoring - Standardized fatality monitoring will be conducted annually from April 1 – October 31. The Permittee will use Evidence of Absence software (EoA) (Dalthorp et al. 2017) based on the prior year's site-specific data to design annual search protocols such that the average detection probability is at least 0.2 for the term of the HCP and Permit.



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- N.2. Conservation program compliance monitoring- To show that the turbines were operating as expected and according to the curtailment plan, the Service will request data from at least five turbines be provided for between two to four nights during each curtailment season (April 1 – October 31). The Service will randomly select the turbines and dates after the curtailment season. Data should be provided in either a tabular or a graphical format, and it must be data from either the turbine control system or data historian system to demonstrate that curtailment is occurring as described in the HCP. The following information must be provided for each turbine: date, time, wind speed, temperature, and system information used to indicate operational state of the turbine (e.g., rpm, power output, etc.).
- N.3. Biological monitoring- Monitoring of maternity colonies will occur as a result of adaptive management (HCP Appendix C), or in years 4 and 5 of the HCP. The persistence of maternity colonies within the Permit Area will be monitored using mist-net surveys, with subsequent radio telemetry and emergence counts. The focus of maternity colony monitoring will be on the Indiana bat, but little brown bats will also be monitored if take is documented through the standardized fatality monitoring. Maternity colony monitoring of northern long-eared bats will occur if they are captured during monitoring for the other Covered Species. For details see HCP Section 7.4- Maternity Colony Monitoring.
- o. The Permittee shall ensure that all reporting requirements set forth in the HCP are carried out as more fully described therein (HCP Chapters 7 and 8), including by way of example, but not limited to:
- O.1. Notification to the Service within 48 hours if any eagles or federally listed species casualties are discovered.
- O.2. All bat carcasses, including Covered Species carcasses, will be collected, placed in plastic bags and frozen for use in future analysis, or in the case of non-covered species, for bias trials. Covered Species will be turned over to the Service upon request. Collected bat carcasses will be disposed of per Missouri Department of Conservation (MDC) collection permit requirements. Absent MDC requirements, carcasses of either category will be stored for a minimum of one (1) year.
- O.3. Monitoring reports will be submitted to the Service by December 15 the calendar year of each round of Intensive Monitoring. These reports will include information necessary to estimate take of Covered Species, such as: date, time, location, species, and sex, of all bat carcasses documented; bias trial data; calculated g value; estimated average annual take rates and cumulative take estimates of the Covered Species; adaptive management triggers activated (if any) and planned response; EoA inputs for the monitoring year; all-bat fatality rate; and a record of ambient temperatures and wind speeds and the application of cut-in speeds during a representative sample of the minimization period.
- O.4. Information on bats found incidentally during Operations Wildlife Monitoring will also be reported to the Service annually.
- p. Bat carcasses not used for bias correction trials will be made available to the Service upon request.
- q. The Permittee will comply with the changed circumstances (HCP Chapter 8) and adaptive management (HCP Chapter 7 and Appendix C) processes for minimization and mitigation measures.
- R. The Permittee and its authorized agents are authorized under this permit to collect and/or handle covered bat species found incidentally or during HCP compliance monitoring. Collection and handling of covered bat species that is not directly associated with the implementation of the HCP is not authorized. The collection and disposition of covered bat species, including non-living specimens (whole carcasses or body parts), injured live specimens, or grounded, uninjured live specimens shall be conducted in accordance with all protocols described in the HCP and provided by or approved by the Service's contact office. All persons performing the collection or identification of specimens shall be properly qualified, as defined below.
- R.1. Properly qualified for collection of non-living covered bat remains means that any surveyor must be properly trained by the Permittee or authorized agent in carcass handling and collection protocols, including data collection, recording, and protection. The surveyor must have knowledge of and take all reasonable precautions to prevent harm to the self and others as a result of handling non-living remains. Also, all applicable federal, state, and local laws relating to the collection and disposition of wildlife remains should be followed by the surveyor.
- R.2. Properly qualified for handling of living, but injured or grounded covered bat specimens means that any surveyor must be properly trained by a person holding a valid ESA section 10(a)(1)(A) recovery permit for bats from the Service. The surveyor must have knowledge of and take all reasonable precautions to prevent harm to the self, others, and the animal as a result of handling living



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covered bat specimens. Also, all other applicable federal, state, and local laws and guidelines relating to the collection and disposition of wildlife specimens should be followed by the surveyor.

R.3. Properly qualified for the identification of the non-living remains or living specimens of covered bat species means that the person must hold an ESA section 10(a)(1)(A) recovery permit for bats from the Service that is valid in the State of Missouri.

s. For the purposes of monitoring, compliance, reporting, and administration of the terms of this ITP, except where otherwise specified in the HCP, the contact office for the Service shall be:

Field Supervisor, Missouri Ecological Services Field Office
573-234-5031
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park DeVille Drive Suite A
Columbia, Missouri 65203

t. The Federal "No Surprises" Rule, 63 FR 8859 (February 23, 1998; codified at 50 CFR §§ 17.3, 17.22(b)(5), 17.32(b)(5)) is applicable to the High Prairie Renewable Energy Center and provides assurances to the Permittee, provided that the Permittee has properly implemented the HCP, and the ITP.

u. The Bald and Golden Eagle Protection Act (BGEPA) provides protection for bald and golden eagles by prohibiting take, possession, sale, purchase, barter, offer to sell, purchase, or barter, transport or export/import of any eagle, alive or dead, including any part, next, or egg, unless authorized by a BGEPA permit. 16 U.S.C. § 668, et seq., 50 C.F.R. Part 22. This ITP does not address eagles and thus does not authorize any act prohibited by BGEPA, including but not limited to take of bald or golden eagles. This ITP also does not resolve eagle take prior to permit issuance. The Permittee has applied for a BGEPA permit on 8/10/2020 to address the project's risk of eagle take. The Permittee shall include in its annual reports any bald eagle or golden eagle take at the Project.