

APPENDIX D

Wildlife Response and Reporting System



WILDLIFE RESPONSE & REPORTING SYSTEM (WRRS) MANUAL

FOR WIND ENERGY CENTERS

Revised:
AUGUST 2019

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TABLE OF CONTENTS

1. Wildlife Management Program	
1.1 Our Commitment.....	1
1.2 Purpose & Summary	1
1.3 Wildlife Fatalities / Injuries.....	2
1.4 Non-avian Carcasses.....	3
1.5 Birds with bands.....	3
1.6 Nests.....	4
2. Procedures	
2.1 Inspections.....	7
2.2 Incident Reporting	9
2.3 External & Internal Notifications	13
3. Threatened & Endangered Species List	
3.1 Federal / State.....	15
• Species Profiles	
4. Annual Training	
4.1 WRRS Training Module	17
4.2 Training Roster.....	19
5. Appendices	
• Pre-construction wildlife reports	
• Site Operating Permit	
• Copy of or location of Environmental Impact Reports/Assessments (EIR/EIA)	
• Avian / Bat Protection Plans (APBB, APP)	
• Bird / Bat Conservation Strategies (BBCS)	
• Adaptive Management Plans	
• Post-Construction Mortality Monitoring reports (annual and final reports)	
• Site specific agency agreements or legal agreements	
• Other site-specific wildlife information	

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1.0 WILDLIFE MANAGEMENT PROGRAM

1.1 OUR COMMITMENT

As employees of NextEra Energy Resources, we have a responsibility to be good stewards of the environment and to adhere to the law.

Most birds that are seen across the country, including in NextEra Energy Resources' wind plants are protected by one of two laws; the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act. Some species have the additional classification of "endangered" or "threatened". Eagles and endangered species have special reporting requirements, and therefore have a special reporting procedure.

Bald and Golden Eagle Protection Act - 16 U.S.C.S. 668 (a)

"Whoever, ...shall ...take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the forgoing eagles, ...shall be fined not more than \$5,000 or imprisoned not more than one year or both for each such violation."

Migratory Bird Treaty Act - 16 U.S.C.S. 703

The Act makes it unlawful to: ship, transport or carry from one state, territory or district to another, or through a foreign country, any bird, part, nest or egg that was captured, killed, taken, shipped, transported or carried contrary to the laws from where it was obtained; import from Canada any bird, part, nest or egg obtained contrary to the laws of the province from which it was obtained. § 705.

Endangered Species Act – 16 U.S.C.S 35

"...it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof..."

1.2 PURPOSE/SUMMARY

The purpose of this manual is to standardize the actions taken by NextEra Energy Resources in response to any wildlife fatalities and/or injuries found within the wind plant boundaries.

Any wildlife injury or fatality found within wind-plant boundaries, regardless of cause of death, should be reported immediately to the operations leader who shall complete an incident report and take photographs. Environmental Services – PGD Support shall be notified and further actions will be determined at that time based on the species and the circumstances surrounding the incident.

1.3 WILDLIFE FATALITIES

In addition to any complete or partial carcasses, any portion of a bird, bat or other animal, including individual feathers and/or bones, are all considered reportable wildlife fatalities. Report all finds even if the carcass and/or parts are not thought to be associated with wind plant operations. All wildlife species shall be reported.

1.4 WILDLIFE INJURIES

The majority of injured birds will have a broken wing. A broken wing will usually hang down oddly or blow in the wind. An injured bird will most likely be on the ground and unwilling or unable to fly. Raptors (any bird of prey or bird with a hooked beak and sharp talons) will sometimes perch on the ground and raptors will sometimes walk on the ground, but not often. If a bird is seen walking or perched on the ground, approach it slowly to see if it will fly away, if it runs away, refusing to fly, it is most likely injured.

Injured animals are dangerous. PGD prohibits personnel from getting too close or touching any wildlife without prior regulatory or PGD approval. This practice is enforced to avoid potential injury to self and to wildlife. Prior to completing any inspection related tasks or the collection of information needed for a report, conduct a risk assessment to define potential risks (e.g., uneven walking surfaces, snakes, etc.). Once safety is

assessed, maintain visual contact with the injured animal while reporting the incident to the operations leader so that the correct process can be determined.

1.5 NON-AVIAN CARCASSES

Non-avian and mammal carcasses pose a potential risk to wind sites, as they may draw avian scavengers to the site. If you see any of the types listed below, it is important to take action to prevent an impact with large raptors.

A **large mammal carcass** is defined as a partial or entire livestock or game animal carcass present on the property. These include, but are not limited to, sheep, cows, horses, elk, and deer. All on-site finds shall be reported even if the carcass and/or parts are not believed to be related to site operations.

A **small mammal carcass** is defined as a small to medium sized animal, including, but not limited to, rabbits, dogs, foxes, coyotes, and prairie dogs. Multiple (5 or more) small mammal carcasses in close proximity to each other shall be reported even if the carcass and/or parts are not believed to be related to site operations.

A **gathering of avian scavengers** is defined as an unusual concentration of scavenging avian species such as crows, ravens, vultures, or eagles. All personnel on site should be observant of any atypical bird activity while traversing the site or visiting turbines for maintenance. Some examples of unusual bird activity that might represent a gathering of scavengers on a carcass could be:

1. Groups of eagles or vultures circling in a focused area
2. Groups of crows or ravens congregating in a specific area
3. Eagles, crows, ravens, or vultures seen perching in unusually high numbers

A significant event is defined as an event in which several large mammal carcasses, or multiple small animal carcasses (including bats), are located on site. Even if avian scavengers are not yet present, it is imperative that significant events are reported immediately, so that steps can be taken to remove the carcasses (if determined to be the course of action by Environmental Services) before avian scavengers are attracted to the site. Additionally, special notifications may be required if multiple bats are found

on-site in a short period of time.

Contact Environmental Services – PGD Support to discuss implications and develop a plan of action. It may be necessary to contact the landowner to have the carcass removed from their property. Environmental Services – PGD Support may also suggest that the State wildlife agency be notified of the potential risk to the site.

In some cases, Law Enforcement may need to be notified in the case of carcasses purposely left on site.

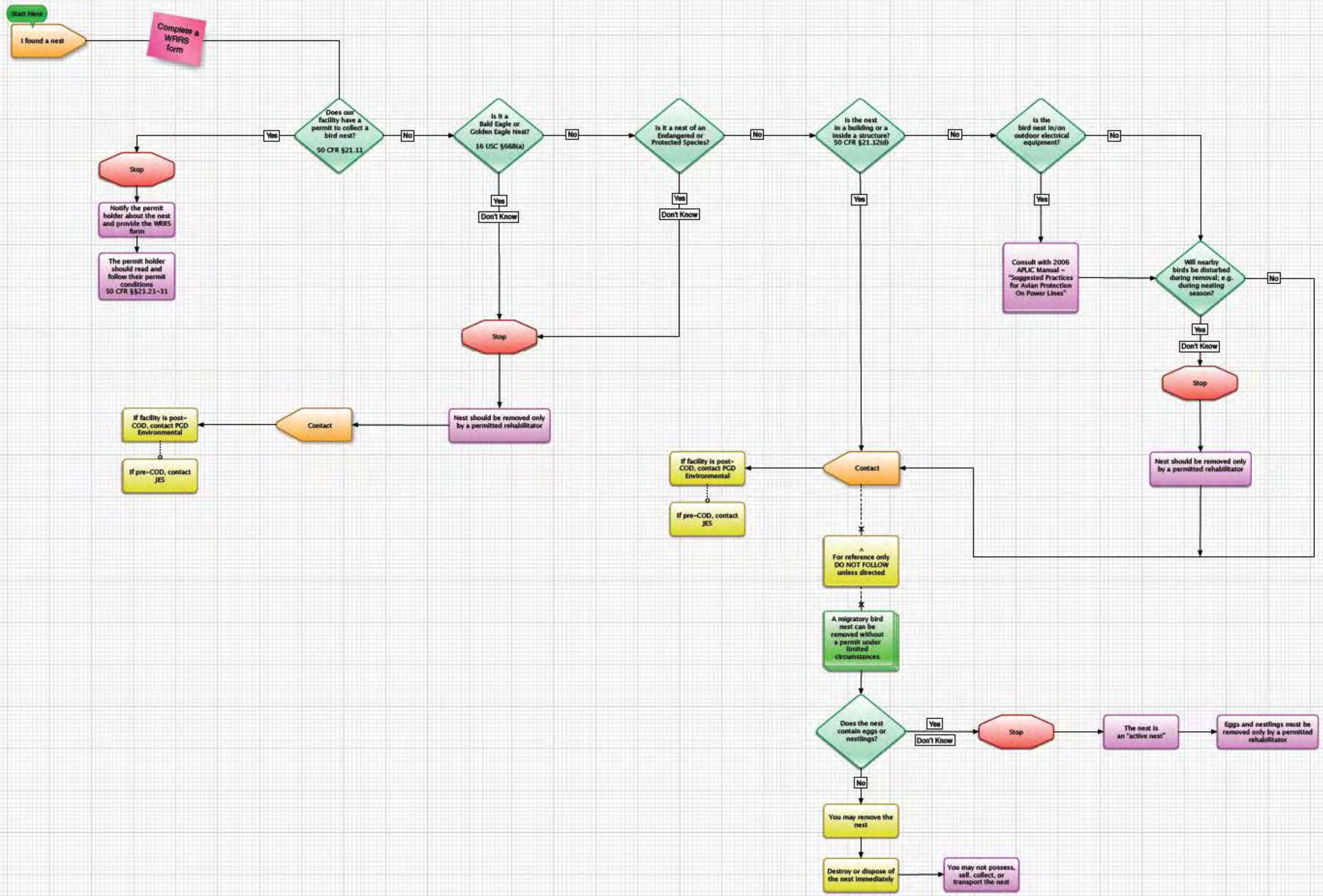
1.6 FINDS WITH BANDS

If you find a wildlife fatality with a band(s) (sometimes found in or around legs, ears or wings of animals), please notify your operations leader, and include this information in your WRRS reporting form. There are several different wildlife and agencies that may need to be contacted.

1.7 NESTS

If you find a nest in, on or around a turbine, power pole, substation, or transformer, please contact your Wildlife Program Manager for guidance. **Do not remove or touch a nest without permission.** Please note that a bird nest could be a collection of eggs with no nesting material below them (barn owl nests, for example).

The following flow chart ([I Found a Nest Flow chart \(OpModel\)](#)) was developed as guidance for when the discovery of a nest has been made.





FPL Energy

FPL Energy, 700 Universe Boulevard, Juno Beach, FL, 33408
561-694-3107

MEMO

To Skelly Holmbeck
From David Cleary
Date May 13, 2008
Subject Bird Nest Management

PRIVILEGED & CONFIDENTIAL
ATTORNEY – CLIENT COMMUNICATION

Question Presented: If a wind facility encounters a bird nest, what options does the facility have regarding removal?

Response: Our options rely primarily on whether the nest is “inactive” (has no eggs or young in it). If no eggs or young are present in the nest, the US Fish & Wildlife Service has opined that there is no Migratory Bird Treaty Act violation if the nest is removed without subsequent possession. Bald Eagle or Golden Eagle nests may not be removed without a permit, even if the nest is inactive. The inactive nest of an unidentified bird, or a bird otherwise suspected to be listed as threatened or endangered under the Endangered Species Act should not be disturbed without consulting JES and legal counsel.

On April 15, 2003, the US Fish & Wildlife Service issued an interpretive memorandum to resolve issues surrounding nest destruction and the Migratory Bird Treaty Act. See Attachment 1. The general concept is that USFWS agrees that unoccupied nests of birds protected only by the MBTA may be removed. In no event is the nest to be “possessed,” retained, or transported, or sold by FPLE in any way without first obtaining a permit.

On October 5, 2007, the USFWS amended its rules (50 CFR Part 21.12. See Attachment 2) regarding the removal of migratory birds (other than ESA listed or bald or golden eagles) from a building or structure by the general public without a permit. The permit exceptions are found in 50 CFR 21.12(d)(1), and include removal of a trapped bird because of a health threat, a threat to human safety, and even a “threat to commercial interests,” such as products for sale.

However, the new rule carries an important exception regarding active nests. As stated in 50 CFR 21.12(d)(10), if a nest with eggs or nestlings is present, then the 21.12(d)(1) exceptions do not apply, and the assistance of a “federally permitted migratory bird rehabilitator” must be obtained to remove the eggs or nestlings.

A lawfully removed nest may not be possessed in any way after removal unless a permit is obtained, since an unpermitted nest will be deemed to be held for a commercial purpose, which is prohibited.

The USFWS advises that all actions must comply with State and local laws and ordinances. In the case of a mere migratory bird’s empty nest, violation of such laws (including animal cruelty laws) would be remote, but consult with JES and legal counsel before taking any action where doubt exists.

For advice regarding other types of bird nest encounters with electrical equipment, please consult the APLIC’s final report, *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*. I believe JES has many extra copies, and the book includes a searchable CD in the back as well.

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2.0 PROCEDURES

2.1 INSPECTIONS

The NextEra Energy Resources Wildlife Response and Reporting System relies solely on wind technicians and other site personnel to find and report birds, bats and other animals. Wildlife Inspections shall be completed as part of the Inspection of Watch (IOW) procedure.

Wildlife inspections must be conducted in accordance with our lease/easement agreements with individual landowners. Confirm these conditions prior to conducting any wildlife inspections. It is expected that the entire inspection process is completed during the Inspection of Watch. However, if damage to crops or other landowner property could occur during the inspection, do not trespass or damage property.

CRITICAL SUCCESS FACTORS:

- Ability to safely and legally walk the terrain around the wind turbine
- Awareness of animals or signs of animals on site property
- Ability to recognize when an animal is in distress
- Ability to immediately contact operations leader / Environmental Services to report the find
- Ability to ensure full compliance with any permit requirements, if any
- Knowledge of procedures for inspections and reporting

INSPECTION PROCEDURE

1. Upon arrival at the turbine complete all safety requirements. Please be aware of special on site hunting seasons while performing the inspections. This includes Risk Assessment Mitigation Forms (RAMF). Put on all applicable personal protective equipment (PPE). Remember that if at any time you feel your safety is compromised, **DO NOT** complete the Inspection. Beware of uneven walking surfaces, snake hazards, or other potential risks.
2. A complete Wildlife Inspection consists of three "Inspection Circles" that shall be walked. Each Inspection Circle consists of slowly walking around the turbine, scanning the ground as you walk, looking to the right and left, and checking on any suspicious objects in the distance. End "Inspection Circle" where you began.
3. To complete the first circle: Begin at the base of the turbine, walk away from the turbine 30 feet and complete one full Inspection Circle (see step 2) keeping **30** feet from the turbine. A good estimate of distance is 1 long step = 1 yard (3 feet).
4. To complete the second circle, walk out another 60 feet, and complete another Inspection Circle; keeping **90** feet away from the turbine.
5. To complete the third and final circle, walk out another 60 feet and complete another Inspection Circle keeping **150** feet from the turbine.
6. When the last circle is completed, answer the appropriate questions on the IOW checklist.
7. Immediately notify the operations leader if an animal is found, and then continue with the Reporting Procedures.
8. The IOW checklist shall be synced by the end of the day and accessible via the IOW dashboard.
9. All wildlife fatalities or injuries found during wildlife inspections shall be reported following the site procedures. Ensure a full report is submitted to Environmental Services using the SharePoint application (PGD Applications; common applications; Wildlife Response and Reporting System). See section 2.2.

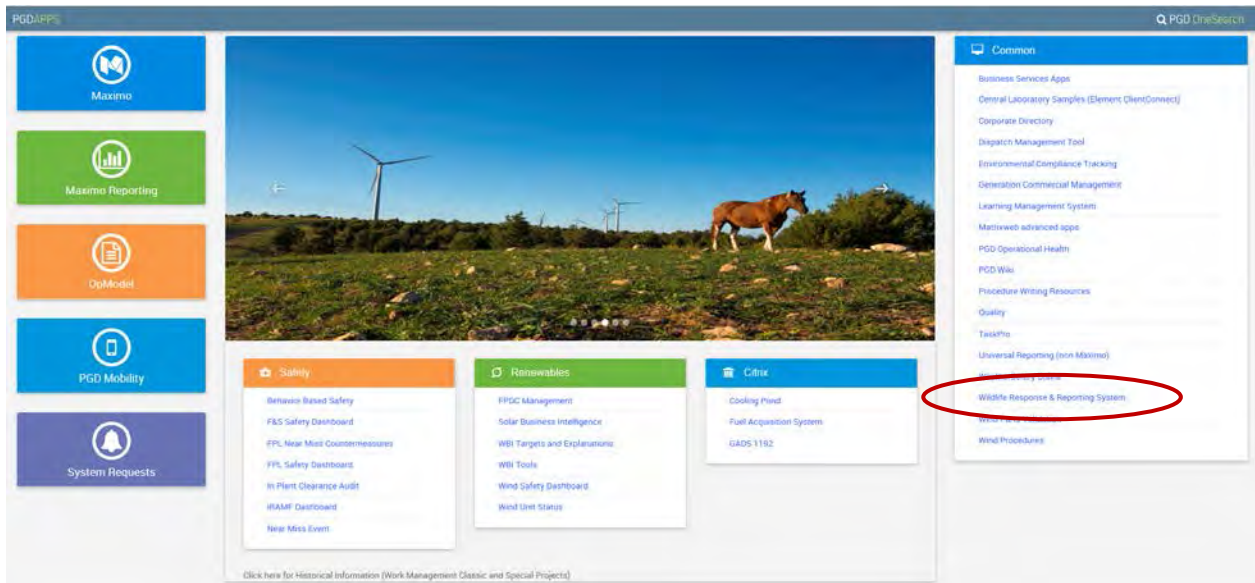
2.2 INCIDENT REPORTS

Every individual animal discovery requires a separate Wildlife Incident Report. Answer every question and include any additional information that may be helpful. Too much information is better than not enough. All questions shall be answered, even if the answer is “unknown.”



The incident report should include at least one photograph of the discovery. Photographs should show a close up of the head and/or feet, as well as the carcass in relation to the closet structure, if possible. A common item placed next to, but not touching the carcass, helps indicate the size of the animal.



The WRRS Incident Report can be accessed via [PGD Applications](#), under the Common Applications.



Complete the Wildlife Incident Reporting Form. Fields with a red asterisk * are required

Wildlife Incident Reporting Form			
REPORT INFORMATION			
Attach Photo	Click here to attach a file		
Site	Please choose from dropdown		
Date of Discovery	3/9/2016		
Discovered By Employee	<input type="text"/>   Find employee name in address book, if applicable.		
Discovered by Contractor	<input type="text"/> Type name of contractor, if applicable.		
Report Type	DEATH		
LOCATION INFORMATION			
Discovery Activity	Equipment Operational?	Other Nearby Structures	Weather 1
IOW	YES	N/A	<input type="text"/> Enter wind speed in m/s
Structure Detail:	Distance from Structure	GPS Latitude	Weather 2
<input type="text"/> *	<input type="text"/> *	<input type="text"/>	<input type="text"/> Specify if degrees C or degrees F.
Turbine number, substation name, etc.	Enter in FEET, convert from meters if necessary.	GPS Longitude	
		<input type="text"/>	
Nearest Structure	Direction from Structure:	Ground Cover	Weather 3
WTG	NORTH	GRAVEL	S UNNY
CONDITION DESCRIPTION			
Species Name	Carcass Condition 1 (Overall)	Carcass Condition 3 (Scavenging)	Band Present
Bird, Unidentified	COMPLETE CARCA	COMPLETE CARCASS	NO
Sex of Animal	Carcass Condition 2 (Injuries)	Carcass Condition 4 (Infestation)	Status of Discovery
UNKNOWN	<input checked="" type="checkbox"/> NO OBVIOUS INJURIES <input type="checkbox"/> BROKEN BONE(S) <input type="checkbox"/> DECAPITATED <input type="checkbox"/> ELECTRICAL BURNS <input type="checkbox"/> LACERATION	NONE OBSERVED	LEFT IN FIELD
Age of Animal		Time Since Death or Injury	Electrical Event
UNKNOWN		LESS THAN A DAY	NO
	Check all that apply		Is photo attached? NO

WILDLIFE INCIDENT REPORTING FORM

REPORT INFORMATION

Attach Photo: System will accept multiple photos, but must be added individually



Site: Drag down to specific site

Date of Discovery: Defaults to entry date, but allows options

Discovered by Employee: Enter SLID (Search by name)

Discovered by Contractor: Manual entry field

Report Type: Death, Injury, Nest, Other

LOCATION INFORMATION

Discovery Activity: IOW, Maintenance, Driving, Other

Structure Detail*: Manual entry field, should include Turbine Number, substation name, etc.

Nearest Structure: WTG, Substation, O&M, T-Line, Other

Equipment Operational: Yes, No, N/A

Distance From Structure*: Manual entry field (enter in feet)

Direction From Structure: North, South, East, West, NE, SE, NW, SW

Other Nearby Structures: N/A, Overhead Line, Fence, Road, Other

GPS Latitude: Manual entry field

GPS Longitude: Manual entry field

Ground Cover: Gravel, WTG Pad, PMT Pad, Grass/Dirt, Other

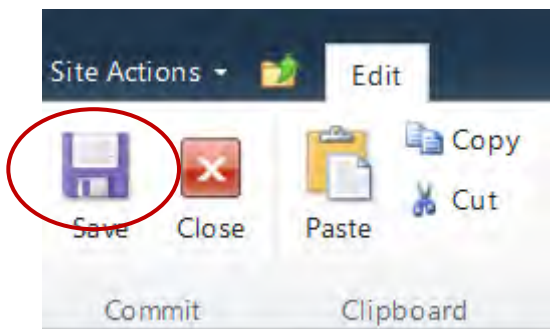
Weather 1: Manual entry field, Windspeed in m/s (numeric only)

Weather 2: Manual entry field, Temperature in numeric (F or C)
 Weather 3: Sunny, Clear, Foggy, Rainy, Overcast, Snowing

CONDITION DESCRIPTION

Species name: Defaults to “Bird, Unidentified”. Drag down options
 Sex of Animal: Unknown, Female, Male
 Age of Animal: Unknown, Adult, Juvenile
 Carcass Condition 1: Complete Carcass, Dismembered, Feathers Only, Bones Only, Feathers/Bones
 Carcass Condition 2: No Obvious Injuries; Broken Bone(s), Decapitated, Electrical Burns, Laceration
 Carcass Condition 3: Complete Carcass, Scavenged, N/A (injury)
 Carcass Condition 4: None Observed, Flies, Maggots, Ants, Beetles, Other
 Time Since Death: < Day, < Week, < Month, > Month
 Band Present: No, Yes, N/A
 Status of Discovery: Left in Field, Bagged & Tagged, USFWS, State FWS, Other
 Electrical Event: No, Yes
 Photo Attached: No, Yes

After completing the form, select the “save” option in the upper left corner of the screen.



2.3 EXTERNAL & INTERNAL NOTIFICATIONS

All wildlife discoveries at NextEra Energy wind sites must be reported internally via the WRRS Incident Report. Once the report is saved, Environmental Services – PGD Support receives an e-mail notification of the new entry. A review of the entry and information is completed, and changes made at the time. This may include corrected species identification information.

In some cases, notification to Federal or State agencies may be required, if a discovery of an injured or dead Eagle, or protected species is made.

Check with your operations leader to determine the process for landowner or rancher notifications if livestock carcasses are discovered. Livestock notifications should be made to ensure removal of carcasses of cattle or sheep. If an injured sheep or cow is found, a courtesy notification should be made as well.

GENERAL PROCEDURE

Due to the sensitivity of eagle and federally endangered species fatalities or injuries, it is very important these fatalities or incidents are recorded and reported immediately to the appropriate persons. Discussions and notifications with appropriate persons are critical to determine species, facts and potential risks (legal, operational, media).

1. The operations leader shall receive all pertinent information regarding incident, e.g., discovery of event, banding information, location, contact person, condition of find, photographs, etc.
2. Once the information is collected, the operations leader should immediately report to Environmental Services - PGD Support and enter into the information into the WRRS database. In addition, the operations leader should notify the Regional / General Operations Managers, and VP of Wind operations.
3. The operations leader should contact Environmental Services – PGD Support for guidance on making notifications, including a determination of what agencies to notify. After this discussion, notifications should be made by the operations leader by phone or e-mail, whichever is deemed appropriate. The operations leader should

document the date & time of the call, as well the name of the person receiving the report.

4. Environmental Services shall forward incident details via e-mail to the Division's Regional Business Manager, legal counsel, and corporate communications personnel. If necessary, Environmental Services – PGD Support will conference with the appropriate parties to discuss potential implications.

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3.0 THREATENED & ENDANGERED SPECIES

All wind site personnel should have basic knowledge of the Federal and/or State-specific species that may be protected as a Threatened or Endangered species at their site. In many cases, discovery of an injured or dead animal will require notifications.

3.1 FEDERAL SPECIES

The United States Fish & Wildlife Service (USFWS) has compiled a list of animal species native to North America that are considered to be threatened or endangered.

The following definitions are included to illustrate the terms commonly used by the USFWS.

The “**endangered**” classification provided to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

The term “**threatened species**” means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as defined in the Endangered Species Act.

“**Species of concern**” is an informal term that refers to those species which might be in need of concentrated conservation actions. Such conservation actions vary depending on the health of the populations and degree and types of threats. Species of concern receive no legal protection and the use of the term does not necessarily mean that the species will eventually be proposed for listing as a threatened or endangered species

Plants and animals that have been studied and the Service has concluded that they should be proposed for addition to the Federal endangered and threatened species list are referred to as **candidate species**, and once they receive this designation are treated and reported as special status species until a final determination is made by the USFWS.

3.2 STATE SPECIES

In addition to the Federal Threatened & Endangered Species list, each state's wildlife agency has developed a similar list that is specific to the individual state.

Federal & State Threatened & Endangered Species lists, as well as species profile sheets have been archived on the Wind Operations/Environmental Tactical Team SharePoint page: [6.0 Natural Resources/T and E Species](#)

These lists will be periodically uploaded by NEER, but the status of species can be updated yearly by agencies. Please confirm you are referencing a recent list. If you have any questions about the status of an animal, please contact Environmental Services – PGD Support.

4.0 ANNUAL TRAINING

Annual Wildlife Response & Reporting System (WRRS) training should be done at the site and consist of the following subjects:

- Location and content of the WRRS Manual
- WRRS Inspections (Inspection of Watch)
- Incident Reporting (SharePoint)
- Species Identification tools
- Federal & State Threatened & Endangered Species
- Internal / External Notification Procedures (including contact for general questions)

The corporate Learning Management System (LMS) has a training module for the WRRS program (REG-1206A). This training is required for all new employees, and is generally completed during the onboarding process.

In addition to the LMS course, Environmental Services has prepared a PowerPoint module and training roster for use at wind sites for a more detailed presentation. This presentation and roster can be found on the Wind Operations/Environmental Tactical Team SharePoint page: [Natural Resources/WRRS Program](#)

This manual includes a roster to be signed by participants during annual training at wind sites. The completed form should be filed in Section 6.2.6 of the EMS filing system. It is recommended that the operations leader create a reminder in the Environmental Compliance Tracker to trigger annual training.

In addition to the annual training, a review of the manual should be completed by each site once a year to ensure that contact information is complete and accurate.

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5.0 APPENDICES

This section of the plan is reserved for any other wildlife related documentation appropriate to the site. This may include the following documents:

- Pre-construction wildlife reports
- Site Operating Permit
- Environmental Impact Reports/Assessments (EIR/EIA)
- Avian / Bat Protection Plans (APBB, APP)
- Bird / Bat Conservation Strategies (BBCS)
- Adaptive Management Plans
- Post-Construction Mortality Monitoring reports (annual and final reports)
- Site specific agency agreements or legal agreements
- Other site-specific wildlife information

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CROWNED RIDGE WIND ENERGY CENTER

WILDLIFE PROGRAM CONTACTS

PGD WIND OPERATIONS

Gerard Nostra Wind Regional General Manager	Office: Cell:	(561) 691-2324 (561) 319-7969
Will Rosenboom Lead Project Manager	Office/Cell:	(402) 806-1233

ENVIRONMENTAL SERVICES – PGD SUPPORT

Brian Wysong, Environmental Services PGD Support	Office: Cell:	(561) 691-2935 (561) 319-5202
Renee Culver, NextEra Energy Resources Sr. Environmental Specialist	Office: Cell:	(925) 245-5522 (925) 353-0976

ENVIRONMENTAL SERVICES - WILDLIFE

Jim Lindsay Subject Matter Expert, Wildlife	Office: Cell:	(561) 691-7032 (561) 762-1296
Janine Bacquie, Subject Matter Expert, Wildlife	Office: Cell:	(561) 691-2818 (561) 329-0914

INJURED BIRD or BAT RESPONSE

Jacquie Ermer	Office:	(605) 345-3381
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REGULATORY AGENCIES *(Contact Environmental Services before calling)*

US Fish and Wildlife Service, South Dakota Ecological Services Field Office Natalie Gates	Office:	(605) 224-8693 ext. 227
South Dakota Game Fish and Parks Hilary Meyer	Office:	(605) 773-6208

