



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

### FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES  
16 USC 1539(a)

REGULATIONS  
50 CFR 17.22

50 CFR 13

3. NUMBER  
**TE66315A-0**

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
07/18/2013

7. EXPIRES  
07/17/2043

8. NAME AND TITLE OF PRINCIPAL OFFICER *(If #1 is a business)*  
JAMES SPENCER  
PRESIDENT

9. TYPE OF PERMIT  
NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN - E  
WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED  
80,051 acres in Champaign County, Ohio

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.
- D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS  
ANNUAL REPORT DUE: 12/31

ISSUED BY  
*Lynn M. Lewis*

TITLE  
ASSISTANT REGIONAL DIRECTOR - ES

DATE  
07/18/2013

U.S. Fish and Wildlife Service, Bloomington MN  
Special Terms and Conditions for Permit TE66315A

- E. All Sections of Title 50 Code of Federal Regulations, parts 13 and 17.22, are conditions of this permit.
- F. The authorization granted by this permit is subject to compliance with, and implementation of the Buckeye Wind Power Project Habitat Conservation Plan (HCP), executed by Buckeye Wind (Permittee) and the U.S. Fish and Wildlife Service (Service). This permit and the HCP are binding upon the Permittee, and any authorized officer, employee, contractor, or agent conducting permitted activities.
- G. The Permittee is authorized under the Endangered Species Act of 1973, as amended (Act), to incidentally take the federally endangered Indiana bat (*Myotis sodalis*), to the extent that take of this 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 the construction, operation, and decommissioning of the Buckeye wind Power Project as described in the HCP, and as conditioned herein. Activities associated with management of mitigation lands are also authorized.
- H. The authority issued to Permittee applies to all of the Permittee's officers, directors, employees, agents, subsidiaries, contractors, and subcontractors. The Permittee is liable for any permit 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. Permittee shall conduct an educational program to inform all such persons and entities of this permit and the HCP's terms and conditions, and Permittee shall be responsible for supervising their compliance with those terms and conditions. All applicable contracts between Permittee and such persons and entities, where relevant, shall require their compliance with the HCP, PA, the IA, and this permit.
- I. The Permittee shall refer to permit number TE66315A in all correspondence and reports concerning permit activities. Any questions you may have about this permit should be directed to the Field Office Supervisor of the Ohio Ecological Services Field Office, Columbus, Ohio (614) 416-8993.
- J. A copy of this permit must be in possession of the Permittee and designated agents while conducting covered activities.
- K. The Permittee will compile intermittent construction reports that will be submitted to the Service at least 30 days prior to any turbine(s) being placed in commercial operation. The Permittee will provide seasonal reports for spring (due June 15), summer (due Aug. 15) and fall (due Nov. 15) of each monitoring year, which include the quantity and species composition of observed bird and bat mortality and any adaptive management measures implemented in response to mortality. The Permittee will also provide an annual report to the Service by December 31 of each calendar year that monitoring is actively conducted. The annual report will contain the following information, including but not limited to:
1. Quantity and species composition of observed bat and bird mortality, including Indiana bat mortality during the reporting period;
  2. Estimates of total mortality of all bats, *Myotis* species, and Indiana bats using searcher efficiency trials, carcass persistence trials, and searchable area adjustments (estimated bird mortality will also be reported). All estimates will include 95% confidence intervals;
  3. An estimate of probability of detection and probability of miss if no Indiana bats are detected;
  4. Cumulative estimated Indiana bat mortality for entire permit term to date;
  5. Specific conditions, dates, locations, and circumstances of each observed Indiana bat mortality;

6. Report on weather conditions monitored during nights preceding mortality searches and weather conditions during searches;
7. Review of adaptive management measures implemented in response to observed and/or estimated mortality;
8. Annual operating parameters (cut-in speeds at each turbine during each season) and compilation of mortality data as it relates to those parameters;
9. Results of habitat assessment surveys at mitigation parcels, including vegetation management and mapping reports;
10. Adaptive management measures implemented in response to results of habitat assessment surveys;
11. Changed/unforeseen circumstances that have arisen;
12. Raw carcass data of bat fatalities in Excel spreadsheet format (raw data for bird fatalities will also be provided);
13. Fatality reporting forms;
14. A calendar reflecting dates, times, and locations of searches;
15. Injured bat reporting forms and rehabilitator reports (also provided for birds);
16. A description of the subsequent year's monitoring efforts based on the monitoring phase and any adaptive management measures that will be implemented;
17. A cost estimate of the subsequent year's monitoring, which will be reserved in a Surety to provide additional funding assurance. A Surety, sufficient to cover the subsequent year's monitoring costs will be established by March 1 of each year. Evidence of the Surety will be provided to the USFWS by March 1 of each year;
18. Conservation measures implemented during the report year and findings, and/or conservation measures to be implemented the following year.

L. The Permittee, upon reasonable notice, shall authorize Service personnel or other properly permitted and qualified persons designated by the Service, to enter the Project area boundaries at reasonable hours and times for the general purposes specified in Title 50 CFR §13.21 (e)(2).

M. Injured birds or bats found during post-construction monitoring will be collected and the Post-Construction Monitoring Manager will contact a local licensed wildlife rehabilitator as soon as possible and at least within 24 hours. If the rehabilitator determines that successful rehabilitation is not likely then the individual will be humanely euthanized through cervical dislocation. If the individual is a state or federal protected species, the appropriate agency will be contacted immediately upon detection of the live individual and before it is euthanized (if necessary).