**SPUTW**

**Special Purpose Utility – Wind**

**Template for APLIC Review (6-19-2014)**

[SPUTW conditions loaded 4-28-2014]

**[ISSUER: Enter the following information in Block 10, Location]**

 [Name of Facility/Project

County

State]

[You may include rights-of-way and leased lands]

**Option: Region may list names of subpermittees here if they chose. The rest of the Subpermittee condition remains under Condition L.**

D. **Possession and transport.**

(1) You and subpermittees are authorized to collect, transport and temporarily possess carcasses and partial remains of migratory birds found at the location/property specified in Block 10 for monitoring migratory bird mortality associated with operation of the wind facility. To accurately determine species fatality rates, the monitoring study should include standardized carcass searches, searcher efficiency trials, and carcass removal by scavenger trials.

(2) For **Bald and Golden** **Eagles (Eagles) and federally listed Threatened or Endangered Species under the U.S. Endangered Species Act (see 50 CFR 17.11)**,you must call a U.S. Fish and Wildlife Service (Service), Office of Law Enforcement (OLE) special agent for instructions and approval BEFORE collecting or moving the carcass(es) or parts, unless you are working under a specific alternative protocol established by you and OLE. It may be necessary to preserve the carcass(es) or parts onsite until an agent or other Service or State representative arrives to collect them. Your OLE contact phone number is [**enter phone number**].

(3) For all other migratory birds, gather data required by Condition E below PRIOR to collecting or moving the carcass or its parts.

E. **Data Collection**.

 (1) The following data mustbe recorded for each standardized carcass search:

(a) date

(b) start time

(c) end time

(d) interval since last search

(e) observers

 (f) delineation of turbine area searched, including GPS coordinates in decimal degrees if known.

(g) weather data. Include temperature (Centigrade), wind direction and speed, cloud cover and precipitation.

 (2) For both standardized carcass searches *and* opportunistic finds outside of standardized searches, all relevant data associated with each carcass/part(s)/injured bird discovered or collected, must be recorded, including the information below. We request that you voluntarily collect bat injury and mortality information.

(a) discovery date

(b) collection date

(c) species, or if unknown, either the type of bird (e.g., gull, raptor) or “unknown”

(d) sex and age (hatchling, juvenile, adult), if known

(e) how carcass was located (during standardized carcass search or opportunistic or incidental find?)

(f) condition (alive or dead)

(g) description (If alive, indicate if sick or injured. If dead, indicate if intact; freshly killed (eyes moist); semi-fresh (stiff, eyes desiccated); partially decomposed feathers and/or bones; other)

(h) the GPS coordinates in decimal degrees using clearly identified datum (the standard position or level that measurements are taken from such as WGS 84) for the location where found, OR nearest turbine/pole/structure ID number

(i) type and configuration of structure or features found near bird/carcass and potentially responsible for injury/mortality (structure type; nameplate information; manufacturer, model number, height; presence/absence of guy wires; turbine, pole, structure ID#; etc.)

(j) ground distance (estimated or exact) carcass found from nearest pole, line, turbine, or other structure

(k) suspected cause of mortality/injury (collision with turbine, collision with wire, collision with other structure, barotrauma, electrocution, other)

(l) disposition (freezer onsite, left in place, buried, incinerated, rehabilitator, OLE, used in field trials, etc.)

(m) any special notes or additional information (e.g., if associated with a mortality event involving unusually high numbers of birds or unusual species groups; weather conditions at likely time of death, if known).

(3) All carcasses and partial remains you collect and transport must be bagged, labeled with a unique specimen identification number and the collector’s name PRIOR to transport, unless you are working under a specific alternative protocol established by you and OLE. The data sheet with the information listed in Condition E.2. must be attached to or included in the bag.

F. **Trial specimens.** Migratory birds, **other than Eagles and federally listed Threatened or Endangered Species**, salvaged under this permit may be used for searcher efficiency and scavenger removal trials AFTER they have been reported to the Regional Migratory Bird Permit Office per Condition I(4).

**[NOTE TO ISSUER: Include the following provision only upon request of applicant and with approval of your chief.]** You also may obtain lawfully acquired migratory bird specimens, other than Eagles and federally listed Threatened or Endangered Species, from federally permitted migratory bird rehabilitators, depredation permittees or birds taken under Federal depredation orders. You also may obtain lawfully acquired specimens from other Special Purpose Utility permit holders.

G. **Injured/orphaned birds.** In the event migratory birds, including **Eagles and federally listed Threatened or Endangered Species**, are injured or orphaned, you must immediately contact a federally permitted migratory bird rehabilitator or a licensed veterinarian for instructions. Rehabilitation and/or veterinary costs for birds that may have been injured or orphaned by utility operations or infrastructure are the utility’s responsibility. See Condition I for reporting instructions.

H. **Take and collection of live, non-injured migratory birds, eggs, or nests is not authorized by this permit.** In addition, this permit does not authorize the take, capture, harassment or disturbance of **Eagles and federally listed Threatened or Endangered Species**.

I. **Reporting.** You must report bird injuries and deaths in accordance with (1) - (6) below. We request that you voluntarily report bat injury and mortality information.

(1) **How to report.**

(a) Immediate (written follow-up) and quarterly reports. Until a new on-line reporting system is completed, you have three options for submitting reports:

(i) If you have an account with the Service’s Bird Injury and Mortality Reporting System (BIMRS) for reporting injury and mortality incidents, you may report incidents in BIMRS at: https://birdreport.fws.gov/.

(ii) You may report the incident using the Avian Injury/Mortality Reporting System (AIMRS) database (form 3-202-17). Download the database at http://www.fws.gov/forms/3-202-17.pdf.

(iii) You may submit an Excel spreadsheet from your own database in lieu of using AIMRS provided all of the “required” information in AIMRS (in exact AIMRS format) is included.

 (b) Annual report. Submit your annual report using the AIMRS database or you may submit an Excel spreadsheet from your own database in lieu of using the AIMRS database, provided all of the same information “required” in AIMRS (in exact AIMRS format) is included. If your company holds a BIMRS account, you may generate your annual report in Excel from BIMRS.

(2)  **Immediate reports.**

(a) Eagles and T&E Species. You must report any **Eagles and federally listed Threatened or Endangered Species** found dead or injured to your OLE special agent (see Condition D for contact information) or the general OLE phone number **[enter phone number**] and your Ecological Services Field Office **[(enter phone number here**)]; **immediatel**y if possible, but no later than 48 hours from discovery of the bird, or at the beginning of the next business day. Your report must include as much of the information from Condition E(2) as possible.

A written injury/mortality report, including any information not available at the time of your initial report, must be submitted to your migratory bird permit issuing office to include the data in Condition E(2) and/or as directed by your OLE special agent no later than **7 days** from the date of discovery and collection of the carcass or bird.

A list of Threatened and Endangered species by State may be found in the Service’s Threatened and Endangered Species System (TESS) database at: http://www.fws.gov/endangered.

(b) Significant mortality events. Report mortality events involving unusually high numbers of birds or unusual species groups to your migratory bird permit issuing office **[enter phone number]** immediately if possible but not later than 48 hours from discovery of the birds, or at the beginning of the next business day.

 (3) **Quarterly reports.** You must submit a report of all migratory birds, including Eagles and Threatened and Endangered Species already reported, discovered and/or collected to your migratory bird permit issuing office quarterly. Quarterly reports (Jan 1 - Mar 31, Apr 1 - Jun 30, Jul 1 - Sep 30) are due 7 days following the end of each quarter. The fourth quarter (Oct 1 - Dec 31) can be reported with the Annual Report per Conditions J(2) below. Your report should include as much of the data listed in Condition E(2) above as possible.

If you conducted no activity under your permit during a particular quarter, you must report “no activity conducted”.

(4) **Trial specimens reports.** If you use carcasses of migratory birds collected under this permit for searcher efficiency or scavenger removal trials, you must report the mortality of the specimens you want to use to your migratory bird permit issuing office as follows:

 (a) You may use specimens in the year in which you salvaged them if you first report the specimens you want to use to your migratory bird permit issuing office.

 (b) You may use specimens that were salvaged and reported in prior years.

 (c) Your report must include the unique specimen identification number and all the information in Condition E.2.

(5) **Annual Repor**t**.** You must submit a cumulative annual report of all dead and injured birds, **including Eagles and federally listed Threatened or Endangered Species**, discovered or collected, to your migratory bird permit issuing office by **January 31** following each calendar year in which the permit is in effect. Your annual report must include at a minimum the information required in Condition E(2).

(6) **Study Report.** At the conclusion of the monitoring study, you must submit a report describing the results of the study. The report should include analyses of searcher efficiency and scavenger trials, estimated fatality rates, and any discernable patterns in migratory bird fatalities. It should also include descriptions of any adjustments or measures taken to avoid or minimize mortalities, and any preliminary results of those modifications.

J. **Disposition of Carcasses and Parts.**

(1) In accordance with Condition D(2) above, the Service will advise you on disposition of **Eagles and federally listed Threatened or Endangered Species** specimens. The special agent will advise if they will recover an eagle carcass or if you need to ship the carcass to the Service. With PRIOR written authorization from an OLE special agent, you may contact the U.S. Fish and Wildlife Service, National Eagle and Wildlife Property Repository (NER) at (303) 287-2110 for shipping instructions. The written authorization from the special agent must accompany the Eagleif it is shipped to the NER. Disposition must be reported in your annual report to your migratory bird permit issuing office.

 (2) **Migratory Bird carcasses** and parts (**other than** **Eagles and federally listed Threatened or Endangered Species**) collected during the calendar year (ending Dec 31) and documented in your records must be stored in the freezer at the location specified in Block 10 **until February 15** of the following year, except specimens used in searcher efficiency and scavenger removal trials that were previously reported to the migratory bird permit issuing office in accordance with Conditions F and I(4)(a). After February 15, carcasses and parts may be:

(a) used for searcher efficiency and scavenger removal trials, provided carcasses used in trials have been reported to the Service in accordance with Condition I(4) above;

(b) turned over to the State wildlife agency for official purposes, or,

(c) donated to a public scientific or educational institution or to an individual or entity authorized by Federal permit to acquire and possess migratory bird specimens.

After all permit requirements have been met, carcasses and parts (**except Eagles and federally listed Threatened or Endangered species**) that you do not transfer to another authorized party must be disposed of by burial or incineration.

[**NOTE TO ISSUER:** Include this condition only with approval of OLE and your Permits Chief.]

(3) Carcasses of migratory birds, **other than Eagles and federally listed Threatened or Endangered Species**, may be necropsied to determine cause of death**.**

K. **Renewal**. Any renewal request must include any proposed adjustments to the monitoring protocols, descriptions of any adjustments or measures taken to avoid or minimize mortalities, and any preliminary results of those modifications.

L. **Subpermittees**. Any person who is employed by or under contract to the permittee for the activities specified in this permit, or any person who is otherwise designated as a subpermittee in writing by the permittee may exercise the authority of this permit.

M. **Standard Conditions**. You and any subpermittees must comply with the attached Standard Conditions for Migratory Bird Special Purpose Utility Permits. These standard conditions are a continuation of your permit conditions and must remain with your permit.

**For suspected illegal activity immediately contact the USFWS Law Enforcement at: (\_\_\_) \_\_\_-\_\_\_\_.**

*This permit does not, nor shall it be construed to, authorize lethal take or injury of migratory birds or limit or preclude the U.S. Fish and Wildlife Service from exercising its authority under any law, statute, or regulation, or from taking enforcement action against any individual, company, or agency. This permit is not intended to relieve any individual, company, or agency of its obligations to comply with any applicable Federal, State, Tribal, or local law, statute, or regulation. We strongly encourage you to implement all applicable measures found in current U.S. Fish and Wildlife Service, Wind Energy Guidelines found at: http://www.fws.gov/windenergy/.*