



DEPARTMENT OF THE INTERIOR  
 U.S. FISH & WILDLIFE SERVICE  
 Endangered Species Permit Office  
 5600 American Boulevard, West, Suite 990  
 Bloomington, MN 55437-1458  
 permitsR3ES@fws.gov

**FEDERAL FISH AND WILDLIFE PERMIT**

1. PERMITTEE

WILD CAT WIND FARM I,LLC  
 353 NORTH CLARK, 30TH FLOOR  
 CHICAGO, IL 60654  
 U.S.A.

2. AUTHORITY-STATUTES  
 16 USC 1539(a)

REGULATIONS  
 50 CFR 17.22

50 CFR 13

3. NUMBER  
**TE04169C-0**

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
 08/19/2016

7. EXPIRES  
 08/19/2044

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)  
 PAUL BOWMAN  
 SENIOR VICE PRESIDENT

9. TYPE OF PERMIT  
 NATIVE ENDANGERED SP. RECOVERY - E WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED  
 Madison and Tipton County, Indiana

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. The authorization granted by this permit is subject to compliance with, and implementation of the Indiana Bat and Northern Long-eared Bat Habitat Conservation Plan for Wildcat Wind Farm Phase 1, Tipton and Madison Counties, Indiana (HCP), executed by Wildcat Wind Farm I, LLC (the 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.

E. The Permittee will be responsible for implementing the terms and conditions of the HCP, incidental take permit (ITP), the implementing agreement (IA), and the bird and bat conservation strategy (BBCS). The Permittee will allocate sufficient personnel and resources to ensure the effective implementation of the HCP, the ITP, and the IA. If the Permittee fails to implement the terms and conditions, then this permit will be considered to be in violation.

F. Acceptance of this permit serves as evidence that the Permittee and its authorized agents understand and agree to abide by all of the terms of the permit 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.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 01/31

ISSUED BY

TITLE *Acting*  
 DEPUTY REGIONAL DIRECTOR

DATE  
 08/19/2016

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 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. The Permittee shall conduct an educational program to inform all such persons and entities of this permit 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, the IA, and this permit.

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 (*Myotis septentrionalis*), 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 Wildcat Wind Farm as described in the HCP, and as conditioned herein. Activities associated with management of mitigation lands are also authorized.

I. The Permittee will provide funding assurance for the HCP in the form of a Letter of Credit (LOC) and a performance bond. The LOC and bond will provide funds for additional mitigation and contingencies for changed circumstances in advance of the time at which they are needed.

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

K. Unless the permit is amended, suspended, revoked, or terminated, the permit duration is 28 years. The ITP should be amended when the Permittee significantly modifies the covered activities, the Project, or the conservation plan as described in the original HCP.

L. This permit authorizes the take of up to 162 Indiana bats and 81 northern long-eared bats over the 28-year permit term. Take coverage applies to the fall migration season (August 1 to October 15) during the 27-year operation life of the project, and to the spring migration season (April 1 to May 15) during the first two years of the permit term. If data collected during the first two spring migration seasons indicate take of Indiana and/or northern long-eared bats is occurring, then take compliance monitoring and take coverage will extend to the 27-year operational life of the project. Adaptive management will be implemented if any short or long-term trigger has been met as calculated using Evidence of Absence software (HCP section 5.4.1).

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

- Feathering of turbine blades below a wind cut-in speed of 5.0 meters per second (m/s) from sunset to sunrise when ambient temperature is above 10°C from August 1 to October 15 (section 5.2.1)
- Feathering of turbine blades below a wind cut-in speed of 3.5 m/s from sunset to sunrise from October 16 to July 31 (section 5.2.1)
- Protection, and restoration if needed, of at least 253 acres of known Indiana and northern long-eared bat summer habitat (section 5.2.2.3)
- Any tree clearing needed for maintenance activities will occur between October 1 and March 31 (section 2.3.2)
- Feathering of turbine blades to prevent spinning immediately upon decommissioning (section 2.3.3)

N. The Permittee shall ensure that all monitoring activities set forth in the HCP are carried out as more fully described therein (sections 5.2.2.4 and 5.3), including by way of example, but not limited to:

- Take compliance monitoring - annual carcass searches from August 1 to October 15 and from April 1 to May 15 during the first two years of the permit term. Annual carcass searches from April 1 to May 15 after the first two years if data indicate take of Indiana and/or northern long-eared bats is occurring during the spring migratory season.
- Collection of hair and tissue samples from all bat carcasses found during take compliance monitoring
- DNA analysis of older and/or scavenged carcasses of all potential *Myotis* species

· Summer mitigation monitoring

- o Habitat suitability and colony presence surveys one year prior to acquiring summer habitat
- o Restoration success surveys in years 3 and 7 after summer habitat restoration
- o Aerial photography survey every two years after implementation of summer habitat mitigation
- o Invasive species monitoring every seven years after implementation of summer habitat mitigation

O. The Permittee shall ensure that all reporting requirements set forth in the HCP are carried out as more fully described therein (sections 5.2.2.5, 5.3.5.2, and 5.4.3), including by way of example, but not limited to:

- Notification within 24 hours if any eagles or federally listed species casualties are discovered
- Delivery of all *Myotis* species and any unknown bat carcasses to the Service's Bloomington Field Office within seven days of collection, for concurrence or determination of species identification
- Notification within 48 hours of any operational changes made to the facility as a result of adaptive management
- Submission of a letter, by March 1 of each year, indicating that the Permittee has executed a contract(s) with a qualified party(s) to complete all required monitoring activities
- Annual report submitted to the Service by January 31 that includes:
  - o Results from take compliance monitoring and estimates of bat mortality
  - o Adaptive management changes that were implemented
  - o Raw data sheets from take compliance monitoring
  - o Data showing timing, wind speeds, and temperature at which turbines were operational and feathered from August 1 - October 15
  - o Methods and results of summer habitat mitigation, if not provided by a third-party mitigation implementing entity

P. Bat carcasses not used for bias correction trials and all tissue and hair samples collected will be made available to the Service upon request.

Q. The Permittee will comply with the changed circumstances and adaptive management processes for minimization measures and summer habitat mitigation (sections 8.2.2 and 5.4, respectively).

R. The Wildlife Incident Reporting System (WIRS) will be in place for the life of the permit (BBCS section 5.1.1).

S. For the purposes of monitoring, compliance, reporting, and administration of the terms of this permit, except where otherwise specified in the HCP, the contact office for the Service shall be: Bloomington Ecological Services Field Office, 620 S. Walker Street, Bloomington, IN 47401, (812)334-4261. The Permittee shall refer to permit number TE04169C-0 in all correspondence and reports concerning permit activities.

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)) provides assurances to the Permittee, provided that the Permittee has properly implemented the HCP, the ITP, and the IA.