



Meeting: **Joint Reservoir Committee & Authority Board**
Agenda Item 2.2

June 17, 2022

Subject: **Short-Term Geotechnical Eagle “Take” Permit**

Requested Action:

Consider authorizing the Executive Director to submit the Project’s 2023-2026 application to the US Fish and Wildlife Service (USFWS) for a Bald and Golden Eagle Protection Act (Eagle Act) Short-Term Disturbance “Take” Permit for Geotechnical Activities to the United States Fish and Wildlife Service (USFWS).

Detailed Description/Background:

The USFWS Migratory Bird Program implements the Eagle Act permitting program and issues “take” permits for short- and long-term disturbance

The Eagle Act prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs. The Board’s action would initiate the process of securing the needed Eagle Act permit for 4 years of planned geotechnical fieldwork (through 2026). A separate action will be sought to authorize signing the permit.

Protocol level eagle surveys performed in 2022 observed and mapped and identified four bald eagle and five golden eagle nesting territories within 5 miles of the Project footprint. Although all of the work over the next 4 years the Authority's Priority 1 and Priority 2 geotechnical investigations have been planned to avoid and minimize impacts on eagles to the extent possible, two of the observed golden eagle nesting territories are within one mile of the anticipated proposed investigation work areas and will require an Eagle Act take permit for the short-term and unavoidable potential nest disturbances.

Future Eagle Act permit will be required to cover eagle disturbance associated with Project activity beyond 2026.

The key terms of the permit that will be reflected in the application are summarized as follow:

Work Covered

Geotechnical surface and subsurface exploratory activities such as borings, trenches, geophysical surveys and supporting activities.

Required Avoidance Measures

Over a dozen eagle measures would be implemented before and during geotechnical activities located within 1 mile of occupied eagle nests to avoid and minimize potential effects on eagles, including:

- Worker Environmental Awareness Training
- Preconstruction surveys of known eagle territories
- Biological monitors
- Work sites access restrictions and requirements
- Scheduling loud and long-duration work that is within visual range of nests to occur outside of the nesting season (January through August)

Mitigation Requirements

Purchase of credits in the Bald Eagle And Golden Eagle Electrocution Prevention In-lieu Fee Program (Eagle ILF Program) for disturbance take of up to 6 golden eagle nests over the 4-year permit term. This existing program and the details thereof were discussed with the June Sites Reservoir Committee, Environmental Planning and Permitting Workgroup (EPP) and is expected to serve as a satisfactory means of accomplishing all mitigation conditions under the proposed permit.

Several EPP members requested details on the methodology of take determination, the estimation of mitigation costs and the components covered under this permit. All questions were addressed, and no attending member objected to the Reservoir Committee recommending submittal of the permit application.

Long Term Obligations

Assuming full and complete permit compliance and the amount of estimated take is not exceeded, there would be no long-term obligations of the Authority associated with this work. Should the amount of take exceed the estimated amount, then additional Eagle ILF Program credits would be required.

Prior Authority Board Action:

None.

Fiscal Impact/Funding Source:

Eagle ILF Program credits are anticipated to have a cost not exceed \$450,000. While this is only a portion of the eagle species mitigation costs expected for the entire Project, assuming the total mitigation requirements for all eagle permit authorities needed are within this short-term permit, the total eagle

species mitigation would be within the portion of the July 2021 total mitigation cost estimate presented to the Reservoir Committee and Authority Board covering effects on the eagle species.

Staff Contact:

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Primary Service Provider:

ICF, HDR

Attachments:

None.