



Meeting: **Reservoir Committee & Authority Board Agenda** **January 19, 2024**
Item 2-4

Subject: **Eagle Conservation Plan**

Requested Action:

Reservoir Committee and Authority Board consider authorizing the Executive Director to submit the Project’s Eagle Conservation Plan to the US Fish and Wildlife Service (USFWS) for a Bald and Golden Eagle Protection Act (Eagle Act) Permit for Project construction and operations.

Detailed Description/Background:

The USFWS Migratory Bird Program implements the Eagle Act program and issues 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. The Authority currently has an Eagle Act permit for geotechnical activities through 2026. This proposed project-level Eagle Conservation Plan would initiate the process of securing the needed Eagle Act permit for Project construction and operations outside of what was previously authorized under the geotechnical permit.

The impacts to be covered in the Plan are based on protocol-level eagle surveys and discussions with USFWS staff and are as follows. Project construction activities could result in the disturbance of 3 golden eagle nests and loss of 1 bald eagle nest that is within the Golden Gate dam footprint (nest would be removed during the non-breeding season). Project operational activities, including recreation use, filling and drawdown of the reservoir, and periodic maintenance of Project facilities could result in disturbance of 2 golden eagle nests and 1 bald eagle nest, the reservoir would increase bald eagle foraging habitat. However, during the filling of the reservoir, the Plan identifies the loss of 3 golden eagle territories that currently overlap with the reservoir footprint.

The Eagle Conservation Plan would provide take coverage for these anticipated effects. The proposed Plan includes the required elements summarized as follows:

- Actions to minimize and avoid impacts by proposing to implement mitigation measures and best management practices reflected in the Final EIR/EIS. These actions include applicable measures to survey and identify eagle nest locations and nest use; measures to avoid, minimize and compensate for habitat loss for those habitats important to eagles; along

with measures to avoid or reduce construction and operations impacts, such as removal of certain vegetation during the non-breeding season of nesting birds, minimization of the use of rodenticides, and construction of overhead power lines following practices to reduce bird collisions.

- Conducting eagle nest surveys for 5-years after construction, conducting operations and maintenance activities during the nonbreeding season to the extent possible, and implementing nest buffers for active eagle nests for any operations, maintenance, and recreational activities during the breeding season. This is not an unusual requirement and may, depending on location, negatively impact recreation access and visitation which needs to be considered in our Proposition 1 Public Benefit Agreement commitments.
- An adaptive management plan as required by the USFWS that will use the results of the nest surveys to determine the effectiveness of the proposed conservation, minimization and avoidance measures and whether the Project is within the anticipated take levels or if additional management actions are required to maintain the permitted level of take.
- Any remaining unavoidable take of eagles must achieve the no-net-loss standard requirement in the Eagle Act and would be offset through compensatory mitigation. As the golden eagle population is declining within the USFWS' eagle management unit that the Project is located in compensatory mitigation would include 2 types of action; 1) Mitigation credit purchases and, 2) Conservation and management of off-site conservation lands to benefit eagles. The purchase of credits in the Bald Eagle and Golden Eagle Electrocution Prevention In-lieu Fee Program (Eagle ILF Program) for the potential impacts of take of individual eagles resulting from unavoidable nest disturbance during the nesting season. This is the same program that the Authority has used to compensate for nest disturbance because of geotechnical activities. The acquisition and permanent protection and management of golden eagle breeding and foraging habitat to offset Project impacts on golden eagle territories would be the same as some of the mitigation measures in the Final EIR/EIS and would be stacked with other mitigation/species requirements. The cost for compensatory mitigation is within the overall mitigation cost estimate.

The preparation of the Eagle Conservation Plan is nearly completed and staff anticipates having the Plan ready to submit to USFWS by the end of January.

Prior Authority Board Action:

None.

Fiscal Impact/Funding Source:

The preparation and finalization of the permit is within the Amendment 3 work plan. The cost to implement proposed mitigation actions are within the mitigation cost estimate.

Staff Contact:

Ali Forsythe/John Spranza

Primary Service Provider:

ICF, HDR

Attachments: None.