


ALASKA LNG PROJECT	DOCKET NO. CP17-____-000 RESOURCE REPORT NO. 3 APPENDIX E – DRAFT AVIAN PROTECTION PLAN	DOC NO: USAI-PE-SRREG-00- 000003-000 DATE: APRIL 14, 2017 REVISION: 0
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APPENDIX E DRAFT AVIAN PROTECTION PLAN



DOCKET NO. CP17-____-000
DRAFT AVIAN PROTECTION PLAN

USAI-P2-SPZZZ-00-000022-000

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Plan Status

The following plan outlines the sections for the Alaska LNG Project (Project) Draft *Aviation Protection Plan*. The *Avian Protection Plan* will be completed following finalization of the Project footprint and the completion of consultation regarding Endangered Species Act (ESA)-listed species and migratory birds.



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1.0 INTRODUCTION

This *Avian Protection Plan* has been prepared for the Alaska LNG Project (Project) to minimize risks to birds at its facilities during construction and operation. The *Avian Protection Plan* contains three main components:

1. Impact avoidance and minimization measures for nesting protected avian species from new infrastructure construction and operation.
2. Employee education and awareness training, including procedures for reporting, handling, and documenting bird mortality.
3. Risk reduction measures, including development and use of construction standards and facility operating practices that reduce risk to avian species.

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2.0 SCOPE AND GENERAL OVERVIEWS

2.1 SCOPE


This *Avian Protection Plan* covers construction and operation of the Project within the state of Alaska, with a focus on construction and operation components that present the greatest risk to both resident and migratory birds. The approach for the *Avian Protection Plan* is to proactively address potential issues and detail how to minimize risks to birds from natural gas facility construction and operation. This approach is presented consistent with the Avian Protection Plan 2005 Guidelines (Avian Power Line Interaction Committee {APLIC} and U.S. Fish and Wildlife Service {USFWS}, 2005).

Project activities and facility-related elements that have been identified as concerns for migratory birds include:

- Vegetation clearing and/or stripping.
- Granular material placement.
- Pipeline trenching.
- Blasting.
- Off-road vehicle use on tundra.
- Communication towers or antennas.
- Tower or antenna lighting.
- Aircraft strikes.
- Flare operation.
- Facility lighting.
- Facility siting.
- Materials site development.
- Pipeline river crossings.
- Habitat loss and degradation.
- Hydrocarbon spills.
- Overhead lines.
- Guywires.
- Attraction of predators through improper waste disposal.
- Unintentional creation of denning/nesting/perching sites for migratory birds.

2.2 GENERAL OVERVIEW OF AVIAN PROTECTION PLAN GUIDELINES

In 2005, APLIC and USFWS developed Avian Protection Plan Guidelines to assist electric utilities in creating Avian Protection Plans that will best fit the utilities' needs and improve their regulatory compliance, while furthering the conservation of birds. An Avian Protection Plan is a company-specific document that describes the company's program for reducing avian risks resulting from interactions with electric facilities (APLIC and USFWS, 2005). As part of the Avian Protection Plan guidelines, APLIC and USFWS (2005) outlined key elements that provide a basic framework for an Avian Protection Plan.

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The *Avian Protection Plan* process addresses the following key elements as recommended by APLIC and USFWS (2005) in the Avian Protection Plan Guidelines:

- Training.
- Permit Compliance.
- Risk Assessment.
- Mortality Reduction Measures.
- Construction Design Standards.
- Avian Incident Management:
 - Reporting System.
 - Nest Management.
- Avian Enhancement Options.
- Quality Control.
- Key Resources.

Three overall processes are included in the Project *Avian Protection Plan*. The first process is a thorough review of Project-related activities to identify the potential for impacts to avian species through a risk assessment of each Project component. Integral to the assessment is identification and implementation of appropriate mortality reduction measures for high-risk construction activities or operations. This process has been initiated through inclusion of the preliminary risk assessment and Best Management Practice (BMP) guidance provided by USFWS for the Project. This process is the primary focus of this Project *Avian Protection Plan*. The second process requires employee awareness training and implementation of the *Avian Protection Plan* program, as well as development of construction schedules and methods. The third process is reactive and includes a reporting system that would be used to identify actions and remedial measures developed in response to specific bird mortality, bird injury, or problem nest events.



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Figure 1. Project Overview Map

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3.0 REGULATORY FRAMEWORK

Three primary federal laws in the United States protect birds:

- Endangered Species Act (ESA).
- Migratory Bird Treaty Act (MBTA).
- Bald and Golden Eagle Protection Act (BGEPA).

In addition, Executive Order 13186 (EO; 66 FR 3853) “Responsibilities of Federal Agencies to Protect Migratory Birds” directs federal agencies that will be issuing or reviewing permits or rights-of-way (ROWs) for the Project to identify where unintentional take is likely to have a measurable negative effect on migratory bird populations and to avoid or minimize adverse effects on migratory birds through enhanced collaboration with the USFWS. EO 13186 states that emphasis should be placed on species of concern, priority habitats; and key risk factors with particular focus given to addressing population-level impacts. The USFWS (2008a) has identified such species in its Birds of Conservation Concern (BCC). The Bureau of Land Management (BLM) designates Sensitive Species and implements measures to conserve certain species and their habitats on BLM land under the Federal Land Policy Management Act.


A Memorandum of Understanding (MOU) between FERC’s Office of Energy Projects and USFWS regarding implementation of EO 13186 went into effect on March 30, 2011 (FERC and USFWS, 2011). This MOU focuses on avoiding or minimizing adverse impacts to migratory birds and strengthens migratory bird conservation through enhanced collaboration between FERC’s Office of Energy Projects and USFWS by identifying areas for cooperation. Similarly, a MOU between the BLM and USFWS regarding implementation of EO 13186 went into effect on April 12, 2010 (BLM and USFWS, 2010). The focus of BLM’s MOU is similar to FERC’s MOU. These voluntary MOUs do not impact the legal requirements under the ESA, MBTA, BGEPA, or any other statute and do not authorize the take of migratory birds.

When protected birds are injured or killed, these applicable laws may be enforced by USFWS using their prosecutorial discretion. The Project area lies within USFWS Region 7, which has its headquarters in Anchorage, Alaska.

3.1 ENDANGERED SPECIES ACT (ESA)

The ESA (16 United States Code {USC} 1531-1544) directs the USFWS to identify, protect, and conserve endangered and threatened species and their critical habitat. ESA Section 9 makes it unlawful for a person to “take” a listed species with take defined as “...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct” (16 USC 1532(19)). Violations of the ESA can result in civil penalties of up to \$25,000 and criminal penalties of up to \$50,000, imprisonment for up to one year, or both. Maximum penalties (misdemeanor) for violations include fines up to \$200,000 per individual or organization and up to one year of imprisonment, or both per violation. Under the ESA, each dead bird, egg, or young may count as a separate violation. Vehicles and equipment can also be confiscated. However, the USFWS may authorize “incidental take” in two ways: (1) through formal consultation under ESA Section 7(a)(2) when a federal agency, federal funding, or federal permit is involved; and (2) under ESA Section 10(a)(1)(B) upon completion of a satisfactory Habitat Conservation Plan for listed species.

Four ESA-protected birds potentially occur within the Project action area: Eskimo curlew (*Numenius borealis*), short-tailed albatross (*Phoebastria albatrus*), spectacled eider (*Somateria fischeri*), and Alaska-breeding Steller’s eider (*Polysticta stelleri*) (Resource Report No. 3,


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Appendix C; Table 1). The analysis of potential Project impacts to these species is addressed in the draft *Biological Assessment* that is filed as Appendix C of Resource Report No. 3. The results of the analyses for avian species are summarized in Table 1. Project activities are expected to have no effect on the Eskimo curlew; may affect but not likely adversely affect the short-tailed albatross and Steller's eider; and may affect, likely to adversely affect the spectacled eider. The Project would have no effect on Eskimo curlews because they are believed to be extirpated and may no longer exist in Alaska. The Project may affect the short-tailed albatross and Steller's eider because they are found in Alaskan waters traversed by vessels during construction and operation, but the potential for effect is so low as to be discountable. The Project may adversely affect spectacled eiders because they are found in the Project area, construction operations may injure or kill spectacled eiders breeding and molting in the area, and construction and operation would result in long-term habitat loss for a few spectacled eiders.

Table 1: Summary of Federally Listed and Proposed Threatened, Endangered, and Candidate Birds Potentially Occurring in the Project Action Area with Preliminary Findings				
Common Name with DPS or ESU	Scientific Name	Federal Status	Detailed Analysis	Preliminary Findings ^a Species/Critical Habitat
BIRDS – USFWS				
Eskimo Curlew	<i>Numenius borealis</i>	Endangered	No	No Effect/ND
Short-tailed Albatross	<i>Phoebastria albatrus</i>	Endangered	No	NLAA/ND
Spectacled Eider	<i>Somateria fischeri</i>	Threatened	Yes	LAA/NLAM
Steller's Eider, Alaska-breeding Population	<i>Polysticta stelleri</i>	Threatened	Yes	NLAA/NLAM
<p>Source: USFWS (U.S. Fish and Wildlife Service). 2014a. Species list for the Alaska LNG Project, Ref. No. LT-AKE-PT-14-0103-001. December 1, 2014. To Mr. Charlie Kominas, Alaska LNG Project, from Ms. Sara C. Conn, Fairbanks Fish and Wildlife Field Office, Fairbanks, Alaska.</p> <p>DPS = Distinct Population Segment, ESU = Evolutionarily Significant Unit</p> <p>^a NLAA – May affect, not likely to adversely affect NLAM – Not likely to adversely modify LAA – May affect, likely to adversely affect NLJ – Not likely to jeopardize continued existence ND – No critical habitat designated</p> <p>Preliminary findings can be found in the <i>Biological Assessment</i> filed in conjunction with this document.</p>				

3.2 MIGRATORY BIRD TREATY ACT (MBTA)

The MBTA was adopted by Congress in 1918 and is administered by the USFWS. The MBTA protects more than 1,000 species of migratory birds as identified in 50 Code of Federal Regulations (CFR) 10.13. In Alaska, all native birds except grouse and ptarmigan are protected under the MBTA. The MBTA protects migratory birds and their nests, eggs, young, and parts from possession, sale, purchase, barter, transport, import and export, and take. The MBTA

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defines “take” as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect” (50 CFR 10.12). A person, association, partnership, or corporation that violates the “take” provisions of the MBTA is guilty of a misdemeanor and subject to a fine of up to \$15,000, imprisonment for up to six months, or both. The MBTA includes provisions for regulating the intentional “take” of migratory birds or active nests as authorized by the Secretary of the Interior (e.g., waterfowl hunting or Special Purpose Permits).

The MBTA currently has no provision for allowing “take” of migratory birds or active nests where take is incidental to and not the primary purpose of otherwise legal activities. However, the USFWS realizes that some birds may be killed or taken during construction and/or operation activities even if all known reasonable effective measures to protect birds are implemented. The USFWS is in the process of developing regulations to authorize the incidental take of migratory birds under the MBTA (80 FR 30032). An incidental take permit may be pursued with the USFWS prior to final permitting and construction of the Project, when regulations to authorize such take under the MBTA, and a process for permitting such take, are finalized.

3.3 BALD AND GOLDEN EAGLE PROTECTION ACT (BGEPA)


Bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*), their eggs, and their nests receive additional protection under the BGEPA (16 USC 668-668d, 54 Stat. 250 and Amendments). The BGEPA states that “no person shall take, possess, sell, purchase, barter, offer for sale, transport, export, or import any bald or golden eagles alive or dead, or any part, nests or eggs, thereof without a valid permit to do so.” The BGEPA definition of the term take is to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” USFWS published a final rule on June 5, 2007, which defines the term “disturb” to mean “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” (72 FR 31132).

The USFWS published Final Rules on September 11, 2009, which authorize the issuance of permits to take bald eagles and golden eagles on a limited basis (74 FR 46836). The BGEPA includes a mechanism for authorization of incidental take of eagles and eagle nests in certain situations (50 CFR 22.26 and 22.27):

- Section 22.26 governs the issuance of permits to take bald eagles and golden eagles where the take is associated with, but not the purpose of, an activity, and the take cannot practicably be avoided. Five permit application criteria apply to this federal evaluation process, which encompasses whether (1) take is likely to occur, (2) take is compatible with the preservation of the bald eagle and golden eagle, (3) applicable avoidance and minimization measures have been proposed, (4) the permit would preclude higher-priority decisions, and (5) additional factors apply. Most take authorized under this section would be in the form of disturbance to nests.
- Section 22.27 governs the issuance of permits for removing eagle nests where (1) it is necessary to alleviate a safety emergency to people or eagles, (2) it is necessary to ensure public health and safety, (3) the nest prevents the use of a human-engineered structure, or (4) the activity or mitigation for the activity will provide a net benefit to eagles. All eagle nests are protected whether they are active or inactive.

Important definitions associated with these regulations include:

- *Communal roost site* – an area where eagles gather repeatedly in the course of a season and shelter overnight and sometimes during the day in the event of inclement weather.

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- *Eagle nest* – any readily identifiable structure built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction.
- *Foraging area* – an area where eagles regularly feed during one or more seasons.
- *Important eagle-use area* – an eagle nest, foraging area, or communal roost site that eagles rely on for breeding, sheltering, or feeding and the landscape features surrounding such nest, foraging area, or roost site that are essential for the continued viability of the site for breeding, feeding, or sheltering eagles.
- *Inactive nest* – a bald eagle or golden eagle nest that is not currently being used by eagles as determined by the continuing absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days immediately prior to, and including, at present. An inactive nest may become active again and remains protected under the BGEPA.
- *Territory* – an area that contains, or historically contained, one or more nests within the home range of a mated pair of eagles.

Liability for BGEPA violations is based in knowing or wanton disregard for the consequences of the action. Maximum civil penalties for a First Offense/Class A Misdemeanor violation of the BGEPA include fines up to \$200,000 per individual or organization and up to one year of imprisonment or both per violation. The maximum criminal penalties for a Second Offense/Class E Felony violation of the BGEPA include fines up to \$500,000 per individual or organization and up to two years of imprisonment or both per violation. Vehicles and equipment also can be forfeited for violations. Under the BGEPA, each dead eagle, egg, or young may count as a separate violation.

Both bald and golden eagles nest within the Project area and may be affected by construction of the Project. Because of the potential for unavoidable “take” of bald and golden eagles or their nests during the construction of facilities, applications would likely be submitted for either individual (i.e., one-time) or programmatic (i.e., recurring) permits for bald and golden eagles and/or their nests that may fall in the footprint of the Project. A programmatic permit would be filed during the Environmental Impact Statement (EIS) process and individual permit applications would be filed in the year prior to construction.

3.4 SPECIAL-STATUS SPECIES

EO 13186 states that federal agencies should place emphasis on species of concern such as the USFWS’s Birds of Conservation Concern (BCC; USFWS, 2008a) and BLM Alaska’s Sensitive Species program (SS; BLM, 2010). States typically have statutes and regulations that broadly protect wildlife species. The Alaska Department of Fish and Game (ADF&G) uses the Alaska Wildlife Action Plan (WAP) (ADF&G, 2015a) to assess the needs of species with conservation concerns and to prioritize conservation actions and research (Gotthardt et al., 2012). However, because the WAP list of Species of Greatest Conservation Need is intentionally large, including more than 180 bird species and subspecies, many of which are likely to occur within the Project area that crosses the entire State of Alaska (ADF&G, 2015a), this *Avian Protection Plan* is focused on ESA-protected birds, eagles, USFWS’s BCC, and BLM Alaska’s Sensitive and Watch List birds.

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4.0 AVIAN PROTECTION PLAN ELEMENTS

This section addresses key principles of the *Avian Protection Plan*, which follow the established guidelines of APLIC and USFWS (2005).

4.1 TRAINING

Training on all components of the *Avian Protection Plan* would be provided to all appropriate personnel, including contractors, and would tailor training modules to its operations. This training would include the reasons, need, and methods for (1) reporting of any bird mortality discovered at the Project facilities; (2) nest management options; (3) bird carcass handling, collection, and disposal (see Table 2); (4) applicable state and federal laws including the ESA, MBTA, and BGEPA; (5) the potential consequences of noncompliance with applicable laws; and (6) the commitments and expectations outlined in this *Avian Protection Plan* and Safety, Security, Health and Environment (SSHE) policies.

Initial training would be provided to the relevant construction and operations personnel once the *Avian Protection Plan* is finalized (post-EIS). Supplemental training would be provided when material changes in regulations or internal operations and policies could affect compliance with the *Avian Protection Plan* or applicable legal requirements.


Avian protection and response training would be provided to select personnel, including managers, supervisors, engineering, design, and field operations staff, and appropriate contractors. These annual training refreshers are recommended prior to the spring nesting season.

4.2 PERMITTING AND COMPLIANCE

4.2.1 Permits for Protected Bird or Nest Destruction, Removal, Relocation, or Disturbance

In certain situations, the USFWS may issue permits for destruction, removal, relocation, or disturbance of a nest otherwise protected under ESA, MBTA, or BGEPA outside of the nesting season to prevent the take of an individual during the nesting season. The applicable permits under each regulation include:

- **ESA** – The USFWS may issue permits for incidental take of threatened or endangered species pursuant to ESA Sections 7(a)(2) and 10(a)(1)(B) as long as issuance of the permit does not jeopardize the continued existence of the listed species. Nest destruction or relocation with eggs would be examples of an incidental take. Destruction of a nest that has not been abandoned does, however, constitute an incidental take.
- **MBTA** – 50 CFR 21.27 authorizes the USFWS to issue special purpose permits for lawful take, salvage, transport, and possession of migratory birds, their parts, nests, or eggs. In practice, applicants generally must demonstrate that the action is necessary for protection of human life or property, or will benefit the migratory bird resource. These conditions could occur when a nest can be shown to result in imminent danger to an activity or employee safety or facility failure; when an active nest would need to be moved to prevent destruction of eggs or young; or when an injured or dead bird is taken into possession for transport to a rehabilitation facility or appropriate authorities, in which case a special purpose permit may be issued.
- **BGEPA** – 50 CFR 22.26 authorizes the USFWS to issue permits for the incidental take of eagles or eagle nests where the take is associated with, but not the purpose of, an activity,

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and the take cannot practicably be avoided. Most take authorized under this section would be in the form of removal of nests prior to the nesting season.

- BGEPA – 50 CFR 22.27 authorizes the USFWS to issue permits for intentional take of eagle nests where necessary to alleviate a safety emergency for humans or eagles, to ensure public health and safety, where a nest prevents use of a human-engineered structure, and to protect an interest in a particular locality where the activity or mitigation for the activity will provide a net benefit to eagles. In this case, take means destruction, removal, and/or relocation of an eagle nest. Only inactive nests may be taken except in cases of safety emergencies.

In Alaska, the USFWS works closely with the ADF&G on permits for activities that potentially involve migratory birds. The ADF&G Public Safety Permit and the USFWS Depredation Permit would be applicable for the removal of birds or active nests that are a threat to public safety, such as birds that are a hazard to aircraft operations or active nests on facilities that may create a health concern (bird droppings near clean air intakes) or a fire hazard.

Spectacled or Steller's eiders or their nests would not be expected to be harmed directly by the Project. Pipeline and granular pad construction on the Beaufort Coastal Plain Ecoregion would be conducted during winter months thereby avoiding nesting spectacled eiders. The work would occur >150 miles from Steller's eider nesting habitat in the Barrow triangle. Sealifts associated with GTP construction could result in minor short-term disturbance/displacement effects on spectacled eiders in the marine environment. Project vessel traffic in Cook Inlet would have only minimal impacts such as temporary displacement of overwintering birds. Work would occur during winter months on the Beaufort Coastal Plain Ecoregion, avoiding nesting spectacled eiders.

There would be a potential for unavoidable incidental destruction of migratory bird nests, and incidental take through disturbance of bald and golden eagle nests, during Project construction. If a permitting system is established by the USFWS for the incidental take of migratory bird nests, USFWS would be consulted to determine whether to obtain a permit for the Project. Application for a Special Purpose-Salvage permit to handle dead birds or nests with eggs is anticipated. Application for either individual (i.e., one-time) or programmatic (i.e., recurring) permits for bald and golden eagles and/or their nests is also anticipated.

Compliance with these permits includes annual reporting requirements and, where eagles or eagle nests are involved, may also include monitoring with additional reporting. USFWS would be consulted in the reporting of incidents of protected bird mortality associated with Project construction and operation, and directives from the USFWS for disposition of carcasses, as is currently the policy for wildlife mortality events within the North Slope oil fields, would be followed. A summary of permit requirements by typical migratory bird and nest actions is presented in Table 2.

Table 2: Bird and Nest Actions Allowed by Type of Federal and State Permit							
Action by Type of Bird	Federal USFWS Permits						Alaska
	Special Purpose – Salvage	Depredation	Recovery	Eagle Take (22.26)	Eagle Nest Removal (22.27)	None Required	Public Safety Permit
Remove a Bird Carcass							
Migratory Birds	X						
Grouse or Ptarmigan						X	
Non-native Bird (pigeon, house finch)						X	
ESA Species	X						
Eagle	X						
Remove a Bird Nest (Inactive)							
Migratory Birds						X	
Grouse or Ptarmigan						X	
Non-native Bird (pigeon, house finch)						X	
ESA Species			X				
Eagle					X		
Remove a Bird Nest (Active)							
Migratory Birds		X					X
Grouse or Ptarmigan						X	X
Non-native Bird (pigeon, house finch)						X	
ESA Species			X				
Eagle				X	Emergency		
Relocate a Bird Nest (Active)							
Migratory Birds		X					X
Grouse or Ptarmigan						X	X
Non-native Bird (pigeon, starling)						X	
ESA Species			X				
Eagle				X	X		
Severely Disturb Nesting Birds (Active)							
Migratory Birds						NA	
Grouse or Ptarmigan						X	
Non-native Bird (pigeon, house finch)						X	
ESA Species			ITA				
Eagle				X			

Source:

ADF&G (Alaska Department of Fish and Game). 2015b. Mammal, Bird, and Reptile Permits. Available online at: <http://www.adfg.alaska.gov/index.cfm?adfg=otherlicense.protecting>. Accessed October 13, 2015.


USFWS (U.S. Fish and Wildlife Service). 2008c. Permits: Overview. Last Updated, September 15, 2008. U.S. Fish and Wildlife Service, Alaska Region. Available online at: <http://www.fws.gov/alaska/mbmp/mbm/permits.htm>. Accessed October 13, 2015.

X= Action is allowed by agency.

Emergency = Activity permissible only to alleviate a safety emergency to people or eagles

NA = Not Available – Activity not currently permissible

ITA = Incidental Take Authorization – Activity requires formal ESA consultation with Biological Assessment and Biological Opinion

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Permit application and annual report forms that may be applicable for the Project are included as the following appendices:

- Appendix A – USFWS Incidental Eagle Take Permit (22.26) application and annual report form.
- Appendix B – USFWS Bald Eagle Nest Removal Permit (22.27) application and annual report form.
- Appendix C – USFWS Special Purpose-Salvage Permit application and annual report form.
- Appendix D – ADF&G Public Safety Permit application and annual report form.
- Appendix E – USFWS Depredation Permit application and annual report form.

4.3 RISK ASSESSMENT

The Project area, activities, and facilities were evaluated for potential risks to birds, as well as the potential occurrence of breeding birds of conservation concern and their preferred breeding habitats near the Project.

4.3.1 Project Construction and Operation Risks

Project construction activities that have been identified as potential risks for injury to migratory birds or their habitats include:


- Vegetation clearing and/or stripping.
- Habitat loss or degradation.
- Hydrocarbon spill.
- Attraction of predators through improper waste disposal.
- Granular material placement.
- Pipeline trenching.
- Blasting.
- Off-road vehicle use on tundra.
- Materials site development.
- Aircraft strikes.
- Pipeline river crossings.

Specific Project facilities that have been identified as potential risks for injury to migratory birds include:

- Communication towers or antennas.
- Tower or antenna lighting.
- Overhead lines and guywires.
- Lighting on docked or anchored marine barges and vessels.
- Flare tower operation.
- Facility lighting.
- Facility siting on the North Slope.

Project operations activities that have been identified as potential risks for injury to migratory birds or their habitats include:

- Vehicle, vessel, and aircraft collisions.

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- Noise disturbance.
- Increased predator presence, spills.

4.3.2 Special-Status Bird Occurrence in the Project Area

Thirty-one birds with special status have a potential to occur in the vicinity of the Project (Table 3). Of these 31 species of birds, 25 have been documented or are likely to breed in the vicinity of the Project (Table 3). Nineteen birds are included on the USFWS's BCC lists for Bird Conservation Region (BCR) 3 and 4, which are crossed by the Project (USFWS, 2008a). Of these 19 BCC, all but two may breed in the vicinity of the Project (Table 3; USFWS, 2008a). The Project would cross lands administered by BLM; 19 birds are included on the BLM Sensitive or Watch lists. Of these, 16 are potentially found in the Project area. (Table 3; BLM, 2010). These species are migratory and would be afforded protection under the MBTA.

Table 3: USFWS Birds of Conservation Concern and BLM Sensitive and Watch List Birds that Potentially Breed in the Vicinity of the Project

Common Name	Scientific Name	Ecoregions ^{f,9}									Preferred Breeding Habitat and Breeding/Nesting Season	Occurrence of Preferred Breeding Habitat in Project Work Areas	
		Arctic Tundra			Intermontane Boreal				Alaska Range				
		BCP	BF	BR	KRV	RM	YTU	TKL	AR	CI			
Waterfowl													
Geese and Swans													
Trumpeter Swan ^d	<i>Cygnus buccinator</i>			Po	Po	Po	Po	Co	Co	Co	Nests on mat of vegetation constructed on muskrat or beaver houses, or on foundation built by pair, usually in emergent vegetation Breeds/nests from May through September	Likely – Breeding/nesting habitat present; confirmed observations within 0.5 mile from USFWS surveys	
Ducks													
Spectacled Eider ^a	<i>Somateria fischeri</i>	Co									Nests on ground on small islands, peninsulas, pond shorelines, and dry areas in wet meadow tundra Breeds/nests from late May through August	Likely – Breeding/nesting habitat present; confirmed observations within 0.5 mile from USFWS surveys	
Steller's Eider ^a	<i>Polysticta stelleri</i>	No								No	Nests on ground in open tundra near water Breeds/Nests from June through late-August in the BCP	Not likely – Breeding/ nesting habitat primarily located west of Project May molt and overwinter in lower Cook Inlet	
Loons and Grebes													
Horned Grebe ^c	<i>Podiceps auritus</i>		Co	Co	Co	Po	Po	Po	Po	Co	Nests on a mat of vegetation constructed, usually floating at margin of small pond or marsh Breeds/nests from mid-May through September	Likely – Breeding/nesting habitat present; confirmed past observations in vicinity based on Breeding Bird Survey (BBS)	
Red-Throated Loon ^{c, e}	<i>Gavia stellata</i>	Co	Co					Po	Co	Co	Nests on ground in low-lying wetlands, usually on margins of shallow pond Breeds/nests from May through September	Likely – Breeding/nesting habitat present; confirmed observation in vicinity based on USFWS surveys and BBS	

Table 3: USFWS Birds of Conservation Concern and BLM Sensitive and Watch List Birds that Potentially Breed in the Vicinity of the Project

Common Name	Scientific Name	Ecoregions ^{f,g}									Preferred Breeding Habitat and Breeding/Nesting Season	Occurrence of Preferred Breeding Habitat in Project Work Areas
		Arctic Tundra			Intermontane Boreal				Alaska Range			
		BCP	BF	BR	KRV	RM	YTU	TKL	AR	CI		
Yellow-Billed Loon ^{c, d}	<i>Gavia adamsii</i>	Co	Co								Nests on ground on margins or peninsulas of lakes – usually large Arctic lakes Breeds/nests from June through September	Likely – Breeding/nesting habitat present; confirmed observations in vicinity based on USFWS surveys and BBS
Raptors												
Bald Eagle ^b	<i>Haliaeetus leucocephalus</i>			Co	Po	Po	Po	Co	Co	Co	Nests in large spruce and cottonwood trees, may also use cliffs and ridges Breeds/nests from March through September	Likely – Breeding/nesting habitat present; confirmed nesting in vicinity; active nests within 0.5 mile based on 2015 Raptor Survey
Golden Eagle ^{b, d}	<i>Aquila chrysaetos</i>	No	Co	Co	No	Co	No	No	No	No	Nests usually on cliffs, may also use trees Breeds/nests from April through August	Likely – Breeding/nesting habitat present; confirmed nesting in vicinity; potential nests within 0.5 mile based on 2015 Raptor Survey
Peregrine Falcon ^c	<i>Falco peregrinus</i>	Co	Co	Co	No	Co	No	No	No	No	Nests on pingo tops, road cuts, common raven nests, cliff walls, artificial structures Breeds/nests from late May through August	Likely – Breeding/nesting habitat present; confirmed nesting in vicinity; no nests within 0.5 mile based on 2015 Raptor Survey
Shorebirds												
Bar-Tailed Godwit ^{c, e}	<i>Limosa lapponica</i>	Po	Po								Nests on ground in sedge and/or dwarf shrub tundra, moist tussock tundra near wetlands Breeds/nests from late May through mid-August	Possible – Breeding/nesting habitat present; has been observed nesting at Prudhoe Bay

Table 3: USFWS Birds of Conservation Concern and BLM Sensitive and Watch List Birds that Potentially Breed in the Vicinity of the Project

Common Name	Scientific Name	Ecoregions ^{f,9}									Preferred Breeding Habitat and Breeding/Nesting Season	Occurrence of Preferred Breeding Habitat in Project Work Areas
		Arctic Tundra			Intermontane Boreal				Alaska Range			
		BCP	BF	BR	KRV	RM	YTU	TKL	AR	CI		
Buff-Breasted Sandpiper ^{c, e}	<i>Calidris subruficollis</i>	Po	Po								Nests on ground in moist or wet sedge-graminoid meadows, occasionally on dry prostrate scrub habitat, males display on leks Breeds/nests from June through August	Possible – Breeding/nesting habitat present; has been observed nesting at Prudhoe Bay
Dunlin ^c	<i>Calidris alpina</i>	Po	Po	Po						No	Nests on snags or around moist, low-centered polygons in or next to clumps of grass or sedge Breeds/nests from June through July	Likely – Breeding/nesting habitat present; commonly observed nesting at Prudhoe Bay
Eskimo Curlew ^a				Po							Nests likely on ground in treeless, dwarf shrub, graminoid tundra Breeds/nests from mid-May through July	Not likely – considered extirpated
Hudsonian Godwit ^{c, e}	<i>Limosa haemastica</i>				Po	Po			Po	Co	Nests on ground on dry tops of hummocks in string bogs or sedge marsh, often under dwarf birch, sweet gale Breeds/nests from mid-May through July	Possible – Breeding/nesting habitat present; confirmed observation in Cook Inlet Basin (CIB) based on BBS
Lesser Yellowlegs ^c	<i>Tringa flavipes</i>		Co	Co	Co	Co	Po	Co	Po	Co	Nests on ground on dry, mossy ridges or hummocks next to fallen branches and logs, underneath low shrubs or small trees Breeds/nests from late May through July	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS
Red Knot ^{c, d}	<i>Calidris canutus</i>	No								No	Nests on ground in dry Dryas tundra Breeds/nests from June through August	Not likely – not known to breed in the vicinity of the Project; passes through Cook Inlet during spring/fall migration

Table 3: USFWS Birds of Conservation Concern and BLM Sensitive and Watch List Birds that Potentially Breed in the Vicinity of the Project

Common Name	Scientific Name	Ecoregions ^{f,g}									Preferred Breeding Habitat and Breeding/Nesting Season	Occurrence of Preferred Breeding Habitat in Project Work Areas
		Arctic Tundra			Intermontane Boreal				Alaska Range			
		BCP	BF	BR	KRV	RM	YTU	TKL	AR	CI		
Rock Sandpiper ^{c, d}	<i>Calidris ptilocnemis</i>									No	Nests in heath tundra, low shrub heath meadows Breeds/nests from May through July	Not known to breed in the vicinity of the Project; winters along coast in Cook Inlet
Short-Billed Dowitcher ^c	<i>Limnodromus griseus</i>								Po	Co	Nests on ground in wet meadows, muskeg with sedges, cotton grass, small willows usually near woody vegetation Breeds/nests from June to early August	Possible – Breeding/nesting habitat present; confirmed observation in CIB based on BBS
Solitary Sandpiper ^c	<i>Tringa solitaria</i>				Co	Co	Po	Co	Co	Co	Nests in coniferous or deciduous trees in abandoned passerine nests Breeds/nests beginning in late May	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS
Upland Sandpiper ^c	<i>Bartramia longicauda</i>			Co	Po	Po	Po	Po	Co	Po	Nests on ground in low vegetation Breeds/nests from May through June	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS
Whimbrel ^c	<i>Numenius phaeopus</i>	Po	Co	Po	Po	Co	Po	Po	Co	Po	Nests on ground in dwarf shrub tundra, taiga, wet sedge, or upland shrub habitats Breeds/nests from mid-May through late August	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS
Seabirds												
Arctic Tern ^c	<i>Sterna paradisaea</i>	Co	Co	Co	Co	Co	Po	Po	Co	Co	Nests on ground in open areas often with loose substrate or low vegetation Breeds/nests from late May through early August	Likely – Breeding/nesting habitat present; multiple confirmed observations based on USFWS Surveys and BBS
Kittlitz's Murrelet ^d										No	Nests on ground on scree and talus slopes associated with present and past glaciation Breeds/nests from mid-May through August	Not likely – Breeding/nesting habitat may be present, but Project is not within breeding range

Table 3: USFWS Birds of Conservation Concern and BLM Sensitive and Watch List Birds that Potentially Breed in the Vicinity of the Project

Table of BCP, BF, BR Birds of Conservation Concern and BLM Sensitive and Watch List Birds that Primarily Breed in the Vicinity of the Project												
Common Name	Scientific Name	Ecoregions ^{f,9}									Preferred Breeding Habitat and Breeding/Nesting Season	Occurrence of Preferred Breeding Habitat in Project Work Areas
		Arctic Tundra			Intermontane Boreal				Alaska Range			
		BCP	BF	BR	KRV	RM	YTU	TKL	AR	CI		
Marbled Murrelet ^d	<i>Brachyramphus marmoratus</i>									Po	Nests on high, moss-covered branches of coastal old growth spruce or hemlock trees or occasionally on ground Breeds/nests from mid-May through July	Not likely – Breeding/nesting habitat not likely present in Project vicinity
Owls												
Short-eared Owl ^d	<i>Asio flammeus</i>	Po	Co	Co	Co	Co	Po	Po	Co	Co	Nests on ground in herbaceous cover, tundra in northern Alaska, and bogs or marshes in Interior or Southcentral Breeds/nests from mid-March through June	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS
Passerines												
Blackpoll Warbler ^d	<i>Setophaga striata</i>			Co	Co	Co	Co	Po	Co	Co	Nests primarily in deciduous forests, tall shrub habitats Breeds/nests from late May to early August	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS
Gray-Cheeked Thrush ^e	<i>Catharus minimus</i>		Co	Co	Co	Co	Co	Po	Co	Co	Nests built in branch crotches of willow or alder shrubs, or horizontal or slanted fallen trees, tops of broken trees or stumps, or on ground Breeds/nests from late May to early August	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS
Olive-Sided Flycatcher ^{c, d}	<i>Contopus cooperi</i>			Co	Co	Co		Po	Co	Co	Nests primarily in spruce trees – black spruce primarily Breeds/nests from late May to mid-July	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS

Table 3: USFWS Birds of Conservation Concern and BLM Sensitive and Watch List Birds that Potentially Breed in the Vicinity of the Project

Common Name	Scientific Name	Ecoregions ^{f,g}									Preferred Breeding Habitat and Breeding/Nesting Season	Occurrence of Preferred Breeding Habitat in Project Work Areas
		Arctic Tundra			Intermontane Boreal				Alaska Range			
		BCP	BF	BR	KRV	RM	YTU	TKL	AR	CI		
Rusty Blackbird ^{c, d}	<i>Euphagus carolinus</i>			Co	Co	Co		Po	Co	Co	Nest in living or dead spruce, tamarack, willow, birch, alder trees or shrubs, on stumps or ground near water Breeds/nests from May through July	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS
Smith's Longspur ^c	<i>Calcarius pictus</i>		Co	Po	Po				Po		Nests on ground on or next to hummocks or tufts of sedges or grasses Breeds/nests from June through July	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS
Townsend's Warbler ^e	<i>Setophaga townsendi</i>			Co	Co	Co	Co	Po	Po	Co	Nests in coniferous trees; white spruce, but occasionally birch Breeds/nests from mid-May to mid-July	Likely – Breeding/nesting habitat present; multiple confirmed observations based on BBS

Source: USFWS, 2008a; BLM, 2010; USFWS, 2014x; Birds of North America Online (see references); AKNHP, 2014a; Troy, 1985; Liebezeit, 2004; Sauer et al., 2015

No means no breeding, may occur but nesting does not; Po means Possible Breeding; and Co means Confirmed Breeding for the portion of the ecoregion in the vicinity of the project.

^a ESA listed, candidate, or proposed bird species

^b Eagles protected by BGEPA


^c USFWS Birds of Conservation Concern

^d BLM-Alaska Sensitive Animal List

^e BLM-Alaska Watch List – Animals

^f Ecoregions: BCP – Beaufort Coastal Plain; BF – Brooks Foothills; BR – Brooks Range; KRV – Kobuk Ridges and Valleys; RM – Ray Mountains; YTU – Yukon-Tanana Uplands; TKL – Tanana-Kuskokwim Lowlands; AR – Alaska Range; CI – Cook Inlet

⁹ Po - Possible; Co – Confirmed; No – No breeding

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4.3.2.1 Spectacled Eiders

Waterfowl breeding population surveys are completed each spring by the USFWS. These surveys sample nesting habitats in Alaska's Beaufort Coastal Plain Ecoregion (Stehn et al., 2013), which covers the GTP, PTTL, and about the first 60 miles of the Mainline on the Beaufort Coastal Plain Ecoregion. Spectacled eiders have been documented during breeding pair surveys in the area designated for the GTP and within 0.5 mile of the PTTL.

4.3.2.2 Bald Eagle, Golden Eagle, and Peregrine Falcon

A raptor nest survey was conducted in spring 2015 to identify nests of tree-nesting and cliff-nesting raptors and eagles within 1 and 2 miles of either side of the Mainline route from the Beaufort Coastal Plain Ecoregion through Interior Alaska to the Liquefaction Facility at Nikiski, depending on location, habitat and species as determined through consultation with the USFWS (Table 4). Although clearing of vegetation is planned during the winter, there may be cases where vegetation clearing would need to be conducted during the nesting season and could remove nest trees, or blasting during the nesting season could disturb nesting raptors. Preliminary review of the raptor nest data indicate that no nest trees or nesting cliffs occur within the construction ROW, any temporary work spaces, or access roads. Some vegetation clearing and construction would occur during summer when nests of BCC and BLM Sensitive Species would be active.

Table 4: Raptor Nests^a Identified within the Project Study Corridor^b by Ecoregions

Ecoregion ^c	Spread MPs	Bald Eagle		Golden Eagle		Gyr Falcon		Peregrine Falcon	Rough- legged Hawk		Common Raven	Other ^d		Total
		A	I	A	I	A	I	Active	A	I	Active	A	I	
BCP	0 to 62	0	0	0	0	0	0	5	1	0	1	1	3	11
BF	62 to 143	0	0	1	0	1	1	9	4	2	0	3	8	29
BR	143 to 252	0	0	4	26	0	1	2	0	0	1	1	32	67
KRV	252 to 257	0	0	0	0	0	0	0	0	0	0	0	0	0
RM	257 to 430	0	0	1	0	0	0	1	0	0	0	0	3	5
TKL	430 to 443; 455 to 517	1	0	0	0	0	0	0	0	0	0	0	0	1
YTU	443 to 455	0	0	0	0	0	0	0	0	0	0	0	0	0
AR	517 to 616	2	1	0	9	0	0	0	0	0	0	0	0	12
CIB	616 to 804	23	18	0	0	0	0	0	0	0	0	0	0	41
TOTAL		26	19	6	35	1	2	17	5	2	2	5	46	166


Sources: Preliminary AECOM Survey Data – FN_RAPTOR_SFS2014_P_prj; Construction Plan Route B ERL Explanation 2015-08-21.xlsx

^a Includes identified active (A), Inactive or Unknown (I), and “probable” nests for each species.

^b The Study Corridor includes the area within 1 and 2 miles on either side of the Project footprint based on consultation with USFWS.

^c Ecoregions: AR = Alaska Range, BCP = Beaufort Coastal Plain, BF = Brooks Foothills, BR = Brooks Range, CIB = Cook Inlet Basin, KRV = Kobuk Ridge and Valley, RM = Ray Mountains, TKL = Tanana-Kuskokwim Lowlands, YTU = Yukon-Tanana Uplands.

^d Unidentified nests were included in the “Other” category.

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Bald eagle nesting periods vary by latitude in Alaska, but generally egg-laying begins in April, with the time period between egg-laying and fledging of young being approximately four months. The entire breeding cycle from initial activity at a nest through the end of fledgling dependency is about six months. Sensitivity to disturbance during this period varies as summarized in Table 5.

Table 5: Relative Sensitivity of Nesting Bald Eagles to Disturbance			
Phase	Nesting Stage	Sensitivity to Disturbance	Description
I Mid-January to March	Courtship and nest building	Most sensitive period; likely to respond negatively	Most critical time period Disturbance is manifested in nest abandonment. Bald eagles in newly established territories are more prone to abandon nest sites.
II Mid-March to April	Egg laying	Very sensitive period	Human activity of even limited duration may cause nest desertion and abandonment of territory for the nesting season.
III April to May	Incubation and hatching	Very sensitive period	Adults are less likely to abandon the nest near and after hatching. However, flushed adults leave eggs and young unattended; eggs are susceptible to thermal stress (either over heating or cooling), loss of moisture, and predation; and young are vulnerable to elements.
IV May to June	Nestling period, 4 to 8 weeks	Moderately sensitive period	Likelihood of nest abandonment and vulnerability of the nestlings to elements gradually decreases. However, nestlings may miss feedings, which may affect their survival, or may prematurely leave the nest due to disruption.
V July to August	Nestlings 8 weeks through fledging	Very sensitive period	Gaining flight capability, nestlings eight weeks and older may flush from the nest prematurely due to disruption and die.
Source: USFWS, 2009a			

No bald or golden eagle nests are known to occur within the Mainline construction ROW, temporary work spaces or camps, or access roads. There is currently one active bald eagle nest within the operating area of the Liquefaction Facility, which is also located within the 1,200-foot radius of the flare stack. However, it is highly likely that the vegetation within the Liquefaction Facility area would be removed prior to the nesting season. Three probable golden eagle nests and 19 bald eagle nests occur within 0.5 mile of the Project centerline (Table 6). None of the 17 active peregrine falcon nests are located within 0.5 mile of the Mainline construction ROW.

Table 6: Eagle Nests within 0.5 Mile of the Project Centerline							
Common Name	Approximate Mainline Milepost	Nest Activity ^a	Birds (No.)	Nest Substrate	Tree Type	Nest Age	Summer/ Winter Construction
Golden Eagle (probable)	MP 533	UK	0	Cliff	NA	New	Summer
Golden Eagle (probable)	MP 542	UK	0	Cliff	NA	Historic	Summer
Golden Eagle (probable)	MP 542	UK	0	Cliff	NA	Historic	Summer
Bald Eagle	MP 614	A	2	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 615	I	0	Tree	Balsam Poplar	New	Summer



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Table 6: Eagle Nests within 0.5 Mile of the Project Centerline							
Common Name	Approximate Mainline Milepost	Nest Activity ^a	Birds (No.)	Nest Substrate	Tree Type	Nest Age	Summer/ Winter Construction
Bald Eagle	MP 618	I	0	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 624	I	0	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 632	I	0	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 632	A	1	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 720	A	1	Tree	Balsam Poplar	New	Winter/ Summer
Bald Eagle	MP 720	A	1	Tree	Balsam Poplar	Historic	Winter/ Summer
Bald Eagle	MP 724	I	0	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 724	A	1	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 725	I	0	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 747	I	0	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 761	A	2	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 763	I	0	Tree	Balsam Poplar	Historic	Summer
Bald Eagle	MP 792	I	0	Tree	Balsam Poplar	New	Summer
Bald Eagle	MP 792	A	2	Tree	Balsam Poplar	Historic	Summer
Bald Eagle	MP 794	I	0	Tree	Balsam Poplar	Historic	Summer
Bald Eagle	MP 799	I	0	Tree	Balsam Poplar	New	Summer
Bald Eagle	Liquefaction Facility	A	2	Tree	Balsam Poplar	Historic	Summer/ Winter
Sources: Preliminary AECOM Survey Data – FN_RAPTOR_SFS2014_P_prj; Construction Plan Rte B ERL Explanation 2015-08-21.xlsx							
^a Includes identified active (A), Inactive (I), or Unknown (UK) and “probable” nests for golden eagles.							

4.3.2.3 Trumpeter Swans

The USFWS (Conant et al. 2005) conducted trumpeter swan surveys over trumpeter swan habitats in Alaska during 2005. Trumpeter swan habitats occur over about 55 percent of the Project route, primarily along the Mainline route south of the Brooks Range Ecoregion. The trumpeter swan surveys included complete coverage of the Project route south of about Milepost

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(MP) 399. The resulting survey data indicate that an estimated 27 trumpeter swan pairs may nest within 0.5 mile of the Project route and that summer construction could potentially disturb 16 breeding swan pairs (Table 7).

Table 7. Potential Trumpeter Swan Nesting Pairs within 0.5 Mile of the Project Centerline					
Common Name	Approximate Mainline Milepost	Adults (No.)	Young (No.)	Ecoregion	Proposed Construction Season
Trumpeter Swan	MP 432	2	0	TKL	Winter
Trumpeter Swan	MP 462	2	0	TKL	Winter
Trumpeter Swan	MP 462	1	0	TKL	Winter
Trumpeter Swan	MP 490	2	0	TKL	Summer
Trumpeter Swan	MP 573	2	4	AR	Summer
Trumpeter Swan	MP 575	1	0	AR	Summer
Trumpeter Swan	MP 577	2	0	AR	Summer
Trumpeter Swan	MP 586	2	0	AR	Summer
Trumpeter Swan	MP 619	2	0	CIB	Summer
Trumpeter Swan	MP 624	2	0	CIB	Summer
Trumpeter Swan	MP 631	1	0	CIB	Summer
Trumpeter Swan	MP 646	2	6	CIB	Summer
Trumpeter Swan	MP 649	2	2	CIB	Winter
Trumpeter Swan	MP 678	1	0	CIB	Winter
Trumpeter Swan	MP 680	2	0	CIB	Winter
Trumpeter Swan	MP 682	1	0	CIB	Winter
Trumpeter Swan	MP 702	2	0	CIB	Winter
Trumpeter Swan	MP 716	1	0	CIB	Winter
Trumpeter Swan	MP 717	2	0	CIB	Winter
Trumpeter Swan	MP 717	2	2	CIB	Winter
Trumpeter Swan	MP 747	2	0	CIB	Summer
Trumpeter Swan	MP 748	2	5	CIB	Summer
Trumpeter Swan	MP 763	2	0	CIB	Summer
Trumpeter Swan	MP 764	2	4	CIB	Summer
Trumpeter Swan	MP 764	2	0	CIB	Summer
Trumpeter Swan	MP 765	2	0	CIB	Summer
Trumpeter Swan	MP 796	2	0	CIB	Summer
Sources: Conant et al., 2007; RevB_2015-07-29 Ecoregions: TKL = Tanana-Kuskokwim Lowlands, AR = Alaska Range, CIB = Cook Inlet Basin					

4.4 MORTALITY REDUCTION MEASURES

4.4.1 USFWS Recommended Measures

USFWS (2009b) has issued vegetation clearing timing guidelines that are not regulations, but that are intended as recommendations to assist with avoiding and minimizing impacts to migratory birds. Some birds and their nests have additional protections under the ESA and BGEPA. USFWS guidance on vegetation clearing, grubbing, placement of granular material fill, and off-road vehicle guidance includes:

- Apply the most current USFWS timing window guidelines, unless project-specific review results in unique guidelines from USFWS for your project.
- If you encounter an active nest at any time, including before or after the local timing window, leave it in place and protected until young hatch and depart. “Active” is indicated by intact eggs, live chicks, or presence of an adult on the nest. Timing guidelines should considerably reduce the risk of inadvertent nest destruction, but final compliance with the law is your responsibility: do not destroy eggs, chicks, or adults of wild birds.
- If you have any questions regarding the MBTA and the timing guidelines, including projects that may occur in “boundary areas” between regions described on the matrix, contact your local USFWS Field Office for assistance.

USFWS vegetation clearing timing recommendations that would apply to the Project are listed in Table 8.

Table 8: Recommended Time Periods to Avoid Vegetation Clearing, Initial Granular Material Placement, or Off-Road Vehicle Use				
Alaska Region	Habitat Type			
	Forest or Woodland ^a	Shrub or Open	Seabird Colonies	Raptor and Raven Cliffs
Southcentral	May 1 – July 15 ^b	May 1 – July 15 ^b	April 15 – September 7	March 1–August 31
Interior	May 1 – July 15 ^{b,e}	May 1 – July 15 ^{b,e}	May 1 – July 20 ^d	March 1–August 31
Northern	Not Applicable	June 1 – July 31 ^c	May 20 – September 5	March 1–August 31

Source: USFWS, 2016

^aOwl species may begin to nest two or more months earlier than other forest birds, and are fairly common breeders in forested areas of Alaska.

^bCanada geese and swan begin nesting April 20

^cBlack scoter nest through August 10

^dSeabird colonies in Interior refer to terns and gulls

^eNote if a route in Denali National Park is selected there is a longer window for vegetation clearing restrictions (1 May - 31 July)

The USFWS (2015) has provided additional recommended measures for minimizing the potential take of migratory birds and/or minimizing the loss, destruction, or degradation of migratory bird habitat that are specific to the Project. These measures are summarized in Table 9.



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Table 9: USFWS Draft Recommended Measures to Reduce Project Impacts to Migratory Birds			
Project Component	North Slope	Interior	Southcentral
Overhead Power Lines (if applicable)	Route in cable trays along the Vertical Support Members (VSMs) of pipelines.	Bird diverters or high-visibility wires should be used for long stretches of off-pad power lines.	Bird diverters or high-visibility wires should be used for long stretches of off-pad power lines.
Communication Towers	Use monopole towers without guy wires whenever possible. Place bird diverters on any guy wires that are used to support communication towers.	Use monopole towers without guy wires whenever possible. Place bird diverters on any guy wires that are used to support communication towers.	Use monopole towers without guy wires whenever possible. Place bird diverters on any guy wires that are used to support communication towers.
Antennas	Place bird diverters on all guy wires used to support antennas.	Place bird diverters on all guy wires used to support antennas.	Place bird diverters on all guy wires used to support antennas.
Tower Lighting	Use white (preferable) or red strobe lights for tower lighting. The strobe lights should be set at the minimum number of flashes per minute allowable by the Federal Aviation Administration (FAA). If possible, solid red or pulsating red warning lights at night should be avoided.	Use white (preferable) or red strobe lights for tower lighting. The strobe lights should be set at the minimum number of flashes per minute allowable by the FAA. If possible, solid red or pulsating red warning lights at night should be avoided.	Use white (preferable) or red strobe lights for tower lighting. The strobe lights should be set at the minimum number of flashes per minute allowable by the FAA. If possible, solid red or pulsating red warning lights at night should be avoided.
Facility Lighting	Use down-shielded lighting on any buildings, free-standing lighting, or security lighting for on-pad facilities and equipment.	Use down-shielded lighting on any buildings, free-standing lighting, or security lighting for on-pad facilities and equipment.	Use down-shielded lighting on any buildings, free-standing lighting, or security lighting for on-pad facilities and equipment, particularly near coastal areas.
Facility Placement	Place new facilities at least 0.5 mile inland from the coast to the maximum extent practicable.	No recommendations	No recommendations
Mine Site Development	Use existing mine sites for granular material, if possible. If construction of a new mine site is required, the mine site should be located inland from the coast.	No recommendations	No recommendations
Elevated Pipelines	Elevated pipelines should be used on the North Slope, including the crossings of most rivers.	N/A	N/A
River Crossings	Use a buried trenchless method to cross rivers if an elevated pipeline crossing is not possible.	No recommendations	No recommendations
Source: USFWS, 2015			

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4.4.2 Mitigation Measures


The take of migratory birds, and/or the loss, destruction, or degradation of migratory bird habitat, would be reduced by applying the following mitigation measures to all new construction activities, as appropriate:

- Determine if the proposed project or action would involve belowground or aboveground construction or habitat-altering activities where measures and timing could be implemented to minimize the loss, destruction, or degradation of native habitats during construction of new facilities.
- Buried pipeline and granular pad construction on the Beaufort Coastal Plain Ecoregion would be conducted during winter months thereby avoiding nesting birds.
- To minimize the destruction of active bird nests, eggs, or nestlings, conduct vegetation clearing, grubbing, construction, and disruptive activities outside the timing windows identified by USFWS (Table 8) to the greatest extent practicable.
- Where avoidance of the bird-nesting season is not practicable, consider removal or clearing of nesting substrate prior to the start of the nesting season to discourage birds from attempting to nest in the proposed construction area. Pre-clearing of the ROW during late fall of the previous year may be possible for next year's construction if the timing and extent of the next year's construction activities are known.
- If the proposed project or action includes a reasonable likelihood that take of migratory birds would occur, then the construction activities would be completed outside of their nesting season to the greatest extent practicable, with review and avoidance of construction windows within critical bird habitats or nesting habitats supporting birds of conservation concern during nesting seasons to the extent practicable.
- When construction must occur during the nesting season, the Project entity would consult with USFWS.
- If protected birds are present and actively nesting in the proposed project or action area, the nearest USFWS Ecological Services Field Office, USFWS Regional Migratory Birds Permit Office would be contacted, and (as necessary) ADF&G for guidance as to appropriate next steps or permits required to minimize impacts to migratory birds or raptors associated with the proposed project or action.
- Where possible, facilities would be located along existing ROWs or in previously disturbed habitats and away from priority habitat.
- When new development requires crossing of wetlands and bodies of water, surface impacts to these sensitive habitat features would be avoided to the extent practicable.
- The Project would follow current FAA and USFWS Guidance for Lighting for birds (FAA, 2016).

4.4.2.1 Proposed Mitigation Measures for Spectacled and Steller's Eiders

Mitigation measures that may be implemented to avoid or minimize potential impacts to spectacled and Steller's eiders include (USFWS, 2012):

- Implement operational controls on the North Slope to minimize nesting opportunities for predatory birds and denning opportunities for predatory mammals, including, if practicable:
 - Block off nest sites on structures with fabric/netting or other bird nest deterrent.
 - Use scare devices to deter birds when they land in places likely to be nesting sites.
 - Remove nest material before birds lay eggs.


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- Deter foxes from denning by eliminating open containers, culverts, pipes, and other potential shelters at ground level.
- Use strict food waste management practices so the attraction of predatory birds and mammals would be minimized.
- Design facilities to minimize potential for bird strikes including:
 - Design facility lighting (e.g., light hoods to reduce outward radiating light) that minimizes the potential for disorienting migrating birds.
 - Design buildings, towers, and flare heights to be as low as practicable.
 - Design flares to be free standing (no guy wires).
 - Design any communication towers greater than 200 feet tall to be freestanding and include lighting according to Federal Aviation Administration (FAA) requirements.
 - Design power lines and fiber-optic cables to be buried or placed on the pipeline vertical support members (VSMs) to the extent practicable.
- Reduce potential disturbance to birds by completing most construction activities during winter. The USFWS would be consulted concerning tundra work between June 1 and July 31, a qualified biologist would conduct pre-disturbance surveys per USFWS requirements.
- Reduce disturbance to birds by controlling vehicle speeds, aircraft altitude, and flight routes. Aircraft would fly at 1,500 feet above ground level, except when required for operational or safety reasons.
- Minimize overall vegetation and habitat loss by use of existing granular material pads and minimal granular material footprint size to the extent practicable.
- Schedule vegetation clearing to adhere to the USFWS's seasonal guidelines for each region and habitat type (USFWS, 2009b).
- Rehabilitate granular material sources to enhance habitat for waterfowl; consult with the ADF&G and USFWS for guidance on habitat restoration procedures.
- Implement spill prevention and response programs.
- In the nearshore Beaufort Sea and Cook Inlet, maintain vessels in good working order, look for leaky fuel lines and faulty seals, and make repairs immediately, as well as:
 - Develop a plan for preventing and responding to spills.
 - Dispose of used oil appropriately.
 - Avoid fueling on the water and use fuel collars during fueling.
 - Use an in-line bilge water filter for removing contamination from bilge water.
- Compliance of LNG carrier traffic with the five newly established Aleutian Island Areas to be Avoided.

4.4.2.2 Potential Measures for Bald Eagles, Golden Eagles and Other Raptors


The take of bald and golden eagles, and/or the loss, destruction, or degradation of their habitat, would be minimized by taking the following conservation actions:

- If planned activities are determined to have a reasonable likelihood for the take of nesting bald or golden eagles, the construction schedule may be changed, if practicable, so that activities would be completed outside of their nesting season.
- A survey for eagle nests would be conducted each spring prior to leaf-out before construction to identify any bald eagle, golden eagle, or other raptor nests within 2 miles of the construction corridor. If an eagle nest is found, USFWS would be consulted.

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Despite mitigation measures, it is possible that take of bald and golden eagles or their nests could occur during construction and operation (Table 6). Application for either an individual (i.e., one-time) or programmatic (i.e., recurring) permit is anticipated for potential take of bald and golden eagles and/or their active nests. A programmatic permit would be filed during the EIS process and individual permit applications would be filed in the year prior to construction. Most take of bald and golden eagles would be through disturbance during nesting. There is, however, a potential that the bald eagle nest located at the Liquefaction Facility within the flare's 1,200-foot radius may need to be relocated for the safety of the eagles prior to the start of construction and ground clearing activities (in the winter prior to nesting).

Currently, the USFWS will only consider issuance of new golden eagle nest removal permits (Permit 22.27): (1) for safety emergencies; (2) through programmatic permits (designed to provide net benefits to eagles); and (3) any other permits that will result in a reduction of ongoing take or a net take of zero.

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The USFWS (2007) developed National Bald Eagle Management Guidelines (Guidelines) to advise the public under what circumstances the protective provisions of the BGEPA may apply to their activities. These guidelines are intended to help people minimize such impacts to eagles, particularly where they may constitute disturbance, which is prohibited by the BGEPA. The guidelines are recommendations to avoid or minimize adverse impacts to eagles. Impacts to some birds may occur even if all reasonable measures are taken to avoid such impacts. The USFWS prioritizes its enforcement efforts “on entities who take eagles or their parts, eggs, or nests without implementing appropriate measures recommended by the Guidelines.”

To avoid disturbing nesting bald eagles, the Guidelines recommend:

- Keeping a distance between the activity and the nest (distance buffers); USFWS guidelines recommend minimum buffer distances that should be used between project activities and active eagle nests to avoid disturbing nesting eagles. These buffer zones are presented in Table 10.
- Maintaining preferably forested (or natural) areas between the activity and around nest trees (landscape buffers).
- Avoiding activities that may cause disturbances during the eagle breeding season (USFWS, 2007).

Table 10: USFWS-Recommended Minimum Distances between Active Bald Eagle Nests and Typical Project Activities		
Project Activity Types	Visible from Nest	Not Visible from Nest
Category A		
Building construction, one or two stories, with project footprint of ½ acre or less ^a	660 feet	330 feet
Construction of roads, trails, canals, power lines, and other linear utilities ^a	660 feet	330 feet
Alteration of shorelines or wetlands ^a	660 feet	330 feet
Installation of docks or moorings ^a	660 feet	330 feet
Water impoundment ^a	660 feet	330 feet
Category B		
Building construction, three or more stories ^a	660 feet	330 feet
Building construction, one or two stories, with project footprint of more than ½ acre ^a	660 feet	660 feet
Installation or expansion of marinas with a capacity of six or more boats ^{a, b}	660 feet	660 feet
Mining and associated activities ^{a, b}	660 feet	660 feet
Oil and natural gas drilling and refining and associated activities ^{a, b}	660 feet	660 feet
Category D		
Operation off-road vehicles in open areas	660 feet	660 feet
Operation off-road vehicles in forested or decreased visibility areas	330 feet	330 feet
Concentrations of noisy vessels ^b	330 feet	330 feet
Nonmotorized human activity	330 feet	330 feet
Operation of helicopters and fixed-wing aircraft ^a	1,000 feet	1,000 feet
Blasting and other loud, intermittent noises ^a	0.5 mile	0.5 mile
<p>Sources: USFWS, 2007</p> <p>Category B is not addressed in table as it pertains to timber and is irrelevant here.</p> <p>a If eagles have demonstrated a tolerance for similar activity, distance may be reduced to as close as existing tolerated activity.</p> <p>b The distance may be decreased to 330 feet around alternate nests (also considered active nests) within a particular territory, including nests that were attended during the breeding season, but not used to raise young, after eggs laid in another nest within the</p>		


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Table 10: USFWS-Recommended Minimum Distances between Active Bald Eagle Nests and Typical Project Activities		
Project Activity Types	Visible from Nest	Not Visible from Nest
territory have hatched. Note: National buffer guidance for golden eagles is not available, and recommended distances would be discussed with the Region 7 Migratory Bird Management Program Raptor Biologist.		

Surveys should be conducted for eagle nests prior to leaf out each spring to identify any bald or golden eagle nests within 2 miles of the construction corridor. Leaf-out typically occurs by May 30 north of the Brooks Range Ecoregion and May 15 elsewhere.

USFWS (2008b) has also issued more general draft guidance for raptors that includes recommendations to avoid disturbance to breeding raptors through the use of buffers (Table 11).


Table 11: USFWS Recommended Seasonal and Spatial Buffers for Raptors			
Raptor	Tolerance to Disturbance	Seasonal Buffer – Breeding	Spatial Buffer in Non-Urban Areas
Bald Eagle	Moderate	February 15 to September 31	0.5 to 1.0 mile ¹
Golden Eagle	Moderate	February 15 to September 15	0.5 mile
Gyrfalcon	Low or Unknown	March 1 to September 15	0.25 mile
Peregrine Falcon	Moderate	March 15 to September 30	1.0 mile
Rough-legged Hawk	Low or Unknown	May 1 to August 15	0.25 mile
Source: USFWS, 2008b ¹ Note more specific and conservative guidance typically followed by USFWS in Alaska in Table 10. Consultation with the Region 7 Raptor Biologist would provide Alaska specific guidance for avoiding raptor nesting periods.			

4.5 CONSTRUCTION DESIGN CONSIDERATIONS

As part of the *Avian Protection Plan*, construction design measures would be implemented to the extent practicable, to avoid or minimize impacts from new construction and facility operation that are determined to pose a risk to birds, as presented in Section 4.3.

Typically, construction design standards may include (if not impracticable from a construction or operations standpoint):

- Schedule vegetation clearing and ground disturbance activities to reduce potential impacts to active bird nests.
- Design communication towers to avoid lattice and guy wires to reduce potential impacts to birds.
- Review facilities siting for potential collision hazards for migrating birds.
- Review overhead power line siting for potential collision hazards for local nesting birds.
- Design buildings and facility modules to reduce surfaces where birds may roost or nest.
- Design buildings and facility modules to prevent birds' access to structures where they may become entrapped, such as exposed pipe ends, exhaust stacks, or exhaust fans.

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- Design new power distribution lines and poles with sufficient phase separation or alternative protective methods to prevent bird electrocutions and use as a nest platform.
- Incorporate anti-perching devices into the design of offshore and onshore structures to prevent raptor and gull perching and associated enhanced predation on ground nesting birds or juvenile salmonids.

4.6 AVIAN INCIDENT MANAGEMENT AND REPORTING

Incidents of bird injury or mortality associated with Project construction and operations, and incidents involving bird nest management at facilities, would be reported to USFWS.

4.6.1 Reporting System

4.6.1.1 Reporting Hierarchy

The two responsible parties for reporting bird-related issues are the SSHE Advisors and Environmental Inspectors. SSHE Advisors would be responsible for making final decisions and reporting to agencies.

All Project facilities:

- Construction – contractor to SSHE staff.
- Operations – company personnel and vessel operators to SSHE staff.


4.6.1.2 Avian Incident Report

A courtesy notification to the USFWS would be made within 48 hours following discovery of a bird injury or mortality. Injured birds would be handled by specialized contractors with applicable federal permits, such as Alaska Clean Seas for North Slope facilities. The courtesy notification would be made with a phone call or through email. Information to be provided could include:

- Date of discovery.
- Species.
- Location.
- Initial probable cause of fatality.
- Name, phone number, and email of person reporting to the USFWS.
- Notification date and time.
- Photographs.

Written notification could include the previously listed information and the following information:

- Date of report.
- Name of person preparing the report.
- Probably cause of fatality, if known.
- Instructions provided by the USFWS for handling and disposition of any bird carcasses.
- Description of any corrective or preventative actions taken by Project personnel, if applicable, including:
 - Task.
 - Schedule.
 - Photographs.

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Bird carcasses would be photographed in “as-found” condition for submittal with the written incident notification to the USFWS. If/when the USFWS authorizes the collection or transportation of a carcass, this information would be included in the written report of the incident with a Chain-of-Custody form. These data would be used to prepare annual reports for applicable permits, as described in Section 4.2.

4.6.2 Nest Management


The following procedures would be implemented for managing nests of protected birds on lands and facilities potentially affected by the Project operations. These procedures are intended to ensure compliance with the ESA, BGEPA, and MBTA, which collectively afford legal protection to most birds and their nests within the Project area.

When a nest issue is identified: When it is determined that a bird nest could be impacted by Project construction or operations, its employees, and/or contractors should immediately notify their supervisor and the appropriate Environmental Inspector. After consultation with the SSHE Advisor the Environmental Inspector would determine if the nesting bird is a protected species and which regulations apply to the nest, whether or not the USFWS must be contacted, and, if applicable, which nest management actions are authorized based on permits or agreements with the USFWS. The SSHE Advisor would ultimately make any necessary contacts with the USFWS for guidance on management of potential impacts to birds associated with Project construction or operations.

Protections for active versus inactive nests: Determination of whether a nest can be removed is contingent upon the nest activity and the bird species. The MBTA defines an active nest as one with eggs or birds (young) present, and destruction of an active nest is a potential violation of the MBTA. However, the MBTA does not prohibit destruction of inactive nests (those without eggs or birds) of protected birds, provided that the nest is not collected or possessed during the destruction (Table 2; USFWS, 2003). In contrast to the MBTA, the BGEPA protects both active and inactive nests of eagles; in addition, the designation of inactive for an eagle nest requires monitoring for continuing absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days immediately prior to any disturbance. Destruction of both active and inactive nests of an ESA-protected bird may violate harass or harm provisions of the take prohibition. As a result, active nests of eagles or ESA-protected birds should not be disturbed and inactive nests of eagles or ESA-protected birds should not be removed or destroyed without prior consultation with the USFWS and acquisition and compliance with required permits (Table 2).

Nest-building stage: For protected birds other than eagles and ESA-protected birds, the following actions may be taken prior to and during the nest-building phase to avoid nest completion and the onset of active status that begins with egg-laying. Such actions may include clearing and removal of nesting substrate in an area of concern, removal of nest material, and use of bird discouragers (e.g., sonic devices) and nest deterrents (e.g., netting, perch guards), as long as such actions do not result in death or injury of protected birds. However, many nest-building deterrents have limited effectiveness and may not provide a permanent solution. Note that some birds that are commonly attracted to structures, such as European starlings and rock pigeons, are not native to Alaska and are not protected by the MBTA (Table 2). However, common ravens, magpies, and most other birds are protected.

Once eggs or young are in the nests: Nests with eggs or young are considered active and subject to the applicable take provisions of the ESA, MBTA, and BGEPA. Active nests on Project equipment or in proximity to a facility or operational activity must not be disturbed, either directly or indirectly, without first consulting with the USFWS on the need for temporal or spatial avoidance measures and/or available options for acquisition of a permit for nest removal or relocation.

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After the birds have left the nest: Nests can be considered inactive once young birds have left the nest (fledged) or if the nest has been abandoned. As stated previously, inactive nests of MBTA-protected birds (other than eagles and ESA-protected birds) may be destroyed, but not collected or possessed, without a permit from USFWS (Table 2). In contrast, nests of eagles and ESA-listed species may not be destroyed, collected, or possessed without prior authorization from the USFWS.

4.7 AVIAN ENHANCEMENT OPTIONS

Coordination with applicable federal and state agencies to assess new construction and review foreseeable concerns would result in enhanced avian species protection. During such reviews, issues raised by agencies regarding species of conservation concern are considered, and applicable mitigation measures would be developed.

The following mitigation measures for impacts to birds are proposed, and will be added upon after consultations with USFWS.

- Follow Alaska LNG Project Plan, Procedures, and Winter Permafrost Construction Plan;
- Project ROW would avoid identified important bird habitats to the maximum extent practicable;
- Follow Draft Project Restoration Plan; and
- Follow Noxious and Invasive Plant and Animal Control Plan.
- Follow Alaska LNG Project Plan, Procedures, and Winter Permafrost Construction Plan;
- Winter vegetation clearing will be outside migratory bird nesting season;
- Adopt vessel, motor vehicle, and aircraft procedures that reduce the potential for collisions with birds; and
- Spills would be reduced by following procedures outlined in the SPCC Plan developed for this Project.

4.8 QUALITY CONTROL


Annual reviews of this *Avian Protection Plan* would be conducted to determine the relative progress and success of the program's implementation. Bird mortality monitoring, training review, and field personnel input would be the primary measurements used to gauge the relative success of the *Avian Protection Plan* program. If necessary, adaptive management measures would be implemented to bolster avian protection measures.

4.9 KEY RESOURCES

[Lists key resources including office locations, contact numbers, and/or applicable web sites to address avian protection issues. To be developed prior to construction]

4.9.1 Alaska LNG Project Resources

- GTP and North Slope Facilities.
 - Construction.
 - Operations.
- Mainline Pipeline.
 - Construction.
 - Operations.

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- Liquefaction Facility.
 - Construction.
 - Operations.
- Marine Terminal.
 - Construction.
 - Operations.

4.9.2 U.S. Fish and Wildlife Service (USFWS)

- **USFWS Region 7 (Alaska) Migratory Bird Permit Office**

1011 East Tudor Road
 Anchorage, Alaska 99503
 Phone: (907) 786-3693
<http://www.fws.gov/alaska/mbmp/mbm/permits.htm>

- **USFWS Region 7 Office of Law Enforcement**

1011 East Tudor Road, MS 151
 Anchorage, Alaska 99503
 Phone: (907) 786-3311
 Fax: (907) 786-3313
<http://www.fws.gov/alaska/law/index.htm>

- **USFWS Region 7 Eagle Permit Program**

1011 East Tudor Road, MS 151
 Anchorage, Alaska 99503
 Phone: (907) 786-3311
 Fax: (907) 786-3313
<http://www.fws.gov/alaska/eaglepermit/index.htm>

- **Alaska Department of Fish and Game - Permit Office**


PO Box 115526
 1255 West Eighth Street
 Juneau, Alaska 99811-5526
 Phone: (907) 465-4148
<http://www.adfg.alaska.gov/index.cfm?adfg=license.main>

- **USFWS National Eagle Repository**

Rocky Mountain Arsenal, Building 619
 Commerce City, CO 80022
 Phone: (303) 287-2110
 Fax: (303) 287-1570
<http://mountain-prairie.fws.gov/law/eagle>

4.9.3 U.S. Geological Survey (USGS)

- USGS Bird Banding Laboratory
<http://www.pwrc.usgs.gov/bbl>
- USGS Patuxent Bird Identification Info Center

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<http://www.mbr-pwrc.usgs.gov/Infocenter/infocenter.html>


- USGS Patuxent Wildlife Research Center
<http://www.pwrc.usgs.gov>
- USGS Raptor Information System
<http://ris.wr.usgs.gov>

4.9.4 Other Sources of Information

- Main Code of Federal Regulations webpage
<http://gpoaccess.gov/cfr>
- List of migratory birds, 50 CFR 10.13
<http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtandx.html>
- General permit procedures, 50 CFR 13
<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=cf9db1295cea68514c403b9c9f66b396&rgn=div5&view=text&node=50:1.0.1.2.7&idno=50>
- Endangered and threatened wildlife and plants, 50 CFR 17
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=cf9db1295cea68514c403b9c9f66b396&tpl=/ecfrbrowse/Title50/50cfr17a_main_02.tpl
- Migratory bird permits, 50 CFR 21
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=cf9db1295cea68514c403b9c9f66b396&tpl=/ecfrbrowse/Title50/50cfr21_main_02.tpl
- Eagle permits, 50 CFR 22
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=cf9db1295cea68514c403b9c9f66b396&tpl=/ecfrbrowse/Title50/50cfr22_main_02.tpl

4.9.5 Bird Rehabilitation Resources


- Bird Treatment & Learning Center: 907-562-4852
mail@birdtlc.net
All birds – including corvids and passerines
- Alaska Sea Life Center: 907-224-6236 or 907-224-6395
Natalie Noll, DVM – Natalie_noll@alaskasealife.org
Raptors and long-term rehabilitation cases
- Alaska Raptor Rehabilitation Center: 907-747-8662,
Maria Tsonis – TSMAT@acadl.alaska.edu
Dr. Vicky Vosburg – arrr@ptialaska.net
Bald eagles, other raptors, non-passerines, passerines
- Big Game Alaska Wildlife Center: 907-783-2025
biggame@alaska.net
Raptors
- National Wildlife Rehabilitators Association
<http://www.nwrawildlife.org>

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- Alaska Raptor Center
<http://www.alaskaraptor.org/>
- Wildlife International
<http://wildlifeinternational.org>
- The Wildlife Rehabilitation Information Directory
http://www.wildliferehabinfo.org/ContactList_MnPg.htm


4.9.6 Utility Resources

- Avian Power Line Interaction Committee (APLIC)
<http://aplic.org>


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5.0 ACRONYMS AND TERMS

Term	Definition
A	active
ADF&G	Alaska Department of Fish and Game
APLIC	Avian Power Line Interaction Committee
AR	Alaska Range
BBS	Breeding Bird Survey
BCC	Birds of Conservation Concern
BCP	Beaufort Coastal Plain Ecoregion
BCR	Bird Conservation Region
BF	Brooks Foothills
BGEPA	Bald and Golden Eagle Protection Act
BLM	United States Department of the Interior, Bureau of Land Management
BMP	Best Management Practice
BR	Brooks Range
CFR	Code of Federal Regulations
CIB	Cook Inlet Basin
DPS	Distinct Population Segment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
ESU	Evolutionarily Significant Unit
FAA	Federal Aviation Administration
FERC	Federal Energy Regulatory Commission
GTP	Gas Treatment Plant
Guidelines	National Bald Eagle Management Guidelines
I	inactive
ITA	Incidental Take Authorization
KRV	Kobuk Ridge and Valley
LAA	may affect, likely to adversely affect
LNG	liquefied natural gas
MBTA	Migratory Bird Treaty Act
MOU	Memorandum of Understanding
N/A	not applicable
NA	not available
ND	no critical habitat designated


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Term	Definition
NLAA	may affect, not likely to adversely affect
NLAM	not likely to adversely modify
NLJ	not likely to jeopardize continued existence
Project	Alaska LNG Project
PTTL	Point Thomson Gas Transmission Line
RM	Ray Mountains
ROW	right-of-way
SS	Sensitive Species
SSHE	Safety, Security, Health and Environment
TKL	Tanana-Kuskokwim Lowland
U.S.	United States
UK	unknown
USC	United States Code
USFWS	United States Fish and Wildlife Service
VSM	vertical support member
WAP	Wildlife Action Plan

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Appendix A – USFWS Incidental Eagle Take Permit (22.26) application and annual report form



Department of the Interior
U.S. Fish and Wildlife Service
Federal Fish and Wildlife Permit Application Form

OMB Control No. 1018 - 0022
Expires 5/31/2017

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: **Eagle Take – Associated With
But Not the Purpose of an Activity**

- ☐ **New Application**
☐ **Requesting Renewal or Amendment of Permit # _____**

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Social Security No.	4. Occupation	5. Affiliation/ Doing business as (see instructions)
6.a. Telephone number	6.b. Alternate telephone number	6.c. Fax number	6.d. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution			
1.a. Name of business, agency, tribe, or institution	1.b. Doing business as (dba)		
2. Tax identification no.	3. Description of business, agency, or institution		
4.a. Principal officer Last name	4.b. Principal officer First name	4.c. Principal officer Middle name/ initial	4.d. Suffix
5. Principal officer title		6. Primary contact name	
7.a. Business telephone number	7.b. Alternate telephone number	7.c. Business fax number	7.d. Business e-mail address

C. All applicants complete address information				
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)				
1.b. City	1.c. State	1.d. Zip code/Postal code:	1.e. County/Province	1.f. Country
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)				
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country

D. All applicants MUST complete	
1.	Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of (see attached fee schedule) nonrefundable processing fee. Federal, Tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – attach documentation of fee exempt status as outlined in instructions. (50 CFR 13.11(d))
2.	Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: _____ No <input type="checkbox"/>
3.	Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50 , and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.
Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures) _____ Date of signature (mm/dd/yyyy) _____	

Please continue to next page

**SECTION E. EAGLE TAKE – ASSOCIATED WITH BUT NOT THE PURPOSE OF AN ACTIVITY
(EAGLE NON-PURPOSEFUL TAKE)
(Bald and Golden Eagle Protection Act, 50 CFR 22.26)**

Note: A Federal eagle non-purposeful take permit authorizes the disturbance or other take of eagles where the take results from but is not the purpose of an otherwise lawful activity. Permits are available to individuals, agencies, businesses, and other organizations. This permit does not authorize possession of any eagle, eagle parts, or eagle nests. Please read “What You Should Know About a Federal Permit for Non-Purposeful Eagle Take” and the pertinent regulations at 50 CFR 22.26 before you sign and submit your application.

Please provide the information requested below on a separate sheet of paper. You should be as thorough and specific as possible in your responses. Incomplete applications will be returned, delayed or abandoned. Processing time depends on the complexity of the request and completeness of the application.

Although you may submit supplemental documents that contain the required information, you must respond to each application requirement below specifically in a single attachment that includes all and only the information required by the application. Enumerate each response in accordance with the question numbers below. Please do not send pages that are over 8.5” x 11” or DVDs.

1. The name and contact information for any U.S. Fish and Wildlife Service employee(s) who has provided technical assistance or worked with you on this project.
2. The species and number of eagles that are likely to be taken and the likely form of that take (e.g., disturbance, other take).
3. The dates the activity will start and is projected to end. If the project has begun, describe the stage of progress.
4. A detailed description of the activity that will likely cause the disturbance or other take of eagles.
5. An explanation of why the take of eagles is necessary, including what interests will be protected by the project or activity.
6. Maps, digital photographs, county/city information, and latitude/longitude geographic coordinates of the proposed activity.
7. Maps, digital photographs, county/city information, and latitude/longitude geographic coordinates of eagle-use areas in the vicinity of the activity, including nest site(s), roost areas, foraging areas, and known migration paths. Provide the specific distance and locations of nests and other eagle-use areas from the project footprint.
8. If the projected take of eagles is in the form of disturbance, answer the following two questions:
 - a. Will the activity be visible to eagles in the eagle-use areas, or are there visual buffers such as screening vegetation or topography that blocks the view?
 - b. What is the extent of existing activities in the vicinity that are similar in nature, size, and use to your activity, and if so, what is the distance between those activities and the important eagle use areas
9. A detailed description of all avoidance and minimization measures that you have incorporated into your planning for the activity that you will implement to reduce the likelihood of take of eagles.
10. You must retain records relating to the activities conducted under your permit for at least 5 years from the date of expiration of the permit. Please provide the address where these records will be kept.
11. Any permit issued as a result of this application is not valid unless you also have any required State or Tribal permits associated with the activity. Have you obtained all required State or Tribal permits or approvals to conduct this activity? Indicate “Yes,” “Have applied,” or “None Required.” If “Yes,” attach a copy of the approval(s). If “Have applied,” submit a copy when issued.
12. If you have received technical assistance for your project from your State wildlife agency, please provide the name and contact information for the individual(s).
13. **Disqualification factor.** A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Service Director in response to a written petition. (50 CFR 13.21(c)) Have you or any of the owners of the business, if applying as a business, been convicted, or entered a plea of guilty or nolo contendere, forfeited collateral, or are currently under charges for any violations of the laws mentioned above? Indicate “Yes” or “No.” If you answered “Yes” provide: a) the individual’s name, b) date of charge, c) charge(s), d) location of incident, e) court, and f) action taken for each violation.

Fee Schedule for Eagle Take – Associated with but not the purpose of an Activity

Type of Permit	Permit Application Fee	Administration Fee¹	Amendment Fee
Eagle Take—Associated With But Not the Purpose of an Activity	\$500		\$150
Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, low-risk projects, 5- to 30-year tenure ¹	\$8,000	\$500	\$1,000
Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, up to 5-year tenure	\$36,000	\$2,600	\$1,000
Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, over 5-year to 10-year tenure	\$36,000	\$5,200 ²	\$1,000
Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, over 10-year to 15-year tenure	\$36,000	\$7,800 ²	\$1,000
Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, over 15-year to 20-year tenure	\$36,000	\$10,400 ²	\$1,000
Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, over 20-year to 25-year tenure	\$36,000	\$13,000 ²	\$1,000
Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, over 25-year to 30-year tenure	\$36,000	\$15,600 ²	\$1,000
Eagle Take—Associated With But Not the Purpose of an Activity—Transfer of a programmatic permit	\$1,000		

¹ “Low-risk” means a project or activity is unlikely to take an eagle over a 30-year period and the applicant for a permit for the project or activity has provided the Service with sufficient data obtained through Service-approved models and/or predictive tools to verify that the take is likely to be less than 0.03 eagles per year.

² \$2,600 assessed upon approval of permit, and for each 5-year review.

PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to an application for a U.S. Fish and Wildlife Service or CITES permit. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all blocks/lines/questions in Sections A or B, and C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application in blue ink. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or if applicable on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed. Some applications may take longer than 90 days to process. (50 CFR 13.11)**
- Applications are processed in the order they are received.
- Additional forms and instructions are available from <http://permits.fws.gov/>.

COMPLETE EITHER SECTION A OR SECTION B:

Section A. Complete if applying as an individual:

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. ***Fax and e-mail are not required if not available.***
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation/ Doing business as (dba):** business, agency, organizational, or institutional affiliation *directly* related to the activity requested in the application (e.g., a taxidermist is an individual whose business can *directly* relate to the requested activity). The Division of Management Authority (DMA) will **not** accept *doing business as* affiliations for individuals.

Section B. Complete if applying as a business, corporation, public agency, Tribe, or institution:

- Enter the complete name of the business, agency, Tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, Tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, Tribe, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the Division of Management Authority (DMA) a physical U.S. address is **required**. Province and Country blocks are provided for those USFWS programs which use foreign addresses and are not required by DMA.
- **Mailing address** is address where communications from USFWS should be mailed if different than applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1 Application processing fee:

- An application processing fee is required at the time of application; unless exempted under 50 CFR 13.11(d)(3). The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit. Fees will not be refunded for applications that are approved, abandoned, or denied.** We may return fees for withdrawn applications prior to any significant processing occurring.
- **Documentation of fee exempt status is not required for Federal, Tribal, State, or local government agencies; but must be supplied by those applicants acting on behalf of such agencies.** Those applicants acting on behalf of such agencies must submit a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2 Federal Fish and Wildlife permits:

- List the number(s) of your most current FWS or CITES permit or the number of the most recent permit if none are currently valid. If applying for re-issuance of a CITES permit, the original permit must be returned with this application.

Section D.3 CERTIFICATION:

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application in blue ink.** This signature binds the applicant to the statement of certification. This means that you certify that you have read and understand the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

ALL APPLICANTS COMPLETE SECTION E.

Please continue to next page

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50CFR 17;
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), 50 CFR 18;
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
 - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
 - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org/> , 50 CFR 23;
 - h. General Provisions, 50 CFR 10;
 - i. General Permit Procedures, 50 CFR 13; and
 - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, Tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish an FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to Federal, Tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to Federal, Tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate Federal, Tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the Government Accountability Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for an Eagle Non-Purposeful Take (standard) permit application is 16 hours, and 6 hours for a standard amendment. For an Eagle Non-Purposeful Take (programmatic) permit application, the relevant burden is 452 hours and 70 hours for an amendment. [This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.26 – 2.33].



U.S. FISH & WILDLIFE SERVICE - MIGRATORY BIRD PERMIT OFFICE

Return to: U.S. Fish and Wildlife Service (USFWS)

EAGLE TAKE (50 CFR 22.26) - ANNUAL REPORT

PERMITTEE: _____

PERMIT NUMBER: _____

ADDRESS: _____

REPORT FOR CALENDAR YEAR*: _____

*Programmatic take only

REPORT DUE DATE: _____

City

State

Zip Code

☐ Check here if reporting a change of name, address, or contact information

PHONE: _____ Email: _____

INSTRUCTIONS: Use section A (pp 1-2) to report eagle observations when monitoring for possible disturbance. Use section B (pp 3-4) to report eagle injuries and mortality. Type or print the information requested below for each Important Eagle-Use Area (IEUA) identified on your permit during the year covered by this report and return the completed report to the above address by the due date. Use of this form is not mandatory, but the same information must be submitted, including a signed certification statement. Filing an annual report is a condition of your permit. Failure to file a timely and accurate report can result in permit suspension. Accurate reporting will play an essential role in future eagle management.

Instructions for Section A: Continue data entry for each IEUA on additional Sec A Supplemental Sheet. (You may need to make or print copies of the blank supplemental sheet.) Use a separate supplemental sheet for each IEUA identified on your permit.

A. IMPORTANT EAGLE-USE AREA:

(1) If your permit authorized disturbance at a nest, was the nest successful in this past year (i.e., were any juveniles eagles fledged)? Yes ☐ No ☐ Unknown ☐

(2) If more than one of one type of IEUA is identified on your permit, designate which nest (or roost or foraging area) data applies to.

<u>DATE EAGLES OBSERVED</u>	<u>TIME OF DAY</u>	<u>NUMBER OF EAGLES OBSERVED</u> (If in large numbers, please estimate)	<u>OBSERVED BEHAVIOR</u> P – perched F – feeding AB – agitated behavior	<u>DESCRIPTION OF HUMAN ACTIVITY AT TIME EAGLES WERE OBSERVED</u> (e.g., surveying; excavation; interior work, etc.) If activity is completed, enter “Completed”

CERTIFICATION: I certify that the information in this report is true and correct to the best of my knowledge. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

Signature (in blue ink) of permittee/principal officer. (No photocopied or stamped signatures)

Date of signature (mm/dd/yyyy)

Section A Supplemental Sheet

[illegible]

Section B - Report of eagle injuries and mortality.

INSTRUCTIONS: Instructions for Section B: **Report eagle injuries and mortality.** Use a separate supplemental sheet for each discreet geographic area covered by your permit (e.g. “South tract” or “Clark County” or “Management Area xxxx.” Continue data entry for each geographic area on an additional Sec B Supplemental Sheet. (You may need to copy or print more blank supplemental sheets.

MAKE SURE YOU SIGN & DATE THE CERTIFICATION STATEMENT BELOW BEFORE YOU SUBMIT YOUR REPORT

B.	GEOGRAPHIC AREA OF REPORTING: Identify project/activity area	Did you enter this data into a FWS electronic reporting system? <input type="checkbox"/> YES <input type="checkbox"/> NO If “yes” select the system: <input type="checkbox"/> Avian Injury/Mortality Reporting System (AIMRS/ECOS) <input type="checkbox"/> Bird Injury/Mortality Reporting System (BIMRS)				
	<u>DATE DISCOVERED</u>	<u>SPECIFIC LOCATION</u> (e.g. utility pole #xx)	<u>SPECIES</u> Bald or Golden	<u>STATUS OF EAGLE</u> Use: “I” for injured, “D” for dead, or “C” for uninjured but caught or trapped in equipment or infrastructure	<u>DISPOSITION</u> Use: “NER” if sent to the National Eagle Repository; “PR” if transferred to permitted eagle rehabilitator; “R” if released; “TA” if transferred to USFWS or State agency; Other (Please specify)	<u>ADDITIONAL COMMENTS</u> Use this area to provide additional explanation, if needed, (e.g., name and permit number of rehabilitator if you entered “PER” under “DISPOSITION”).

CERTIFICATION: I certify that the information in this report is true and correct to the best of my knowledge. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

 Signature (in blue ink) of permittee/principal officer. (No photocopied or stamped signatures)

 Date of signature (mm/dd/yyyy)

Section B Supplemental Sheet

[illegible]

FEDERAL FISH AND WILDLIFE PERMIT REPORT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - c. General Provisions, 50 CFR 10;
 - d. General Permit Procedures, 50 CFR 13; and
 - e. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is a condition of your permit under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to revoke your permit. Response is not required unless a currently valid Office of Management and Budget (OMB) control number is displayed on form.
3. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, Tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish an FWS function related to this system of records.
 - b. Routine disclosure to Federal, Tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - c. Routine disclosure to Federal, Tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - d. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - e. Routine disclosure to the appropriate Federal, Tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - f. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - g. Routine disclosure to the Government Accountability Office or Congress when the information is required for the evaluation of the permit programs.
 - h. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
4. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
5. The public reporting burden for information collection varies depending on the type of permit held. The relevant burden for a Standard Eagle Take permit annual report is 30 hours (including monitoring and recordkeeping). The relevant burden for a Programmatic Eagle Take permit annual report for an individual is 342 hours (including monitoring and recordkeeping). This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice


For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.26 – 2.33].



U.S. Fish & Wildlife Service

Migratory Bird Regional Permit Offices

FWS REGION	AREA OF RESPONSIBILITY	MAILING ADDRESS	CONTACT INFORMATION
Region 1	Hawaii, Idaho, Oregon, Washington	911 N.E. 11th Avenue Portland, OR 97232-4181	Tel. (503) 872-2715 Fax (503) 231-2019 Email permitsR1MB@fws.gov
Region 2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	Tel. (505) 248-7882 Fax (505) 248-7885 Email permitsR2MB@fws.gov
Region 3	Iowa, Illinois, Indiana, Minnesota, Missouri, Michigan, Ohio, Wisconsin	5600 American Blvd. West, Suite 990 Bloomington, MN 55437-1458 (Effective 5/31/2011)	Tel. (612) 713-5436 Fax (612) 713-5393 Email permitsR3MB@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico	P.O. Box 49208 Atlanta, GA 30359	Tel. (404) 679-7070 Fax (404) 679-4180 Email permitsR4MB@fws.gov
Region 5	Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	Tel. (413) 253-8643 Fax (413) 253-8424 Email permitsR5MB@fws.gov
Region 6	Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	P.O. Box 25486 DFC(60154) Denver, CO 80225-0486	Tel. (303) 236-8171 Fax (303) 236-8017 Email permitsR6MB@fws.gov
Region 7	Alaska	1011 E. Tudor Road (MS-201) Anchorage, AK 99503	Tel. (907) 786-3693 Fax (907) 786-3641 Email permitsR7MB@fws.gov
Region 8	California, Nevada	2800 Cottage Way Room W-2606 Sacramento, CA 95825	Tel. (916) 978-6183 Fax (916) 414-6486 Email permitsR8MB@fws.gov

	RESOURCE REPORT No. 3, APPENDIX E –DRAFT AVIAN PROTECTION PLAN	USAI-P2-SPZZZ-00-000022-000 APRIL 14, 2017 REVISION: 0
	PUBLIC	PAGE 49 OF 54

Appendix B – USFWS Bald Eagle Nest Removal Permit (22.27) application and annual report form



Department of the Interior
U.S. Fish and Wildlife Service
Federal Fish and Wildlife Permit Application Form

OMB Control No. 1018 - 0022
Expires 5/31/2017

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: Eagle Nest Take

- ☐ New Application
☐ Requesting Renewal or Amendment of Permit # _____

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual							
1.a. Last name		1.b. First name		1.c. Middle name or initial		1.d. Suffix	
2. Date of birth (mm/dd/yyyy)		3. Social Security No.		4. Occupation		5. Affiliation/ Doing business as (see instructions)	
6.a. Telephone number		6.b. Alternate telephone number		6.c. Fax number		6.d. E-mail address	

B. Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution							
1.a. Name of business, agency, Tribe, or institution		1.b. Doing business as (dba)					
2. Tax identification no.		3. Description of business, agency, or institution					
4.a. Principal officer Last name		4.b. Principal officer First name		4.c. Principal officer Middle name/ initial		4.d. Suffix	
5. Principal officer title		6. Primary contact name					
7.a. Business telephone number		7.b. Alternate telephone number		7.c. Business fax number		7.d. Business e-mail address	

C. All applicants complete address information					
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)					
1.b. City		1.c. State	1.d. Zip code/Postal code:	1.e. County/Province	1.f. Country
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)					
2.b. City		2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country

D. All applicants MUST complete	
1. Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount \$500.00 (standard) or \$1,000 (programmatic) nonrefundable processing fee if you are applying for a new permit or \$150.00 (standard) or \$500 (programmatic) nonrefundable processing fee if you are requesting a substantive amendment of your existing valid permit. Federal, Tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – attach documentation of fee exempt status as outlined in instructions. (50 CFR 13.11(d))	
2. Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: _____ No <input type="checkbox"/>	
3. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50 , and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.	
Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures)	
Date of signature (mm/dd/yyyy)	

Please continue to next page

**SECTION E. Eagle Nest Take
(Bald and Golden Eagle Protection Act, 50 CFR 22.27)**

Note: A Federal eagle nest take permit authorizes the removal of bald eagle or golden eagle nests for human safety, the safety of eagles, or the public's welfare. Permits are available to individuals, agencies, businesses, and other organizations. This permit does not authorize possession of any eagle or eagle parts including nests or the lethal take of any eagle eggs. Please read "What You Should Know About a Federal Permit for Eagle Nest Removal" and the regulations at 50 CFR 21.27 before you sign and submit your application.

Please provide the information requested below on a separate sheet of paper with your responses numbered according to the application questions. You should be as thorough and specific as possible in your responses. Incomplete applications will be returned, delayed or abandoned. Processing time depends on the complexity of the request and completeness of the application.

Although you may submit supplemental documents that contain the required information, you must respond to each application requirement below specifically in a single attachment that includes all and only the information required by the application. Enumerate each response in accordance with the question numbers below. Please do not send pages that are over 8.5" x 11" or DVDs.

- 1.** Provide the name and contact information for any U.S. Fish and Wildlife Service employee(s) who has provided technical assistance or worked with you on this project.
- 2.** Describe the situation that necessitates removal of the eagle nest(s), including:
 - (a) The number of nests proposed to be taken
 - (b) Whether the nest is a bald eagle or golden eagle nest
 - (c) Whether the nest is active or inactive and how this was determined. (An active nest may only be taken to alleviate an immediate safety emergency. A "safety emergency" means "a situation that necessitates immediate action to alleviate a threat of bodily harm to humans or eagles." An inactive nest is one that is not currently used by eagles as determined by the absence of any adult, egg, or dependent young at the nest during the 10 days before the nest is taken.)
 - (d) When you propose to take the nest
- 3.** State whether the nest take necessary to alleviate a safety emergency.
 - (a) If it is, provide the following:
 - (1) Describe the safety emergency and why the situation was not foreseeable
 - (2) Explain why removal of the nest is necessary to alleviate it
 - (b) If it is not, provide the following:
 - (1) Explain why removal of the nest(s) is necessary
 - (2) A calculation of the bald eagle or golden eagle area nesting population, including an appropriately scaled map or plat showing the location of each eagle nest used to calculate the area nesting population unless the Service has sufficient data to independently calculate the area nesting population
 - (3) A description of the avoidance, minimization, and mitigation measures you have used to reduce the need to take the nest, to offset the take, or in some situations (see 50 CFR 22.27(b)(7)) to provide a net benefit to eagles
- 4.** If the nest is built on a human-engineered structure, provide the following:
 - (a) a detailed description of the structure and how the nest renders the structure inoperable for its intended use
 - (b) maps, digital photographs and detailed description of the situation
- 5.** Provide a description of the property, including maps and digital photographs that show the location of the nest in relation to buildings, infrastructure, and human activities.
- 6.** Provide the location of the property, including city, county and latitude and longitude geographic coordinates.
- 7.** If the nest will be removed, how will you prevent future nesting on the same structure/in the area?

(Continued)

8. Provide the length of time for which the permit is requested, including beginning and ending dates.
9. When an active nest must be removed under this permit, any take of nestlings or eggs must be conducted by a Service-approved, qualified, and permitted agent, and all nestlings and viable eggs must be immediately transported to foster/recipient nests or a rehabilitation facility permitted to care for eagles, as directed by the Service. Provide a statement outlining how the eagle's nest will be removed, indicating the intended disposition of the nest, and if active, a description of how the nestlings or eggs will be removed, including the recipient nest(s) or federally permitted rehabilitation facility that is authorized for the possession of live eagle(s) or eggs, and/or eagle nest(s).
10. If the nest will be removed or relocated (rather than destroyed in the course of an activity), provide the name, address, phone number, and e-mail address of the qualified party conducting the removal and/or relocation.
11. You must retain records relating to the activities conducted under your permit for at least 5 years from the date of expiration of the permit. Please provide the address where these records will be kept.
12. **Any permit issued as a result of this application is not valid unless you also have any required State or Tribal permits or approvals associated with the activity.** Indicate whether you have obtained all required State or Tribal permits or approvals to conduct this activity.

If you have obtained all required approvals, answer "Yes" and **attach a copy of the approval(s).**

If you have applied for any required approvals, answer "Have applied" and **send copy when issued.**

If no State or Tribal permits or approvals are required, answer "None required."

13. **Disqualification factor.** A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Service Director in response to a written petition. (50 CFR 13.21(c))

Have you or any of the owners of the business, if applying as a business, been convicted, or entered a plea of guilty or nolo contendere, forfeited collateral, or are currently under charges for any violations of the laws mentioned above? Indicate "Yes" or "No." If you answered "Yes" provide: a) the individual's name, b) date of charge, c) charge(s), d) location of incident, e) court, and f) action taken for each violation.

PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to an application for a U.S. Fish and Wildlife Service or CITES permit. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all blocks/lines/questions in Sections A or B, and C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application in blue ink. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or if applicable on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed. Some applications may take longer than 90 days to process. (50 CFR 13.11)**
- Applications are processed in the order they are received.
- Additional forms and instructions are available from <http://permits.fws.gov>.

COMPLETE EITHER SECTION A OR SECTION B:

Section A. Complete if applying as an individual:

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. ***Fax and e-mail are not required if not available.***
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation/ Doing business as (dba):** business, agency, organizational, or institutional affiliation *directly* related to the activity requested in the application (e.g., a taxidermist is an individual whose business can *directly* relate to the requested activity). The Division of Management Authority (DMA) will **not** accept *doing business as* affiliations for individuals.

Section B. Complete if applying as a business, corporation, public agency, Tribe, or institution:

- Enter the complete name of the business, agency, Tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, Tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, Tribe, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the Division of Management Authority (DMA) a physical U.S. address is **required**. Province and Country blocks are provided for those USFWS programs which use foreign addresses and are not required by DMA.
- **Mailing address** is address where communications from USFWS should be mailed if different than applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1 Application processing fee:

- An application processing fee is required at the time of application; unless exempted under 50 CFR13.11(d)(3). The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit. Fees will not be refunded for applications that are approved, abandoned, or denied.** We may return fees for withdrawn applications prior to any significant processing occurring.
- **Documentation of fee exempt status is not required for Federal, Tribal, State, or local government agencies; but must be supplied by those applicants acting on behalf of such agencies.** Those applicants acting on behalf of such agencies must submit a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2 Federal Fish and Wildlife permits:

- List the number(s) of your most current FWS or CITES permit or the number of the most recent permit if none are currently valid. If applying for re-issuance of a CITES permit, the original permit must be returned with this application.

Section D.3 CERTIFICATION:

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application in blue ink.** This signature binds the applicant to the statement of certification. This means that you certify that you have read and understand the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

ALL APPLICANTS COMPLETE SECTION E.

Please continue to next page

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50CFR 17;
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), 50 CFR 18;
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
 - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
 - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org/> , 50 CFR 23;
 - h. General Provisions, 50 CFR 10;
 - i. General Permit Procedures, 50 CFR 13; and
 - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, Tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish an FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to Federal, Tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to Federal, Tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate Federal, Tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the Government Accountability Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden for information collection varies depending on the activity for which a permit is requested. [The relevant burden for an Eagle Nest Take (standard) permit application is 16 hours and 6 hours for a (standard) permit amendment. For an Eagle Nest Take (programmatic) permit application, the relevant burden is 40 hours and 20 hours for a programmatic permit amendment.] This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.26 – 2.33].



U.S. FISH & WILDLIFE SERVICE - MIGRATORY BIRD PERMIT OFFICE

Return to: U.S. Fish and Wildlife Service (USFWS)

EAGLE NEST TAKE (50 CFR 22.27) - REPORT

PERMITTEE: _____

PERMIT NUMBER: _____

ADDRESS: _____

REPORT FOR CALENDAR YEAR*: _____

*Programmatic take only

REPORT DUE DATE: _____

City

State

Zip Code

☐ Check here if reporting a change of name, address, or contact information PHONE: _____ Email: _____

INSTRUCTIONS: Complete all sections in the space provided or numbered accordingly to the questions below on a separate sheet of paper and return the completed report to the above address by the due date. Use of this form is not mandatory, but the same information must be submitted, including a signed certification statement. Filing an annual report is a condition of your permit. You must submit a report even if you had no activity during the year. **MAKE SURE YOU SIGN & DATE THE CERTIFICATION STATEMENT BELOW BEFORE YOU SUBMIT YOUR REPORT.** (Ref. 50 CFR parts 13 & 21)

1. ☐ Bald Eagle Nest Take ☐ Golden Eagle Nest Take

2. Did (does) the permit authorize take of a specific nest or nests? ☐ Yes. ☐ No, the permit authorizes programmatic nest take.

3. Provide the following information for each authorized nest take. If more than one nest was taken, please complete a supplemental page for each nest.

A. Date the authorized nest take occurred: ____/____/____

B. Location of the nest that was taken: _____

C. If the nest was active, disposition of chicks and eggs (e.g., name and contact information of permitted rehabilitator, State agency, or USFWS):

D. Disposition of the nest. Check all that apply: ☐ Removed ☐ Destroyed ☐ Relocated ☐ Donated to a permitted recipient ☐ Substitute nest provided

a. Have eagles rebuilt and if so, are they breeding and fledging young? ☐ Yes ☐ No

b. If nest was relocated or a substitute nest provided, are adult eagles tending the new nest? ☐ Yes ☐ No ☐ No, but nest removal was conducted outside eagle breeding season ☐ Do not know ☐ Not applicable.

c. If nest was relocated or a substitute nest provided, provide location: _____

d. If nest was relocated, please attach a description of methods and techniques employed to move it.

4. Describe the mitigation measures you are implementing to offset the nest take and/or minimize the need for future nest take.

CERTIFICATION: I certify that the information in this report is true and correct to the best of my knowledge. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

Signature (in blue ink) of permittee/principal officer. (No photocopied or stamped signatures)

Date of signature (mm/dd/yyyy)

EAGLE NEST TAKE REPORT

SUPPLEMENTAL SHEET

PERMITTEE: _____	REPORT DATE _____ PERMIT NUMBER: _____	SUPPLEMENTAL PAGE #: _____
<p>3. Provide the following information for each authorized nest take.</p> <p>A. Date the authorized nest take occurred: ____ / ____ / ____</p> <p>B. Location of the nest that was taken: _____</p> <p>C. Disposition of the nest: <input type="checkbox"/> Destroyed <input type="checkbox"/> Relocated within territory <input type="checkbox"/> Relocated outside territory <input type="checkbox"/> Donated to a permitted recipient <input type="checkbox"/> Destroyed, substitute nest provided in territory <input type="checkbox"/> Destroyed, substitute nest provided outside territory</p> <p>D. If nest was relocated or a substitute nest provided, are adult eagles tending the new nest? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No, but nest removal occurred outside the eagles breeding season <input type="checkbox"/> Do not know.</p> <p>E. If nest was active, disposition of chicks and eggs (e.g., name and contact information of permitted rehabilitator, State agency, or USFWS): _____</p>		
<p>4. Describe the mitigation measures you have conducted to offset the nest take. If your permit does not require mitigation, you may leave this blank.</p>		

FEDERAL FISH AND WILDLIFE PERMIT REPORT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - c. General Provisions, 50 CFR 10;
 - d. General Permit Procedures, 50 CFR 13; and
 - e. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is a condition of your permit under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to revoke your permit. Response is not required unless a currently valid Office of Management and Budget (OMB) control number is displayed on form.
3. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, Tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish an FWS function related to this system of records.
 - b. Routine disclosure to Federal, Tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - c. Routine disclosure to Federal, Tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - d. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - e. Routine disclosure to the appropriate Federal, Tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - f. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - g. Routine disclosure to the Government Accountability Office or Congress when the information is required for the evaluation of the permit programs.
 - h. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
4. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
5. The public reporting burden for information collection varies depending on the type of permit held. The relevant burden for an Eagle Nest Take permit annual report is 16 hours (including monitoring and recordkeeping). This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice


For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.26 – 2.33].



U.S. Fish & Wildlife Service

Migratory Bird Regional Permit Offices

FWS REGION	AREA OF RESPONSIBILITY	MAILING ADDRESS	CONTACT INFORMATION
Region 1	Hawaii, Idaho, Oregon, Washington	911 N.E. 11th Avenue Portland, OR 97232-4181	Tel. (503) 872-2715 Fax (503) 231-2019 Email permitsR1MB@fws.gov
Region 2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	Tel. (505) 248-7882 Fax (505) 248-7885 Email permitsR2MB@fws.gov
Region 3	Iowa, Illinois, Indiana, Minnesota, Missouri, Michigan, Ohio, Wisconsin	5600 American Blvd. West, Suite 990 Bloomington, MN 55437-1458 (Effective 5/31/2011)	Tel. (612) 713-5436 Fax (612) 713-5393 Email permitsR3MB@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico	P.O. Box 49208 Atlanta, GA 30359	Tel. (404) 679-7070 Fax (404) 679-4180 Email permitsR4MB@fws.gov
Region 5	Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	Tel. (413) 253-8643 Fax (413) 253-8424 Email permitsR5MB@fws.gov
Region 6	Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	P.O. Box 25486 DFC(60154) Denver, CO 80225-0486	Tel. (303) 236-8171 Fax (303) 236-8017 Email permitsR6MB@fws.gov
Region 7	Alaska	1011 E. Tudor Road (MS-201) Anchorage, AK 99503	Tel. (907) 786-3693 Fax (907) 786-3641 Email permitsR7MB@fws.gov
Region 8	California, Nevada	2800 Cottage Way Room W-2606 Sacramento, CA 95825	Tel. (916) 978-6183 Fax (916) 414-6486 Email permitsR8MB@fws.gov

	RESOURCE REPORT No. 3, APPENDIX E –DRAFT AVIAN PROTECTION PLAN	USAI-P2-SPZZZ-00-000022-000 APRIL 14, 2017 REVISION: 0
	PUBLIC	PAGE 50 OF 54

Appendix C – USFWS Special Purpose-Salvage Permit application and annual report form



Department of the Interior
U.S. Fish and Wildlife Service

OMB Control No. 1018-0022
Expires: 5/31/2017

Federal Fish and Wildlife Permit Application Form

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: Special Purpose – Salvage

- ☐ **New Application**
☐ **Requesting Renewal or Amendment of Permit # _____**

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual				
1.a. Last name		1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Social Security No.	4. Occupation	5. Affiliation/ Doing business as (see instructions)	
6.a. Telephone number	6.b. Alternate telephone number	6.c. Fax number	6.d. E-mail address	

B. Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution			
1.a. Name of business, agency, Tribe, or institution		1.b. Doing business as (dba)	
2. Tax identification no.	3. Description of business, agency, or institution		
4.a. Principal officer Last name	4.b. Principal officer First name	4.c. Principal officer Middle name/ initial	4.d. Suffix
5. Principal officer title		6. Primary contact name	
7.a. Business telephone number	7.b. Alternate telephone number	7.c. Business fax number	7.d. Business e-mail address

C. All applicants complete address information				
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)				
1.b. City	1.c. State	1.d. Zip code/Postal code:	1.e. County/Province	1.f. Country
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)				
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country

D. All applicants MUST complete	
1.	Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$75.00 nonrefundable processing fee . Federal, Tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – attach documentation of fee exempt status as outlined in instructions . (50 CFR 13.11(d))
2.	Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: _____ No <input type="checkbox"/>
3.	Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50 , and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.
Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures) _____ Date of signature (mm/dd/yyyy) _____	

Please continue to next page

SECTION E. SPECIAL PURPOSE – SALVAGE
(Migratory Bird Treaty Act, 50 CFR 21.27)

Note: A Federal Special Purpose Salvage Permit is required to salvage migratory birds that you find dead and had no part in killing. The permit authorizes temporary possession of the dead specimens for transport to a designated public, scientific, or educational institution. Possession for personal use is prohibited. You must be at least 18 years old to apply. Please read “What You Should Know About a Migratory Bird Special Purpose Salvage Permit” and the pertinent regulations before you sign and submit your application.

Please provide the following information in the space provided or numbered according to the questions below on a separate sheet of paper. You should be as thorough and specific as possible in your responses. Incomplete applications will be returned, delayed or abandoned.

1. Describe the project or activity for which you require this permit, including the location or area where you propose to salvage.

2. Identify the public, scientific, or educational institution where the migratory birds salvaged under this permit will be deposited. If the specimens will be deposited with an institution other than your own, attach a letter, on the institution’s letterhead, from the Director or Principal Officer of the institution where the salvaged materials will be deposited. The letter must confirm the institution’s need for the specimens, that they want you to salvage for them, and describe how they will be used.

3. Anyone who will be assisting you with the permitted activities or acting as your agent must either have their own Federal migratory bird permit for the activity or be identified by you, in writing, as a subpermittee under your permit. They may also require a State permit. Subpermittees must be at least 18 years old. As the primary permittee, you will be responsible for ensuring that your subpermittees are properly trained and adhere to the terms of your permit. Provide the name of anyone besides yourself who will be conducting activities under your permit.

4. You must retain records relating to the activities conducted under your permit for at least 5 years after the date of expiration of your permit. Is the physical address you provided in Section C on page 1 of this application the address where your records will be kept?
☐ Yes ☐ No If “no,” provide the physical address.

5. **Any permit issued as a result of this application is not valid unless you also have any required State or tribal permits or approvals associated with the activity.** Have you obtained all required State or tribal permits or approvals to conduct this activity?

☐ Yes If “yes,” attach a copy of the approval(s). ☐ Have applied (**Send copy when issued**) ☐ None required

6. Disqualification factor. A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Service Director in response to a written petition. (50 CFR 13.21(c)) Have you or any of the owners of the business, if applying as a business, been convicted, or entered a plea of guilty or nolo contendere, forfeited collateral, or are currently under charges for any violations of the laws mentioned above?

☐ Yes ☐ No If you answered “Yes” provide: a) the individual’s name, b) date of charge, c) charge(s), d) location of incident, e) court, and f) action taken for each violation

PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to an application for a U.S. Fish and Wildlife Service or CITES permit. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all blocks/lines/questions in Sections A or B, and C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application in blue ink. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or if applicable on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed. Some applications may take longer than 90 days to process. (50 CFR 13.11)**
- Applications are processed in the order they are received.
- Additional forms and instructions are available from <http://permits.fws.gov>.

COMPLETE EITHER SECTION A OR SECTION B:

Section A. **Complete if applying as an individual:**

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. ***Fax and e-mail are not required if not available.***
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation/ Doing business as (dba):** business, agency, organizational, or institutional affiliation *directly* related to the activity requested in the application (e.g., a taxidermist is an individual whose business can *directly* relate to the requested activity). The Division of Management Authority (DMA) will **not** accept *doing business as* affiliations for individuals.

Section B. **Complete if applying as a business, corporation, public agency, Tribe, or institution:**

- Enter the complete name of the business, agency, Tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, Tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, Tribe, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the Division of Management Authority (DMA) a physical U.S. address is **required**. Province and Country blocks are provided for those USFWS programs which use foreign addresses and are not required by DMA.
- **Mailing address** is address where communications from USFWS should be mailed if different than applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1 **Application processing fee:**

- An application processing fee is required at the time of application; unless exempted under 50 CFR 13.11(d)(3). The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit. Fees will not be refunded for applications that are approved, abandoned, or denied.** We may return fees for withdrawn applications prior to any significant processing occurring.
- **Documentation of fee exempt status is not required for Federal, Tribal, State, or local government agencies; but must be supplied by those applicants acting on behalf of such agencies.** Those applicants acting on behalf of such agencies must submit a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2 **Federal Fish and Wildlife permits:**

- List the number(s) of your most current FWS or CITES permit or the number of the most recent permit if none are currently valid. If applying for re-issuance of a CITES permit, the original permit must be returned with this application.

Section D.3 **CERTIFICATION:**

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application in blue ink.** This signature binds the applicant to the statement of certification. This means that you certify that you have read and understand the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

ALL APPLICANTS MUST COMPLETE SECTION E.

Please continue to next page

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50CFR 17;
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), 50 CFR 18;
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
 - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
 - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org> , 50 CFR 23;
 - h. General Provisions, 50 CFR 10;
 - i. General Permit Procedures, 50 CFR 13; and
 - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, Tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to Federal, Tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to Federal, Tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate Federal, Tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the Government Accountability Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for a Special Purpose – Salvage permit application is 1 hour and 30 minutes for recordkeeping. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.26 – 2.33].

SUPPLEMENTAL SHEET - SPECIAL PURPOSE - SALVAGE ANNUAL REPORT[illegible]

FEDERAL FISH AND WILDLIFE PERMIT REPORT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:

(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)

- a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
- b. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
- c. General Provisions, 50 CFR 10;
- d. General Permit Procedures, 50 CFR 13; and
- e. Wildlife Provisions (Import/export/transport), 50 CFR 14.

2. Information requested in this form is purely voluntary. However, submission of requested information is a condition of your permit under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to revoke your permit. Response is not required unless a currently valid Office of Management and Budget (OMB) control number is displayed on form.

3. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)

- a. Routine disclosure to subject matter experts, and Federal, Tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish an FWS function related to this system of records.
- b. Routine disclosure to Federal, Tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
- c. Routine disclosure to Federal, Tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
- d. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
- e. Routine disclosure to the appropriate Federal, Tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
- f. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
- g. Routine disclosure to the Government Accountability Office or Congress when the information is required for the evaluation of the permit programs.
- h. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.

4. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.

5. The public reporting burden for information collection varies depending on the activity for which a permit is requested. The relevant burden for a Special Purpose – Salvage permit annual report is 1 hour. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice


For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.26 – 2.33].



U.S. Fish & Wildlife Service

Migratory Bird Regional Permit Offices

FWS REGION	AREA OF RESPONSIBILITY	MAILING ADDRESS	CONTACT INFORMATION
Region 1	Hawaii, Idaho, Oregon, Washington	911 N.E. 11th Avenue Portland, OR 97232-4181	Tel. (503) 872-2715 Fax (503) 231-2019 Email permitsR1MB@fws.gov
Region 2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	Tel. (505) 248-7882 Fax (505) 248-7885 Email permitsR2MB@fws.gov
Region 3	Iowa, Illinois, Indiana, Minnesota, Missouri, Michigan, Ohio, Wisconsin	5600 American Blvd. West, Suite 990 Bloomington, MN 55437-1458 (Effective 5/31/2011)	Tel. (612) 713-5436 Fax (612) 713-5393 Email permitsR3MB@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico	P.O. Box 49208 Atlanta, GA 30359	Tel. (404) 679-7070 Fax (404) 679-4180 Email permitsR4MB@fws.gov
Region 5	Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	Tel. (413) 253-8643 Fax (413) 253-8424 Email permitsR5MB@fws.gov
Region 6	Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	P.O. Box 25486 DFC(60154) Denver, CO 80225-0486	Tel. (303) 236-8171 Fax (303) 236-8017 Email permitsR6MB@fws.gov
Region 7	Alaska	1011 E. Tudor Road (MS-201) Anchorage, AK 99503	Tel. (907) 786-3693 Fax (907) 786-3641 Email permitsR7MB@fws.gov
Region 8	California, Nevada	2800 Cottage Way Room W-2606 Sacramento, CA 95825	Tel. (916) 978-6183 Fax (916) 414-6486 Email permitsR8MB@fws.gov

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Appendix D – ADF&G Public Safety Permit application and annual report form



STATE OF ALASKA DEPARTMENT OF FISH AND GAME

APPLICATION for PUBLIC SAFETY PERMIT

PERMIT to take, relocate, haze, or destroy BIRDS OR THEIR EGGS OR NESTS, MAMMALS and REPTILES for PUBLIC SAFETY PURPOSES.

I, _____ of _____
(name) (organization or institution)

(address)

(telephone number) (e-mail address)

(fax number) (cell number)

hereby make application for the following (attach additional sheets if necessary):

Species (common name) or Taxon	Number	Proposed Activities (lethal take, haze, relocate, etc.)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

during the period _____ to _____, 20 _____

at the following location (be specific): _____

The following persons will participate in the activities under terms of the permit being requested:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please describe your public safety problem and how you propose to resolve it (be specific):

Final disposition of the specimens collected will be:

I certify that all statements entered on this application are true, that I will abide by all conditions and restrictions of a permit if issued, and promise to submit a report of activities carried out under terms of such permit within 30 days of its expiration date.

(signature)

(date)

Completed applications must be signed and mailed to the Alaska Department of Fish and Game, Division of Wildlife Conservation, Permit Section, P.O. Box 115526, Juneau, AK 99811-5526.

Instructions

This workbook contains 4 tabs:

- 1. Birds** - a monthly summary of all hazing and lethal take of birds. Please complete a worksheet for **each** airport or distinct geographic site and write the airport or site name in the yellow box at the top of the form. You may make copies of a worksheet by using the Edit/Move or Copy Sheet menu command and checking the Create a Copy box.
- 2. Nests** - a summary of all nests, eggs, and nestlings that are destroyed or relocated. Please list in date order. You may report all incidents on a single worksheet, but if activities occurred at more than one airport or site, please record the location in the column provided. Insert additional rows if needed.
- 3. Mammals** - a daily summary of all hazing and lethal take of mammals. Please list in date order. You may report all incidents on a single worksheet, but if activities occurred at more than one airport or site, please record the location in the column provided. Insert additional rows if needed.
- 4. Subpermittees** - a complete list of subpermittees for all airports/sites covered by your permit.

Please complete a hazing and big game worksheet for **each** airport or distinct geographic site and write the airport or site name in the yellow box at the top of the form.

Begin by entering your information below. You will only need to enter this information once.

State Permit No:

Permit Year:

Permittee Name:

Organization:

Please rename this file with your permit number and email to:

dfg.dwc.permits@alaska.gov

State of Alaska Public Safety Permit - Annual Report

State Permit No:

Permittee Name: Permit Year: (Report due on January 31 of following year)

Organization:

Airport or site name (if applicable):

[illegible]

State of Alaska Public Safety Permit - Annual Report Nests

State Permit No:

Permittee Name:

Permit Year:

Organization:

[illegible]

State of Alaska Public Safety Permit - Annual Report

Hazing and Lethal Take of Mammals

State Permit No:

Permittee Name: Permit Year:

Organization:

[illegible]

State of Alaska Public Safety Permit - Annual Report

State Permit No:


Permit Year:

Permittee Name:

Organization:

Subpermittees:

1. <input type="text"/>	26. <input type="text"/>
2. <input type="text"/>	27. <input type="text"/>
3. <input type="text"/>	28. <input type="text"/>
4. <input type="text"/>	29. <input type="text"/>
5. <input type="text"/>	30. <input type="text"/>
6. <input type="text"/>	31. <input type="text"/>
7. <input type="text"/>	32. <input type="text"/>
8. <input type="text"/>	33. <input type="text"/>
9. <input type="text"/>	34. <input type="text"/>
10. <input type="text"/>	35. <input type="text"/>
11. <input type="text"/>	36. <input type="text"/>
12. <input type="text"/>	37. <input type="text"/>
13. <input type="text"/>	38. <input type="text"/>
14. <input type="text"/>	39. <input type="text"/>
15. <input type="text"/>	40. <input type="text"/>
16. <input type="text"/>	41. <input type="text"/>
17. <input type="text"/>	42. <input type="text"/>
18. <input type="text"/>	43. <input type="text"/>
19. <input type="text"/>	44. <input type="text"/>
20. <input type="text"/>	45. <input type="text"/>
21. <input type="text"/>	46. <input type="text"/>
22. <input type="text"/>	47. <input type="text"/>
23. <input type="text"/>	48. <input type="text"/>
24. <input type="text"/>	49. <input type="text"/>
25. <input type="text"/>	50. <input type="text"/>

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Appendix E – USFWS Depredation Permit Application and Annual Report Form

Appendix F – Example Chain-of-Custody Forms for Photographs and Carcasses

NOTES:

1. Do not delete any photographs regardless of quality.
2. Cropping, enlarging, and lighter/darker adjustments may be made if recorded here and original photo is included.
3. An unedited, unchanged archival copy of the photographs must be saved and will serve as a copy of the "negatives."

Camera Make/Model:				Page ____ of ____	
Photographer's Signature:					
Photo #	Photographed		Location (Lat/Long/Facility)	Photographer	Brief Description
	Date	Time			
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
Comments:					
Relinquished By:		Date:	Time:	Received By:	
Relinquished By:		Date:	Time:	Received By:	
Relinquished By:		Date:	Time:	Received By:	

NOTES:

1. All bird carcasses should be left where they are found unless specific authorization to collect/transport the carcass is provided by the USFWS.

2. All bird carcasses should be photographed in "as found" condition.
3. If collection/transport is authorized by the USFWS, collect the bird in a Migratory Bird Collection Kit.
4. Deliver Migratory Bird Collection Kit with Chain of Custody to the USFWS-designated location for storage and identification.

Camera Make/Model:				Page ____ of ____	
Collector's Signature:					
Bird #	Collected		Location (Lat/Long/Facility)	Collector	Brief Description (include species, if known)
	Date	Time			
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
Comments:					
Relinquished By:		Date:	Time:	Received By:	
Relinquished By:		Date:	Time:	Received By:	