



Permit Number: MB22173C-0
Effective: 06/13/2018 Expires: 05/31/2023

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Migratory Bird Permit Office
P.O. Box 709
Albuquerque, NM 87103
Tel: 505-248-7882 Fax: 505-248-7885

MICHAEL BROWN

Digitally signed by MICHAEL
BROWN
Date: 2018.06.14 11:00:59 -06'00'

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 2

Permittee:

WHITE SANDS MISSILE RANGE (U.S. ARMY GARRISON)
100 HEADQUARTERS AVE
ATTN: PATRICK MORROW, PWE-ES
WSMR, NM 88002
U.S.A.

Name and Title of Principal Officer:

PATRICK C. MORROW - SENIOR WILDLIFE BIOLOGIST, ENVIRONMENTAL DIVISION

Authority: Statutes and Regulations: 16 U.S.C. 668-668d, 16 U.S.C 703-712; 50 CFR Part 13, 50 CFR 22.26.

Location where authorized activity may be conducted:

Lat. 33.5147, Long. -106.4806
Socorro County
New Mexico

Reporting requirements:

ANNUAL REPORT DUE: 01/31
Additional Reporting Required per Condition "K"

Authorizations and Conditions:

- A. General Conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accord with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.
- B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.
- C. Valid for use by permittee named above.
- D. You are authorized to disturb one or both members of the breeding pair of GOLDEN EAGLES (*Aquila chrysaetos*) occupying the Southwest Mockingbird golden eagle breeding territory on White Sands Missile Range (approximate primary nest location: 33.5143° -106.4858°), possibly causing temporary or permanent abandonment of the eagle nest leading to a loss of productivity (i.e., eggs or young), due to the following planned activities: hard rock penetration testing, static high explosive testing, and other weapons systems testing at the Granite Target Site.
- E. The authorizations granted by permits issued under this section apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes, you must immediately contact the Service to determine whether a permit amendment is required in order to retain take authorization.
- F. This permit does not authorize intentional take of live eagles, eggs or young.



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G. You must comply with the following avoidance and minimization measures:

- Under Eagle Nest Take Permit MB11141C-0 from USFWS, by December 18 2021 you will remove or render unusable any eagle nests or new construction of such on the east-facing mountainside overlooking and within about 0.4 miles of the target site, to reduce eagle use of the area directly exposed to blast impacts of weapons tests.
- To avoid direct injury or death of eagles, weapons tests should not be conducted during evening (1 hour before sunset) through early morning (2 hours after sunrise) hours. During this time, one or both members of the breeding pair of eagles is likely to be roosting within 0.35 miles and in line-of-sight of the target site on 30-50% of nights, based on satellite telemetry data collected during late January through June 2017.
- When practicable (as determined by Defense Threat Reduction Agency), avoid human activity on the ground within 0.5 miles of the primary nest especially during the eagle breeding season.
- Restrict hovering or slow flight (< 30 mph) within 250 m of an active nest with eggs, nestlings, or fledglings nearby.
- When practicable (as determined by Defense Threat Reduction Agency), weapons tests will be limited or suspended if an eagle is in an incubating or brooding position on the nest or shading downy nestlings from the sun and the nest is within 1 mile and in direct line-of-sight of the target site.

Brief personnel using the site on the identification of golden eagles and other raptors, and instruct personnel on how to avoid disturbing them.

H. You must complete compensatory mitigation to offset the potential loss of the eagle pair's productivity during the 2018 breeding season, equaling 0.7 eagles based on an average productivity value of 0.59 young per occupied nest and an offset ratio of 1:1.2. You will retrofit 22 power poles, and ensure that retrofits are intact and effective for at least 10 years. You will focus the retrofitting efforts on power poles in areas used frequently by known breeding pairs of golden eagles, thereby increasing survival likelihood of locally breeding adults. Considerations in selecting an ideal golden eagle breeding territory for this work should include at least two of the following:

- (1) high territory quality, i.e., one known to produce young eagles annually or nearly so, if such information exists (though this index of territory quality could be confounded if productivity is diminished due to electrocutions of adults)
- (2) electrocutions of golden eagles have been documented
- (3) relatively high number of Priority 1 and Priority 2 poles occur within 4 miles of the territory's nest or nest centroid if more than one nest exists (Priority 1 and Priority 2 are poles posing highest and high risk of electrocution to eagles, respectively, as described in the 2014 Avian Protection Plan for White Sands Missile Range)

After a territory is selected, a framework to optimally minimize electrocution risks for breeding golden eagles occupying the territory should include these components:

- (1) highest priority poles to retrofit are Priority 1 and Priority 2 poles less than 1.6 miles from the nest or nest centroid, representing the eagles' highest area of use based on satellite telemetry data from the Southwest Mockingbird breeding pair of golden eagles
- (2) second priority poles to retrofit: those that are 1.6-2.5 miles from the nest or nest centroid, representing the eagles' likely core area of use
- (3) third priority poles to retrofit: those that are between 2.5 and 4 miles from the nest or nest centroid

I. You remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.

J. You are required to monitor territory occupancy, nest site use, and productivity annually during the 2018 and 2019 golden eagle breeding seasons. Most monitoring may be done via satellite telemetry, so long as transmitters remain attached to each of the breeding pair and are functional. Location data from the satellite transmitters also may be used to (1) monitor year-round occupancy of the territory by both members of the breeding pair, (2) document seasonal distribution of use relative to the nest and target site, and (3) document immediate responses to weapons test events, as described below. If one or both of the eagles' transmitters fail or is removed by or falls off the bird(s), ground-based observation should be conducted every 2-3 weeks during the breeding season to verify presence of both pair members. If a weapons test is conducted at the target site during this time, status of nesting should be documented via ground-based observation as soon as possible before and after such a test (ideally, the day before and day after). Productivity of the pair will be determined by using standard procedures for raptors (Steenhof and Newton, 2007, "Assessing nesting success and productivity." *Raptor research and management techniques*:181-192). Productivity monitoring should continue at least until young are nearly fledged (~7 weeks of age), or until it is confirmed that the pair is not successful in producing young.



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Data from monitoring will include at least the following:

1. Date, time of day, and length of time eagles were observed;
2. Location of observation point;
3. Number and age class of golden eagles observed;
4. Observed behavior (e.g., perching, feeding, perched on or attending nest, in flight);
5. Nest activity status (whether active);
6. Nesting status (whether incubating eggs or brooding young, or if nestlings or fledged);
7. Nest productivity (number of fledglings or 7-week-old young produced);
8. Nest success (whether fledglings or 7-week-old young were produced)

Also, if the eagles build and use a new nest, its location must be provided in the monitoring report.

K. You must submit an annual report summarizing the information you obtained through monitoring to the Service for 3 years after completion of the activity or termination of the permit to the issuing permit office at, USFWS, P.O. Box 709, Albuquerque, NM 87103. Form 3-202-15 (Eagle Non-purposeful Take Report) can be found online at www.fws.gov/forms/3-202-15.pdf.

L. You must immediately notify the migratory bird permit issuing office at (505) 248-7882 regarding any apparent injury or death occurring to any eagle, including viable eggs, during project activities. You must immediately transport any injured eagle to Pilar Hinde, Las Cruces NM, 575-382-1753 or Desert Willow Wildlife Rehabilitation Center, Samantha Uhrig, Carlsbad NM, 575-885-3399.

M. You must contact the migratory bird issuing office immediately upon discovery of any unanticipated take.

N. While the permit is valid, you must allow Service personnel, or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s).

O. Employees of The Peregrine Fund are authorized to carry out the monitoring in the field. You may not delegate the authority granted in this permit to any other subpermittee.

P. You and designated employees of The Peregrine Fund must carry a legible copy of this permit and display it upon request whenever exercising its authority.

Q. All of the provisions and conditions of the governing regulations at 50 CFR 13 and 50 CFR 22.26 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit and/or citation. For copies of the regulations, visit: www.fws.gov/permits/mbpermits/birdbasics.html.

R. This permit does not authorize you to conduct activities on Federal, State, Tribal, or other public or private property other than your own without additional prior written permits or permission from the agency/landowner.

S. You must maintain records as required in 50 CFR 13.46. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.

T. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect and audit or copy any permits, books or records required to be kept by the permit and governing regulations (50 CFR 13.46).

U. Permittees and subpermittees operating under this permit may not take or disturb eagles contrary to the laws or regulations of any State, Tribal, or Municipal government, and none of the privileges of this authorization are valid unless the permittee possesses the appropriate State permits, or other authorizations, if required.

V. The U.S. Fish and Wildlife Service is not liable for any damage or injury to person, wildlife, or property that occurs as the result of carrying out the activities associated with this permit.

For suspected illegal activity, immediately contact USFWS Office of Law Enforcement at: Albuquerque, NM 505/248-7889.

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