

**Permit Number: MB11141C-0**
Effective: 12/19/2016 Expires: 12/19/2017

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

DEPUTY (ACTING) CHIEF, MIGRATORY BIRDS, SOUTHWEST REGION

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 USC 668a; 50 CFR 13, 50 CFR 22.27.

Location where authorized activity may be conducted:

Lat. 33.5147, Long. -106.4806
White Sands Missile Range
Dona Ana County
New Mexico

Reporting requirements:

ANNUAL REPORT DUE: 09/30
A monitoring report must be submitted by September 30 2017

Conditions and Authorizations:

- 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 remove or render unusable two (2) golden eagle nests inactive GOLDEN eagle nest situated LAT 33.5147, LONG - 106.4806 and LAT 33.5146, LONG -106.4807 (respectively) to [protect an interest in a particular locality when the activity necessitating the take or the mitigation for the take will benefit eagles.](#)
- E. This permit does not authorize lethal take or injury of eagles or eggs, nor does it authorize take of the nest in the event an eagle occupies the nest prior to nest [removal. You must notify the permit issuing office at r2mbpermits@fws.gov or 505-248-6406 and cease all nest removal activity if either of the two nests are active i.e., if eggs or young are present or if an adult eagle is in a laying, incubating, or brooding position.](#)
- F. You must comply with all avoidance, minimization, or andcompensatory mitigation measures prescribed by the permit issuing office, including:
- (1) Weekly during December 2016 through March 2017, monitor the southeast-facing side of the mountain from at least 0.3 southwest to 0.2 miles northeast of nests described in (D) above to identify any construction of nests by golden eagles. Remove or obstruct any such nests

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within 1 week of detection.

(2) During December 2016 through March 2017, avoid vehicle and human activity within 0.7 miles of the west-facing part of the mountain where the eagles nested in 2014 and 2016 (about 0.7 miles west of the weapons test site). Permittee will use carpools and otherwise minimize the number of vehicles and trips to access the target site. Additionally, Permittee will ensure there is no vehicle and/or human activity between road and golden eagle nests on the west-facing part of the mountain, except for emergencies and essential security and eagle monitoring activities.

(3) By 31 December 2017 install 20-25 road signs along about 250 miles of paved road to warn drivers of possible presence of eagles feeding on carcasses. Signs will be placed along Range Roads 2, 5, 6, 7, 9, and 12.

G. You are required to monitor the area within 1.0 miles of nests described in (D) above monthly during December 2016 until 30 June 2017 or until nesting failure is verified and report

- 1) Nest activity status: adult(s) present, general activity/behavior (e.g., courtship flight), use of or construction of nests
- 2) Nesting status: adult in incubating position on nest, or young observed and their stage of development (from relatively small white "downy," to partly feathered, to fully feathered)

A monitoring report must be submitted by September 30 2017 to the Migratory Bird Permit Office at U.S. Fish and Wildlife Service, [P.O. Box 709, Albuquerque NM 87103](#), and should include the date, time of day, and length of time of each monitoring visit. If no eagles are observed, a report indicating such is still required. The monitoring period may be extended beyond the 2017 nesting season, if necessary to collect additional data.

If no bald eagle activity is observed, a report indicating "no activity observed" is still required.

You may use Form 3-202-15 (Eagle Take Report) found online at www.fws.gov/forms/3-202-15.pdf to report bald eagle monitoring activities.

H. During nest removal activity, you are authorized to salvage any whole eagle remains, feathers and parts including nonviable eggs found in or around the nest. All molted eagle feathers, parts, and carcasses found at the site must be shipped to the National Eagle Repository. Contact: **U.S. Fish and Wildlife Service National Eagle and Wildlife Repository, RMA, Bldg. 128, 6550 Gateway Road, Commerce City, CO 80022 (303) 287-2110.**

Nonviable eagle eggs or nests or parts of nests must be destroyed by burial or incineration or donated to a qualified public museum, public scientific society, or public zoological park, as defined in 50 CFR 10.12 and approved by the your migratory bird permit issuing office.

I. You may delegate the authority granted in this permit to the following subpermittee(s): Any subpermittee who has been delegated this authority may not re-delegate to another individual/business. You must immediately notify the migratory bird permit issuing office in writing of any changes to subpermittee information so this permit can be amended to authorize those individuals/businesses.

J. Subpermittees must be at least 18 years of age. You are responsible for ensuring that your subpermittees are qualified to perform the work and adhere to the terms of your permit. You are also responsible for maintaining current records of designated subpermittees. As the permittee, you are ultimately legally responsible for compliance with the terms and conditions of this permit and that responsibility may not be delegated.

K. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever exercising its authority.

L. All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR 22.27 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: <http://www.fws.gov/migratorybirds/mbpermits.html>.

M. You must submit a report of activities conducted under this permit to the migratory bird permit issuing office, **USFWS P.O. BOX 709, ALBUQUERQUE, NM** within 10 days following completion of the activities or of the expiration of this permit, whichever occurs first. Form 3-202-16 (Eagle Nest Take Report) can be found online at www.fws.gov/forms/3-202-16.pdf.

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

O. 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.

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



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Q. 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.

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

S. For suspected illegal activity, immediately contact USFWS Law Enforcement at: Regional Office - Albuquerque, New Mexico - 505-248-7889

END