

# CALIFORNIA ENERGY COMMISSION

## REPORT OF CONVERSATION

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# DOCKET

11-AFC-2

DATE NOV 09 2011

RECD. DEC 14 2011



### Siting, Transportation, and Environmental Protection Division

FILE: 11-AFC-2

PROJECT TITLE: Hidden Hills SEGS

<input checked="" type="checkbox"/> Email				<input type="checkbox"/> Meeting Location:
NAME:	Dick Ratliff, Staff Counsel	DATE:	11/9/11	TIME:
WITH:	Heather Beeler, Eagle Permit Specialist, US Fish and Wildlife Service			
SUBJECT:	HHSEGS -- Golden Eagle and other raptor survey methods			

Biological Opinions cover species that are protected under the Federal Endangered Species Act. My advice refers specifically to eagles and the Bald and Golden Eagle Act, permit regulations and guidance as well as other species protected by the Migratory Bird Treaty Act (MBTA). The Service advises collecting enough data to determine risk of take with some level of confidence. The project could directly take eagles and other birds by incineration and indirectly take eagles through the loss of foraging habitat and increased disturbance.

Eagles are protected under the MBTA and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d; BGEPA) further protects eagles from "take", where take is defined as to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, disturb individuals, their nests and eggs. "Disturb" was defined in 2007 (72 FR 31132) as "to agitate or bother a bald or golden eagle to a degree that causes...injury to an eagle, reduced productivity, or nest abandonment..." To meet the BGEPA permitting standard, a project must have "no net loss" to the population and bar to qualify for a permit is high. I'd be happy to talk to you if you have further questions. Its a complicated topic.

Best,  
Heather

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11/09/2011 04:23 PM

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Subject: HHSEGS, eagle and other raptor survey methods

<b>CC:</b> Dick Ratliff, Staff Counsel  Carol Watson, Staff Biologist  Rick York, Senior Biologist  Eric Knight, Environmental Office Manager  Chris Davis, Siting Office Manager  Lynn Sadler, Assoc. Public Adviser	<b>Prepared by:</b> Mike Monasmith, Project Manager
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