

DOCKET

09-AFC-3

DATE NOV 23 2010

RECD. NOV 30 2010

Mariposa Energy Project 09-AFC-3

RE: Golden Eagle Protection discussion with Fish and Wildlife Staff with survey exhibit.

Sara,

Gary Santolo in our office was able to speak with Heather Beeler regarding GOEA. Please see her follow-up e-mail below. Let us know if you have questions or require additional information.

Thanks,

Doug

Doug Urry
CH2M HILL/Sacramento
Phone 916-286-0348
Fax 916-920-8463
Cell 916-943-6397

From: Santolo, Gary/SAC
Sent: Tuesday, November 23, 2010 3:12 PM
To: Urry, Doug/SAC
Subject: FW: Mariposa Energy Project, GOEA figure

Here you go, Doug. Let me know if you need anything else.

Gary

Gary Santolo | Senior Project Scientist| CH2M HILL | v 916.286.0283 | m 530.219.9481
| f 916.614.3483 | gsantolo@ch2m.com<<mailto:gsantolo@ch2m.com>>

From: [Heather Beeler@fws.gov](mailto:Heather_Beeler@fws.gov) [mailto:[Heather Beeler@fws.gov](mailto:Heather_Beeler@fws.gov)]
Sent: Tuesday, November 23, 2010 3:08 PM
To: Santolo, Gary/SAC
Subject: Re: Mariposa Energy Project, GOEA figure

Hi Gary,

Thank you for your efforts to comply with the Bald and Golden Eagle Protection Act (16 U.S.C. 703 et seq) by surveying the project area for eagle and raptor nests. Based on the survey results, Sara Keeler's (CEC) assessment of your project and the map you provided, it appears that construction and maintenance of your project facility would not disturb or otherwise negatively impact eagles. If anything changes or new information becomes available, please contact the Service immediately.

The Service has conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.). The proposed project should be evaluated for potential impacts to migratory birds in the area. Under the MBTA, nests (nests with eggs or young) of migratory birds may not be harmed, nor may migratory birds be killed. Such destruction may be in violation of the MBTA. Therefore, land clearing, or other surface disturbance associated with proposed projects, must be conducted outside the avian breeding season to avoid potential destruction of bird nests or young, or birds that breed in the area. If this is not feasible, a qualified biologist should conduct a survey of the area prior to land clearing. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the area avoided to prevent destruction or disturbance to nests until they are no longer active.

Best wishes,
Heather

Heather Beeler
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(916) 414-6651
(916) 414-6486 (fax)

<Gary.Santolo@CH2M.com>

11/10/2010 10:23 AM

To<Heather_Beeler@fws.gov>

cc

Subject

Mariposa Energy Project, GOEA figure

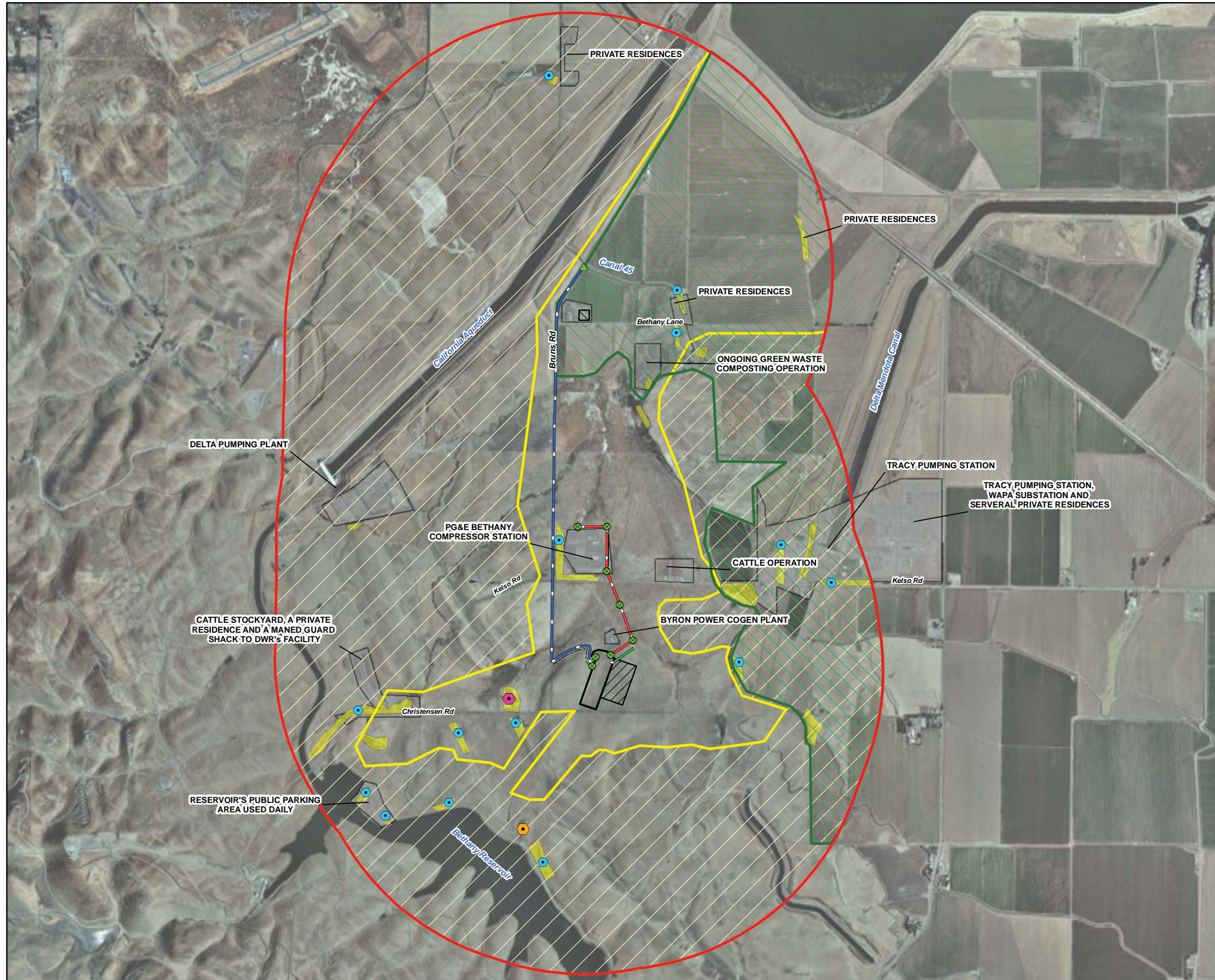
Hello Heather,

The CEC (Sara Keeler, Staff biologist) asked us to contact you about the potential for golden eagles to be affected by the Mariposa Energy Project (MEP). Since she spoke with you, Todd Ellwood/CH2M HILL conducted a stick nest survey of the area and we have conducted a query of the CNDDDB for known golden eagle nests in the area. Trees within the line-of-sight of the project are mostly ornamental species and they are located near existing industry and developments. The only stick nest we know of within 1 mile of the project has been occupied by Swainson's hawks; it's about ¼ mile from the project in a large Eucalyptus tree. Attached is a figure that we prepared for you illustrating the MEP site and the potential for golden eagles to be adversely affected by project construction. As you can see in the figure, MEP is located in a relatively disturbed region of agricultural and industrial uses and there are hills all around that block line of sight to the Project. In addition, the CNDDDB query indicates that there are no known nests within approximately 4.5 miles of the project; the several known nest sites are west of the project, in Contra Costa County, in the Altamont Hills.

Let me know if there is a convenient time that I can call you to discuss this. I look forward to talking with you,

Gary

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- LEGEND**
- POWER POLE LOCATION
 - ▲ PUMP STATION/TURNOUT STRUCTURE
 - NO EAGLE STICK NESTS OBSERVED
 - GOLDEN EAGLE OBSERVATION (FORAGING)
 - CONFIRMED SWAINSON'S HAWK NEST
 - ▬ ACCESS ROAD
 - ▬ NATURAL GAS PIPELINE ROUTE
 - ▬ TRANSMISSION LINE ROUTE
 - ▬ WATER SUPPLY PIPELINE ROUTE
 - ▨ CONSTRUCTION LAYDOWN/PARKING AREA
 - ▨ TRANSMISSION LINE LAYDOWN AREA
 - ▨ WATER SUPPLY PIPELINE LAYDOWN AREA
 - ▭ PROJECT SITE
 - ▭ 1 MILE (1.6 km) REFERENCE LINE FROM PROJECT
 - ▭ NO LINE OF SIGHT TO PROJECT
 - ▭ AGRICULTURAL DEVELOPMENT
 - ▭ EXISTING HUMAN INHABITATION
 - ▭ TREES REVIEWED FOR POTENTIAL GOLDEN EAGLE NESTING

SOURCE: Survey conducted on October 25, 2010 for suitable Golden Eagle nesting habitat.

This map was compiled from various scale source data and maps and is intended for use as only an approximate representation of actual locations.

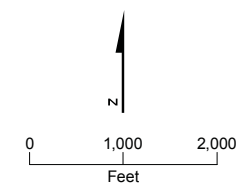


FIGURE 1
GOLDEN EAGLE NEST SITE SURVEY
 MARIPOSA ENERGY PROJECT
 ALAMEDA COUNTY, CALIFORNIA