

DOCKETED

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Joel Thompson <jthompson@west-inc.com>

Interim Authorization for BAEA and GOEA aerial surveys

Battistone, Carie@Wildlife <Carie.Battistone@wildlife.ca.gov>

Tue, Mar 19, 2019 at 11:36 AM

To: Eric Hallingstad <ehallingstad@west-inc.com>

Cc: Andrea Chatfield <achatfield@west-inc.com>, Joel Thompson <jthompson@west-inc.com>

Hi Eric,

Thank you for reaching out to the Department of Fish and Wildlife (CDFW) regarding your work on Bald and Golden Eagles. Given your need to start field work and the delay associated with the 30-day Public Interest Notice, I am providing you this interim authorization.

By this email, CDFW hereby authorizes you to conduct research on Golden Eagle and Bald Eagle, both designated as Fully Protected (see Fish and Game Code Section 3511). You may conduct aerial surveys for these two species according to the application you sent to us on February 27, 2019 (attached). This authorization is valid until the time your MOU is issued.

Please save this email for your records and carry a printed copy, along with the referenced application, while conducting field work. You may refer persons with questions about your interim authorization to me.

Good luck with your field season!

Carie Battistone

Statewide Raptor Conservation Coordinator

California Department of Fish and Wildlife

Wildlife Branch

Sacramento, CA

916-445-3615

carie.battistone@wildlife.ca.govwww.wildlife.ca.gov**WEST MOU Application 26Feb2019.pdf**

1397K



June 7, 2019

Eric Hallingstad
Western EcoSystems Technology, Inc.
415 W. 17th St. Suite 200
Cheyenne, WY 82001

Dear Mr. Hallingstad,

In response to your written request, the Department of Fish and Wildlife (Department) hereby authorizes you to take California Endangered Species Act (CESA)-listed endangered and Fully Protected Bald Eagle (*Haliaeetus leucocephalus*) and the Fully Protected Golden Eagle (*Aquila chrysaetos*) for scientific research purposes related to conservation and recovery and conservation of the species.

The authorization is in the form of a Memorandum of Understanding (MOU) between you, as an employee of Western EcoSystems Technology, Inc., and the Department. The MOU is a special permit prepared pursuant to CESA and fully protected statutes. For the purpose of this agreement, we consider you both the executive signatory and the principal investigator.

Enclosed is a copy of the MOU, two signature pages, and a List of Authorized Individuals (LAI). If you concur with the terms of the MOU, please sign and date both copies of the signature page in the appropriate space on page seven. Retain the LAI and one fully-signed MOU for your records, and as a master for making copies for your field personnel, to ensure compliance with all terms and conditions. Please return the other signature page to the address in the letterhead, with attention to: Carie Battistone.

Should you have any questions about the MOU, please contact Carie Battistone, Senior Environmental Scientist (Specialist), by e-mail at Carie.Battistone@wildlife.ca.gov or by telephone at (916) 445-3615.

Sincerely,

Kari Lewis, Chief
Wildlife Branch



Expiration Date: December 31, 2022

MEMORANDUM OF UNDERSTANDING

Erin Hallingstad
Principal Investigator
WEST Inc.

Research on Golden Eagle and Bald Eagles in California June 7, 2019

This Memorandum of Understanding (MOU) is issued pursuant to California Code of Regulations (CCR) Title 14 Section 783.1(a) Fish and Game Code Section 2081(a) of the California Endangered Species Act (CESA) whereby through permits or memorandums of understanding, the Department of Fish and Wildlife (Department) may authorize individuals, public agencies, universities, zoological gardens, and scientific or educational institutions, to import, export, take, or possess any endangered species, threatened species, or candidate species for scientific, educational, or management purposes.

The Department also issues this research MOU pursuant to Fish and Game Code Section 3511(a)(1) and CCR Title 14 Section 670.7 whereby the Department may issue revocable permits to qualified wildlife researchers to take Fully Protected bird species for necessary scientific research, including efforts to recover Fully Protected, threatened, or endangered species.

MOUs issued pursuant to Fish and Game Code 2081(a) generally do not cover "movement out of harm's way" during project activities (as defined in Public Resources Code 21065) unless part of the project's purpose is to contribute to recovery of the species. Incidental take, as well as movement out of harm's way to avoid lethal take, of CESA-listed or fully protected species associated with project activities is typically authorized by the Department Regional Office with jurisdiction over the project site through separate permits issued pursuant to other Fish and Game Code sections such as 2081(b) or 2835.

Authorized Species and Research Activities

The Department authorizes you to conduct the following research activities on the Fully Protected Golden Eagle (*Aquila chrysaetos*) and CESA-listed threatened and Fully Protected Bald Eagle (*Haliaeetus leucocephalus*), collectively referred to hereafter as 'eagles':

- a) Conduct helicopter surveys at active nests sites

This research is authorized in response to your MOU request received by the Department on February 26, 2019. This research may be conducted Shasta, Kern, and Los Angeles counties, in accordance with the proposal submitted to the Department and with the additional conditions below.

The primary Department contact for this research is Carie Battistone, Senior Environmental Scientist (Specialist), Nongame Wildlife Program, Carie.Battistone@wildlife.ca.gov, 916-445-3615, address in the letterhead above.

General Conditions

1. Additional locations for this research may be authorized via written approval from the primary Department contact.
2. Prior to conducting work at a new study site, you shall contact the landowner to determine if other eagle researchers are working there. You shall coordinate with other researchers conducting to avoid duplicative work and undue disturbance of eagles to share information to maximize sample sizes for all research projects with the least amount of take, and to share information on individually marked eagles, and known nest sites. You shall not conduct research on a site under known active study by another eagle researcher, unless the primary Department contact allows it via written correspondence.
3. You shall accomplish the authorized activities without unduly disturbing eggs, nestlings, or adult eagles. All reasonable precautions shall be taken to avoid nest abandonment, nest failure, nest predation, predation on adult or juvenile eagles, and to avoid attracting visitors to nest sites. You shall avoid or cease survey activities during inclement or extreme weather conditions, that reasonably would expose contents of nests of the eagles to the elements, or if eagles are flushed or appear to be disturbed in any way.
4. Timing of surveys and methods shall not be excessive in nature or overly intrusive to eagles, or other raptors, and shall follow accepted protocols or guidelines (see <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>).
5. Survey activities shall be conducted solely for the purpose of determining occupancy, nesting status, and productivity. When conducting aerial helicopter surveys for eagles, you shall ensure that:
 - a) At least two experienced eagle biologists (e.g., three seasons of intensive aerial survey experience) are on board the aircraft. Only Independent Researcher identified on the attached List of Authorized Individuals shall conduct aerial monitoring independently.
 - b) When approaching an active nest (when eagles are present on or nearby the nest), you must ensure the aircraft is at a far enough distance (e.g., no closer than 60 meters) and angle as to not flush eagles, damage the nest or

- substrate supporting the nest, disrupt breeding behavior, or otherwise cause disturbance to the eagles present (adult and young) in any way.
- c) When approaching an inactive nest (when eagles are not present on or nearby the nest), to assess nest contents and condition, the aircraft is at a far enough distance and angle as to not cause damage to the nest or substrate supporting the nest.
 - d) Nesting areas are approached from the front at low speeds to avoid startling eagles on a nest.
6. Due to potential for take of Fully Protected and CESA-listed bighorn sheep (*Ovis canadensis*) during the sensitive lambing season, the Department's statewide bighorn sheep coordinator Regina Vu (Regina.Vu@wildlife.ca.gov, 916-445-3728) shall be contacted as early as possible, but at least 30 days prior to aerial surveys so that sheep lambing areas are avoided entirely, or plans can be made to conduct ground-based eagle surveys. If aerial surveys are needed during bighorn sheep breeding season and in sheep lambing areas, it is recommended that the aircraft not approach sheep habitat, and that you use appropriate technology (e.g., mini-gyroscopic stabilizing binoculars and cameras at high elevation) to determine nest status, and follow-up with ground surveys. For ground surveys, surveyors may be dropped off via helicopter near targeted survey areas away from (e.g., 1000 meters) rocky terrain where bighorn sheep may be present. Regardless of the methods used, this permit does not authorize take of bighorn sheep.
7. Any eagle suspected of a mite infestation shall be reported to your primary Department contact by e-mail or telephone as soon as reasonably possible, but within 48 hours. The report shall include the date the eagle was first observed, the location, and the disposition of the eagle (e.g., sighting, live-trap and release, found dead, etc.).
8. Any incidental serious injury (i.e., compromising survival in the wild) or mortality of an eagle shall be reported to the primary Department contact by e-mail or telephone as soon as reasonably possible, but within 48 hours. Should any one (1) serious injury or mortality occur, you shall:
- a. Immediately cease activities until reauthorized by the primary Department contact. After analysis of the circumstance of injury or mortality, the Department may revoke, amend, or reauthorize research activities.
 - b. A written report shall be sent to the primary Department contact in pdf format via e-mail within 10 days of an injury or mortality event. In the report, you shall describe the circumstances that led to the injury or mortality. A description of recommended changes in methods that will be implemented to reduce the likelihood of such injury or mortality from happening again shall be included, if appropriate. All injuries and mortalities shall also be summarized in the annual report that is subsequently submitted (see Reporting section below).

When available, necropsy reports shall be submitted to your primary Department contact.

9. You shall notify the primary Department contact upon finding any dead federally- or state- listed individuals, or live federally- or state-listed individuals that are incapable of survival in the wild, and to obtain disposition instructions. Candidate and Fully Protected species shall also be reported.

Reporting

10. Annual Reports: You are required to submit an annual report, in an electronic format, to the primary Department contact (Carie.Battistone@wildlife.ca.gov) describing the results and significant findings of your research. The annual reports shall be submitted on or before **January 31st** of the year following each year of research. The reports shall follow standard scientific format (Title, Date, Author(s) and Affiliation(s), Introduction, Study Area (with map), Methods, Results, Discussion, and Literature Cited). Photographs may be included as needed, or as an Appendix.

If no activities were conducted with eagles during the previous year, please state this in writing in your annual report(s).

11. Golden Eagle Database Submission: You shall submit observation and breeding data to Carie Battistone by **January 31st** of the year following each year of research. Data submission spreadsheets can be obtained from the Golden Eagle webpage (<https://www.wildlife.ca.gov/Conservation/Birds/Golden-Eagles>) or by requesting the spreadsheet from your primary Department contact.
12. Bald Eagle Database Submission: You shall submit observation and breeding data to Carie Battistone by **January 31st** of the year following each year of research. Data submission spreadsheets can be obtained from the Bald Eagle webpage (<https://www.wildlife.ca.gov/Conservation/Birds/Bald-Eagle>) or by requesting the spreadsheet from your primary Department contact.
13. California Natural Diversity Database (CNDDDB): For eagles and any Threatened, Endangered, Candidate, Fully Protected, or Species of Special Concern encountered and correctly identified (see the Special Animals list found here, <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>), you shall send occurrence data to CNDDDB. You shall submit point data (e.g. nest locations) to the CNDDDB at least annually. You shall submit data by using the CNDDDB's Online Field Survey Form, which can be accessed here: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. If you cannot access the Online Field Survey Form or receive permission from your primary Department contact, data may also be submitted on the standard CNDDDB Field Survey Forms (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=25739&inline=1>) or in an electronic spreadsheet with an attached map depicting locations of observations (see <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>). If submitting data

in tabular form, you shall include known threats to the species and cross reference your annual report(s).

14. Other Reports: For research associated with this MOU, you shall also provide copies of abstracts you may prepare for any papers you present, or copies of any papers you prepare for popular articles or scientific journals, or copies of any periodic, annual, or final report that you prepare or assist in preparing for a client or other third party. Abstracts, reports, and other publications may be submitted to your primary Department contact in an electronic format (such as a .pdf file), which is the preferred format. If submitting hard copies, please include two copies of each publication.
15. Reporting Compliance and Data Exchange: It is mutually understood that there will be a free exchange of data and information during the course of study covered by this MOU. Draft documents, raw/field data, photographs, notes, and other information resulting from work conducted under the authority of this MOU shall be submitted to the primary Department contacts upon request. Failure to comply with reporting requirements may result in non-renewal or suspension/revocation of this MOU.

Standard Provisions

Standard MOU Provisions (see Attachment 1; dated February 18, 2014) shall also be followed, attached thereto.

List of Authorized Individuals

A List of Authorized Individuals (LAI) has been designated under the terms of this MOU (Attachment 2). The Principal Investigator may request to change or add Independent Researchers or Field Assistants to be named on the LAI, to perform field studies as described above, by submitting to the primary Department contact the following: a) name of individual; b) species the individual is working with; c) research activities the individual will conduct; d) whether or not these activities will be conducted independently or under direct supervision (within three meters); e) statements of qualifications that describe the individual's experience with the species covered under this MOU, and experience with the methods to be employed in the study. Letters of recommendation may also be provided as supplemental information. A current LAI shall be in possession of all field personnel while conducting work authorized by this MOU.

Public Interest Notice

This MOU covers research activities with the fully protected golden eagle as described in your public interest notice dated April 5, 2019. Any new research activities proposed will require additional Department authorization through an amendment to your MOU. If the proposal is approved, the Department must post a new 30-day public notice before new activities with eagles can begin. The proposed new field research may be further

delayed, depending on any comments the Department may receive during the notice period.

Term

This MOU shall be in your possession, while conducting the work described above, and is valid through **December 31, 2022**. All researchers working independently on your project(s) shall carry a copy of this MOU and LAI. Should you have any questions, please contact Carie Battistone.

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE on June 7, 2019.

THE PARTIES HAVE EXECUTED THIS MOU TO BE IN EFFECT AS OF THE DATE LAST WRITTEN BELOW.



Kari Lewis, Chief
Wildlife Branch

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as the Principal Investigator, (2) acknowledges receipt of this MOU, and (3) agrees to comply with all terms and conditions of the MOU.

Eric Hallingstad
Principle Investigator
WEST Inc.
415 W. 17th St. Suite 200
Cheyenne, WY 82001
(509) 386-4616
ehallingstad@west-inc.com

Date

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Kari Lewis, Chief
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Eric Hallingstad
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415 W. 17th St. Suite 200
Cheyenne, WY 82001
(509) 386-4616
ehallingstad@west-inc.com

Date



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Wildlife Branch
Nongame Wildlife Program
1812 9th Street
Sacramento, CA 95811
<http://www.wildlife.ca.gov>

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



Attachment 1

Standard Memorandum of Understanding (MOU) Provisions February 18, 2014

Authorized Individuals

All individuals authorized to conduct activities pursuant to this MOU have been designated on the List of Authorized Individuals, which is an attachment to this MOU (Attachment 2). The list, printed on Department letterhead, may identify special conditions or circumstances under which individuals are authorized to conduct permitted activities and shall be retained with this MOU. Each named individual shall be responsible for compliance with the MOU terms and conditions. To request changes to the list, the Principal Investigator shall submit a written request to the Department contact listed in this MOU. The request shall be signed and dated by the Principal Investigator, and shall contain names and qualifications of all individuals to be added to the list and/or names of individuals to be deleted. Changes in authorized personnel shall constitute a change only to the List of Authorized Individuals and not an amendment to the MOU.

Amendments

The conditions of this MOU may be amended by mutual consent of the permittee and the Department. Amendment requests shall be in writing, and shall be sent to the Department contact. The permittee should allow a minimum of 30 days for the Department to review and respond in writing to a request.

MOU Term

This MOU may be renewed within 60 days prior to the termination date with the approval of both the permittee and the Department. If a request for renewal is received within 60 days prior to expiration, the MOU shall remain in effect until the Department takes written action to renew the agreement or to deny the request. The Department may terminate this MOU at its sole discretion at any time.

Obligation to Obtain Other Permits

This MOU does not relieve the MOU-holder from the obligation to obtain any other federal, state, or local permits that may be required.

Department Coordination

At the discretion of the Department, a Department employee may accompany the permittee during any field activity authorized by the MOU.

Landowner Permission

The permittee is responsible for obtaining permission from the owners or operators of all properties, whether public or private, prior to entering to conduct the studies authorized herein.

Jurisdiction

This MOU does not relieve the permittee of the responsibility to comply with any other Federal, State, or local laws or regulations.

Correspondence

All correspondence from the Department regarding this MOU shall be sent to the Principal Investigator(s).

Fiscal Obligation

The Department assumes no fiscal obligation as a result of this MOU.



Expiration Date: December 31, 2022

**Attachment 2
 LIST OF AUTHORIZED INDIVIDUALS**

**Eric Hallingstad
 Principal Investigator
 WEST Inc.**

**Research on Golden Eagle and Bald Eagles in California
 June 7, 2019**

1. Individuals authorized to conduct activities pursuant to this Memorandum of Understanding (MOU) for scientific research on Golden Eagles (*Aquila chrysaetos*) and Bald Eagles (*Haliaeetus leucocephalus*):

Principal Investigators: **Eric Hallingstad**

Independent Researchers: Troy Rintz and Joel Thompson

Field Assistants: none listed

2. The Independent Researchers listed above may conduct activities pursuant to this MOU as specified above without the direct supervision of the Principal Investigator, however when conducting surveys must be paired with another listed individual.
3. The Field Assistants listed above shall work under the direct supervision of the Principal Investigator or an Independent Researcher (i.e., within three meters) until such time as the Principal Investigator can certify in writing to the Department, and the Department responds favorably, that the individual may work independently. Field Assistants should have sufficient training or experience with eagles prior to conducting any activities under this MOU.

Carie Battistone
 Senior Environmental Scientist (Specialist)
 Nongame Wildlife Program

6/7/2019

Date

This List of Authorized Individuals is valid only if dated on or after the issuance date of the MOU. This list and the MOU, along with a scientific collecting permit (SCP) when necessary, must be in the possession of all individuals while conducting field activities.