



November 21, 2017

Filed electronically to the attention of:

Ms. Heather Beeler  
 Migratory Bird Program  
 U.S. Fish and Wildlife Service  
 Pacific Southwest Regional Office  
 2800 Cottage Way, W-2605  
 Sacramento, CA 95825

Re: Notice of Intent To Prepare an Environmental Impact Statement; Hycroft Mining Company;  
 Request for Take Permits Under the Bald and Golden Eagle Protection Act. Docket No. FWS-R8-  
 MB-2017-N049; FF08M00000-FXMB12310800000-145

Dear Ms. Beeler:

The Avian Power Line Interaction Committee (APLIC) is pleased to submit comments on the US Fish and Wildlife Service's (FWS) Notice of Intent (NOI) to prepare a Draft Environmental Impact Statement on the Hycroft Mining Company request for take permits under the Bald and Golden Eagle Protection Act (BGEPA). APLIC leads the electric utility industry in protecting avian resources while ensuring reliable energy delivery. We work in partnership with utilities, resources agencies and the public to: develop and provide educational resources; identify and fund research; develop and provide cost-effective management options; and serve as the focal point for electric utility avian interaction issues.

Since its inception in 1989, APLIC has addressed a variety of avian power line interactions including electrocutions, collisions, and nests. At present, APLIC membership includes 60 electric utilities, the Edison Electric Institute (EEI), FWS, National Rural Electrical Cooperative Association (NRECA), Bureau of Land Management (BLM), and Rural Utilities Service (RUS). Although a member of APLIC, the FWS did not participate in the preparation of these comments. APLIC has developed guidance documents identifying causes and minimization methods for avian electrocutions and collisions, and released national Avian Protection Plan (APP) Guidelines in conjunction with the FWS in 2005. In partnership with the FWS, APLIC presents APP training courses throughout the US, and funds research related to avian power line interactions and conservation.

The NOI lists retrofitting electric utility poles as a possible mitigation measure for eagle nest removal. As such, APLIC members have a direct interest in eagle permitting and how it will be implemented. APLIC respectfully submits the following comments.

1. APLIC supports the creation and monitoring of new nest sites and/or offsite nest rehabilitation as primary mitigation for golden eagle nest removals. These measures are in alignment with many of the associated guidance documents that are referenced within the eagle permit regulations. These documents highlight the concept of “In-Kind” mitigation; which is defined as: “providing or managing substitute resources to replace the value of the resources lost, where such substitute resources are physically and biologically the same or closely approximate to those lost”. The permit sought within the NOI is for the taking of golden eagle nests and so it would seem that the primary focus of mitigation efforts should be on substitution for suitable nesting habitat first and foremost.
2. APLIC is concerned over the potential for electric utility power pole retrofits to serve as mitigation for golden eagle nest removals. Although pole retrofits have been used as mitigation for direct take of eagles, we are not aware of any circumstances in which it has been used for a nest disturbance take permit. Using pole retrofits as mitigation is a complicated process not well suited to the level of impact associated with the removal of eagle nests.
3. Has Hycroft or the Service approached any electric utilities regarding implementing this type of mitigation? Does Hycroft own and operate utility infrastructure associated with the mining operation? How would the Service calculate the number of poles required to be retrofit per removal of nest? Would this vary based on how recently the nest had been used or how many nests would remain within a territory for eagle use after the nest removals?

If you have questions regarding these comments, please contact Kara Donohue, of Southern California Edison and APLIC Chair, [kara.donohue@sce.com](mailto:kara.donohue@sce.com), or Rick Loughery, of Edison Electric Institute, [rloughery@eei.org](mailto:rloughery@eei.org).

Sincerely,



Kara Donohue  
Avian Protection Specialist  
Southern California Edison  
APLIC Chair