



Permit Number: MB28783D-1
Effective: 12/05/2019 Expires: 09/30/2024

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Migratory Bird Permit Office
300 Westgate Center Drive
Hadley, MA 01035-0779
Tel: 413-253-8643 Fax: 413-253-8424

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

Permittee:

ALEXANDRIA RENEW ENTERPRISES
dba ALEXRENEW
1800 LIMERICK STREET
ALEXANDRIA, VA 22314
U.S.A.

Name and Title of Principal Officer:

CAITLIN FEEHAN - PROGRAM MANAGER

Authority: Statutes and Regulations: 16 U.S.C. 668-668d, 16 U.S.C 703-712; 50 CFR Part 13, 50 CFR 22.26.

Location where authorized activity may be conducted:

Portions of the RiverRenew project area within 1,500 feet of 38.795483, -77.057285; City of Alexandria, Virginia.

Reporting requirements:

Annual Report due 09/30 of each reporting year. Reporting Form: Form 3-202-15 (Eagle Incidental Take Report):
www.fws.gov/forms/3-202-15.pdf.

To retain the authorizations granted under this permit, you must comply with all reporting requirements. See Condition I for additional detail on reporting requirements.

Authorizations and Conditions:

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 accordance 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. You are responsible for ensuring that the permitted activity is in compliance with all federal, tribal, state, and local laws and regulations applicable to eagles.

C. Valid for use by permittee named above and any subpermittees (see Condition G.).

D. Authorizations.

You are authorized to disturb bald eagles associated with ONE (1) nest at the following location incidental to your demolition, construction, and equipment and materials management for the RiverRenew project: 38.795483, -77.057285.

The authorizations granted by this permit apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes, you must immediately contact the migratory bird permit issuing office at PermitsR5MB@fws.gov to determine whether a permit amendment is required in order to retain take authorization.



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To disturb/disturbance means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Eagle nest means any assemblage of materials built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction.

E. This permit does not authorize intentional take of eagles or eagle nests.

F. Avoidance and Minimization.

You must comply with the following avoidance and minimization measures:

1. Prior to December 15, 2019, install fencing at a 50-foot radius around the transmission tower supporting the nest;
2. During the breeding season (December 15 - July 15), within 1,500 feet of the nest, limit storage and movement of equipment and materials, building demolition, and construction activities to 07:00-18:00 hours;
3. Rest crane booms in a downward position when storing within 330 feet of the nest;
4. During the breeding season (December 15 - July 15), haul materials in and out of the project area via Holland Lane;
5. Complete demolition of Building J outside the breeding season (December 15 - July 15) to the maximum degree practicable. (Practicable means available and capable of being done after taking into consideration existing technology, logistics, and cost in light of a mitigation measure's beneficial value to eagles and the activity's overall purpose, scope, and scale [50 CFR 22.3].); and
6. You may suspend implementation of Conditions F.2., F.4., and F.5. for the remainder of the breeding season if Condition H.5.b) applies.

G. Subpermittees.

1. A subpermittee is any person employed by or under contract to you for the activities specified in this permit, or otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.
2. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Subpermittees must be at least 18 years of age.
3. Any subpermittee who has been delegated this authority may not re-delegate to another individual/business.
4. 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.
5. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever exercising its authority.

H. Monitoring Requirements.

You are required to monitor eagle activity, per the following conditions:

1. Information - Monitoring must include collection of the following information:
 - a) Date and length of time bald eagles are observed;
 - b) Time of day;
 - c) Number of eagles observed;
 - d) Observed behavior (e.g., perching, feeding, sitting on or attending nest, in flight);
 - e) If any eagle nesting attempt was successful, failed, or the eagles abandoned the nest; and
 - f) A description of any human activity at the time eagles are observed during each monitoring session (e.g., construction, road building, use of machinery)
2. Timing - Monitoring must meet the following yearly, monthly, and daily schedules:



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- a) You must monitor each breeding season (December 15 to July 15) until one year after demolition and construction project activities are complete within 1,500 feet of the nest, or until one year after permit expiration, whichever is first;
 - b) You must monitor once per month during the first breeding season of observation. For each subsequent breeding season, you must monitor once in March, May, and June. Monthly visits must be no more than 48 days and no less than ten days apart. Any monitoring visits performed in excess of these requirements need not adhere to these scheduling requirements.
 - c) You must monitor during a time of day when eagles are most likely to be in the area (e.g., ½ hour before sunrise to 1000 hours and/or 1600 hours to ½ hour after sunset). Each monitoring session must be a minimum of 90 minutes;
3. Physical Extent - You must monitor nesting activity within 0.5 miles of the nest identified in Condition D on property legally accessible to you. When observing a nest, you must select an inconspicuous monitoring location so as not to disturb the nest with your presence; You are not authorized to disturb nests through your monitoring. Your monitoring location will ideally provide vantage of activities at the nest (e.g., incubating, brooding, feeding), either with the assistance of binoculars or spotting scope.
 4. Observer Qualifications - The monitor must be experienced in recognizing specific patterns and changes in eagle behavior, particularly those related to breeding and stress.
 5. Contingencies - Monitoring procedure may be modified as follows:
 - a) If eagles do not return to the nest location identified in Condition D, you are required to monitor within 0.5 miles of this location on property accessible to you to assess whether or not eagles nest at a new location. If eagles do relocate in this manner, you must monitor the new nest location according to the procedures of Condition H.
 - b) If the nest fails, is abandoned, or is not reoccupied or if young successfully fledge (indicated by sustained, controlled flight) prior to July 15, you may end monitoring for that breeding season, provided migratory bird permit issuing office identifies no further need for monitoring that season and provides you a written opinion to that effect.

I. Reporting Requirements.

1. You must submit an annual report summarizing the information you obtained through monitoring to the Service for the duration of years required under Condition H.2.a).

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

Monitoring reports must be submitted by September 30 of each calendar year a report is required to the issuing migratory bird permit office at PermitsR5MB@fws.gov <<mailto:PermitsR5MB@fws.gov>> and should include the following information:

- a) Date and length of time eagles were observed;
- b) Time of day;
- c) Number and age of eagles observed (i.e. juvenile, immature, subadult, adult); if age is not known, provide description;
- d) Observed behavior (e.g. perching, feeding, sitting on or attending nest, in flight);
- e) In the event a new eagle's nest is built on/adjacent to your property, you must also report the new location and whether the eagles produced young at that site;
- f) If any eagle nesting attempt was successful, failed or the eagles abandoned the area; and
- g) A description of any human activity at the time eagles are observed during each monitoring session, (e.g. construction, road building, use of machinery, etc.).

You must submit an annual report even if you observe no eagle activity or planned project activities are delayed or not conducted that year. Clearly indicate either circumstance in your Annual Report.



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2. You must immediately notify the migratory bird permit issuing office at PermitsR5MB@fws.gov upon discovery of any unanticipated take or regarding any apparent injury or death occurring to any eagle, including viable eggs or young, related or unrelated to the project activities. You must immediately contact the nearest available permitted migratory bird rehabilitator (see <https://ahnow.org/> to find a permitted rehabilitator near you) to coordinate transportation of any injured eagle.

3. If a new eagle nest is built within the breeding territory (i.e., within 0.5 miles of the nests identified in Condition D), you must report that new eagle nest location within 10 days to the migratory bird permit issuing office at PermitsR5MB@fws.gov. A permit amendment to authorize take (disturbance) at this new nest location may be required.

**Standard Conditions
Eagle Take (Disturbance) Permit
50 CFR 22.26**

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 22.26 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. The standard conditions below are a continuation of your permit conditions. If you have any questions regarding these conditions, refer to the regulations and forms, or to obtain contact information for your issuing office, visit: <https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>.

1. 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.
2. You remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit. Provisions for discontinuance of permit activity are outlined in 50 CFR 13.26.
3. You must maintain records as required in 50 CFR 13.46. Your records must also include the data gathered for monitoring and reporting purposes. 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.
4. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect and audit or copy any permits, books or records required to be kept by the permit and governing regulations (50 CFR 13.47).
5. You must allow Service personnel, or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected by your project activities, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s) while the permit is valid and for up to 3 years after it expires
6. The Service may amend, suspend, or revoke a permit issued under this section if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspension, and revocation of Federal permits set forth in §§13.23, 13.27, and 13.28 of this chapter.
7. To renew this permit if the activities described in Condition D have not been completed by the expiration date of this permit, permittee must meet issuance criteria at the time of renewal and must also have been in compliance with permit conditions, including all monitoring and reporting requirements of the original permit.
8. You may request amendment to your permit. The Service will charge a fee for substantive amendments made to permits within the time period that the permit is still valid. The fee is \$500 for commercial permittees and \$150 for non-commercial permittees (50 CFR 13.11(d)(4)). Substantive amendments are those that pertain to the purpose and conditions of the permit and are not purely administrative. Administrative changes, such as updating name and address information, are required under 13.23(c), and the Service will not charge a fee for such amendments. Requests for substantive amendment must be submitted via Form 3-200-71.

Last Updated: 8/28/19