CPUC NESTING BIRD WORKSHOP

SUMMARY OF POTENTIAL SOLUTIONS PRESENTED AT 8/30/12 WORKSHOP; SCE COMMENTS 09/14/2012

INSTRUCTIONS: Table 1 (Solutions Already Implemented) -

Write in "**Notes**" column your entity's comments as to whether this solution should continue to be used. If it should be modified, explain how, or use tracking to modify text in the Solutions column.. Under "**Priority**" write "**High**" or "**Low**" for each item

Instructions for Providing Input in Tables

Two tables are provided here, so please be sure to provide input in the appropriate table:

- Table 1: Solutions Already Implemented on current/ongoing projects
- Table 2: Additional Solutions for Future (or Ongoing) Projects

Instructions for each table are included in the header on each page. Note that input is requested in the following ways:

1. Define **Priority** for your entity for each issue. Either define "high" or "low" for each item, or only define which items you consider to be high priority.

2. Insert **Comments** next to each solution, and track changes for any suggested modifications to solutions listed in table.

CPUC NESTING BIRD WORKSHOP

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"Notes" Comments Completed by: Southern California Edison 9/14/2012

Priority	Table 1: Solutions Already Implemented	Comment Source	Implementing Entities	Notes: Continue to use? Modify? Explain.
	APPLICANT PROPOSED MEASURES			
Low	Continue to use APMs to address bird nesting issues	CPUC	Utilities	☐ Continue to use. ☐ Use APMs – when feasible, modify APM to include NBMP and additional details (survey and monitoring requirements, avian specialist/monitor qualifications, buffer reduction and issue resolution processes, etc.) that would preclude the need for additional MMs in EIR/MND. ☐ Use APMs for potentially significant (need to define significant) impacts to nesting birds allowing utility self-management for common and abundant species (e.g. buffer reductions, minimization and avoidance measures, etc.), with resource agency consultation for raptors and special status species,
	MITIGATION MEASURES			
Low	Prepare detailed MMs to supplement APMs, as necessary, incorporating "lessons learned" from previous projects	CPUC	CPUC or CPUC/ NEPA lead agencies	☐ Continue to use. ☐ Prepare APMs that include NBMP, when appropriate, and additional details that would preclude the need for additional MMs in EIR/MND ☐ MMs should be written collaboratively between the resource agencies, project proponent, and CPUC.

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Priority	Table 1: Solutions Already Implemented	Comment Source	Implementing Entities	Notes: Continue to use? Modify? Explain.
Low	Make MM components consistent with CA Fish & Game Code	CPUC	"	☐ Continue to use. ☐ MMs should not go beyond regulatory requirements ☐ Collaborate with CDFG to modify and clarify CA Fish & Game Code requirements and develop MM language.
Low	Provide detail on survey requirements and more flexibility with buffer requirements in MMs	CPUC	"	☐ Modify. ☐ Flexibility with buffer requirements is needed, but detail on survey requirements may vary depending on project area and specific resource unless there is an agency approved survey protocol. ☐ Detailed requirements should be worked out at the project level through a collaborative process with resource agencies.
Low	Continue existing avoidance and minimization measures	DFG	"	☐ Continue to use. ☐ Continue to use effective avoidance and minimization measures based on previous SCE project experience and data.
	NESTING BIRD MANAGEMENT PLANS			

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Priority	Table 1: Solutions Already Implemented	Comment Source	Implementing Entities	Notes: Continue to use? Modify? Explain.
High	Continue to use NBMPs and improve them based on lessons learned during construction	ALL	Utilities	☐ Continue to use. ☐ Develop NBMPs that meet resource agency regulatory requirements and allow utilities self-management for common and abundant species with resource agency consultation for raptors and special status species. Incorporate additional detail as discussed in workshop (survey and monitoring requirements, avian specialist/monitor qualifications, buffer reduction, and issue resolution processes, etc.) ☐ SCE improves NBMP based on project experience, agency feedback, and lessons learned from previous plans.
	PRIOR TO CONSTRUCTION - PLANNING			
Low	Plan construction activities in the off season (non-breeding season) to extent feasible	CPUC & FWS	Utilities	☐ Continue to use. ☐ To the extent feasible, project activities will avoid high sensitivity areas; however, most major transmission construction projects require work during the breeding season.

CPUC NESTING BIRD WORKSHOP

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Priority	Table 1: Solutions Already Implemented	Comment Source	Implementing Entities	Notes: Continue to use? Modify? Explain.
Low	Conduct eagle surveys in accordance with approved protocol	BLM	Utilities	☐ Modify. ☐ Clarify that approved protocol refers to resource agency approved protocol. ☐ There is currently no transmission project specific survey protocol for golden eagles, with approval from CDFG and USFWS SCE has been using a 4-mile survey buffer around projects.
	DURING CONSTRUCTION			
	Continue using effective nesting deterrents:	ALL	Utilities	☐ Continue to use effective nesting deterrents
High	1. Remove vegetation in active construction areas prior to nesting season (i.e., during non-breeding season)	Utilities & FWS	"	☐ Continue to use. ☐ Vegetation removal in active construction areas is needed not only prior to nesting season, but will also be needed during breeding season to the extent feasible
High	2. Maintain vegetation-free construction areas to discourage bird use	FWS	"	☐ Continue to use. ☐ Maintain vegetation-free construction areas except where other habitat or other species' requirements limit such
High	3. Cover equipment, materials, pipe ends, cavities, and other potential nesting sites with netting (and properly maintaining netting)	CPUC/ FWS	"	☐ Continue to use.

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Priority	Table 1: Solutions Already Implemented	Comment Source	Implementing Entities	Notes: Continue to use? Modify? Explain.
Low	4. Cover straw wattles to prevent birds from using straw as nesting material	CPUC	"	☐ Continue to use. ☐ May be incompatible with SWPPP requirements
High	5. Remove nest material for nests under construction	FWS	"	☐ Continue to use. ☐ Modify CDFG active nest definition to conform to USFWS definition
High	6. Place deterrents in locations where birds continually build nests (NB: deterrents placed inside nests would require MBTA permit)	FWS	"	☐ Continue to use. ☐ Encouraging birds to nest outside construction areas will reduce potential impacts to birds and subsequent construction delays and does not conflict with MBTA. ☐ Placing nesting deterrent in nests does not require an MBTA permit per USFWS D.C. division of migratory bird management ☐ Nest deterrents placed inside raptor nests would need resource agency concurrence through NBMP or consultation. ☐ Minimize management of common and abundant species

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SUMMARY OF POTENTIAL SOLUTIONS TO BE DISCUSSED AT 8/30/12 WORKSHOP

U.S.D.A. FOREST SERVICE – ADDENDUM; SCE COMMENTS 09/14/2012

Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
	APPLICANT PROPOSED MEASURES			
Low	Prepare detailed, robust APMs that: 1. Provide sufficient information so that environmental review can determine whether impacts would less than significant (details include: e.g., specified buffer distances, survey timing, seasons when nest avoidance is required, monitoring procedures, and verification procedures) 2. Address all bird species covered by MBTA, F&G Code, etc. 3. Do not include actions that violate laws protecting birds 4. Require development and approval of NBMPs	CPUC	Utilities	☐ Use this solution. ☐ Continue to use APMs - modify to include NBMP, when appropriate, and additional details (survey and monitoring requirements, avian specialist/monitor qualifications, buffer reduction and issue resolution processes, etc.) that would preclude the need for additional MMs in EIR/MND ☐ Develop NBMPs that meet resource agency and CPUC requirements and follow regulatory requirements which would allow utility self-management for common and abundant species with resource agency consultation for raptors and special status species. Incorporate additional detail as discussed in workshop (survey and monitoring requirements, avian specialist/monitor qualifications, buffer reduction and issue resolution processes, etc.) ☐ APMs are already robust and focus should be limited to significant impacts (need to define significant)
				☐
	MITIGATION MEASURES			

CPUC NESTING BIRD WORKSHOP

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U.S.D.A. FOREST SERVICE – ADDENDUM; SCE COMMENTS 09/14/2012

Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
High	Modify or clarify EIR significance criteria for bird nesting issues; ensure that DFG/FWS agree	Utilities (verbal 8/30)	CPUC	☐ Use this solution. ☐ CPUC should collaborate with resource agencies to develop significance criteria for nesting birds to implement in EIR/MND MMs and during construction. ☐ Resolve MM issues prior to start of construction as feasible.
High	Ensure that EIR MMs do not duplicate laws/regs that already apply	Utilities (verbal 8/30)	CPUC	☐ Use this solution. ☐ MMs should not add additional requirements that go beyond regulations. ☐ Resource agencies should provide guidance and policies regarding unclear regulations.
High	Provide greater visibility and collaboration in development of MMs in order to provide needed flexibility and resource protection during construction	Utilities	CPUC / NEPA Lead Agency	☐ Use this solution. ☐ Resource agency input during EIR process will ensure the development of effective, regulation based MMs. ☐ MMs need to provide sufficient flexibility to ensure resource protection and enable construction to proceed without unnecessary delay.
Low	Make MMs & stipulations consistent among all agencies	BLM	"	☐ Use this solution. ☐ Need to define "stipulations" and "consistent". ☐ MMs must be flexible to enable timely application during construction.

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U.S.D.A. FOREST SERVICE – ADDENDUM; SCE COMMENTS 09/14/2012

Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
Low	Continue to prepare MMs to supplement APMs as necessary	CPUC	"	☐ Modify ☐ Utilities should work toward developing more effective and complete APMs that do not need additional MMs. ☐ MMs, if required, should be clearly written to proportionately address project impacts.
Low	Ensure early coordination among Applicant, NEPA authors, and Agencies	USFS	ALL	☐ Use this solution. ☐ Collaboration between utility, resource agencies, and CPUC at an early stage will avoid or minimize the need to clarify MMs prior to or during construction.
Low	Clarify intent of MM language in CEQA documents	PG&E	"	☐ Need clarification of proposed solution. ☐ MM language and implementation should be consistent with intent of MM. ☐ Intent of MM needs to be consistent with CEQA requirement to address significant impacts to resources and reduce impacts to less than significant.

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High	Provide MM flexibility to allow: 1. Adjusting nest buffers without prior agency concurrence 2. Removing unoccupied nests of non-threatened/non-endangered avian species without advanced agency concurrence 3. Limited vegetation removal (trimming) during breeding season 4. Permitting vehicle use within nest buffers on existing roads	Utilities	"	Use this solution. 1. Utilities should be allowed to self-manage buffers for common and abundant species and include specific process for raptors and special status species through NBMPs. 2. Self-management of nest removals for common and abundant species should be included in NBMPs. 3. Vegetation removal during the non-breeding season may be done to the extent feasible; however, there will still be a need to remove vegetation during the breeding season under some circumstances. 4. Use of roads that do not impact active nests should be allowed under NBMPs and has been implemented on TRTP and EITP. Existing public roads (e.g., Gas Line Road) subject to non-project traffic should be exempt

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Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
Low	Require use monopole towers to discourage nesting	BLM	″	☐ Modify. ☐ Structure type and design is determined by a number of factors and must take into consideration all environmental resource areas including visual impacts. ☐ Majority of transmission structures with nests only have one nest, a monopole that provides one potential nest site, would effectively be the same as a lattice structure. ☐ Tubular steel poles are more costly than lattice steel transmission towers
Low	Do not create MMs or Stipulations that go beyond the Biological Opinion or Incidental Take Permit	BLM	″	☐ Use this solution. ☐ CPUC should not be adding mitigation measures beyond those approved in the BiOp. ☐ MMs should be consistent with BiOp or ITP conditions. ☐ Resource and land management agencies should review MMs for consistency with their requirements.
				☐

CPUC NESTING BIRD WORKSHOP

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U.S.D.A. FOREST SERVICE – ADDENDUM; SCE COMMENTS 09/14/2012

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	BIRD NESTING MANAGEMENT PLANS			
High	**Provide for NBMPs:** 1. Require NBMPs to be developed in coordination with CPUC/NEPA Lead Agency and wildlife agencies 2. Obtain CPUC/NEPA Lead Agency and wildlife agency reviews and concurrence as early in the process as possible (i.e., prior to project approval 3. Define the minimum components of an NBMP	All	Utilities	☐ Use this solution. ☐ 1. Development of NBMPs is a collaborative process between utility and resource agencies. CPUC should acknowledge the plan has been reviewed and approved by resource agencies. ☐ 2. NBMPs to be developed early in the project development lifecycle to allow time for review, discussion, and incorporation of comments and recommendations. ☐ 3. NBMP template for all projects should be developed containing the fundamental components of the plan with resource agency concurrence. Individual plans will be customized based on project specifics
High	Make NBMPs specific to each project area	BLM	Utilities	☐ Use this solution. ☐ NBMP should be specific to each project or a programmatic standard plan. ☐ NBMP template for all projects should be developed containing the fundamental components of the plan with resource agency concurrence. Individual plans will be customized based on project specifics ☐ Need more explanation

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High	Approve NBMPs in timely manner	Utilities	CPUC and Agencies	☐ Use this solution. ☐ NBMPs need to be approved early to minimize project construction cost and schedule impacts.
High	CPUC acknowledge that NBMPs are adaptive and can change during construction with resource agency concurrence	Utilities	CPUC and Agencies	☐ Use this solution. ☐ NBMPs are adaptive management plans that need to be updated as needed to reflect lessons learned and project specific field conditions. ☐ NBMPs need to be adaptable to evolving project-specific field conditions utilizing avian experts.
High	CPUC defer to collaborative resource agency consultation, guideline interpretation, and reasonable recommendations	Utilities	CPUC and Agencies	☐ Use this solution. ☐ Resource agency guidelines or guidance documents should be used to guide development of project specific measures or plans in consultation with resource agencies and should not be interpreted or implemented beyond resource agency expectations.

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Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
Low	Provide Draft NBMP as part of PEAs through development under an APM ***or*** require development under an MM	CPUC	Utilities (if PEA) or CPUC (if MM)	☐ Use this solution. ☐ Design and construction plan are still in development when applications are submitted; NBMP would include basic necessary components of adequate NBMP. ☐ If more detail required, this could significantly extend PEA development timeline on critical needed transmission projects. ☐ APM should include basic components regarding the NBMP, details would be developed at the project level.
Low	**Establish basic NBMP content. Draft NBMPs requirements:** 1. Identify buffers that are tailored to species and consider the range of construction activities to be used, including helicopters	CPUC	Utilities	☐ Modify. ☐ Buffers should be tailored based on species groupings or guilds, not each species of bird. Buffers for each bird species which would be an excessive analysis. ☐ Project specific buffers have been developed for SCE projects based on type of work, levels of disturbance, location, and environmental conditions. ☐ Buffers have been defined for helicopter activities for SCE projects.

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Low	2. Do not specify nesting season (BLM). Identify local breeding season during which surveys are required (with flexibility to adjust dates in coordination with agencies) (CPUC).			☐ Modify. ☐ Nesting season should be identified in the CEQA/NEPA analysis and should evaluate construction impacts within a seasonal timeframe for the duration of the project. ☐ Project specific nest survey and monitoring requirements should be determined by project avian experts based on field conditions and avian behavior. ☐ Clear nest season guidelines are critical to facilitate planning for project material deliveries and construction activity.
Low	3. Specify survey timing in relation to construction activity, survey area, protocols/methods, and surveyor qualifications			☐ Continue to use. ☐ NBMP and survey/monitoring process and requirements, avian biologist qualifications can be defined in consultation with resource agencies. ☐ Timing should be at the discretion of the utility within resource requirements.
Low	4. Specify specific nest deterrent methodologies			☐ Continue to use. ☐ NBMP to include use of deterrents, description of methodologies for implementation, and circumstances for use.

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Low	5. Specify monitoring and reporting protocols during construction	CPUC	Utilities	☐ Continue to use. ☐ NBMP or other project plan to include monitoring and reporting protocols. ☐ Should be performed to meet resource agency requirements.
Low	6. Provide for post-construction monitoring plan to determine nest outcome and assess effectiveness of buffers according to pre-established performance criteria (developed in coordination with CDFG and FWS)			☐ Continue to use. ☐ Monitoring protocols should be based on NBMPs, MMs, or other resource agency requirements. ☐ Monitoring nests through to completion will provide data regarding nest success and effectiveness of avoidance and minimization measures. Data to be used to determine suitability of measures for ongoing or future projects. Base survey method on significant nest milestones (egg laying, feeding, fledging, etc.)
Low	7. Schedule NBMP review/revision to incorporate lessons learned and previous season's data on nest success			☐ Use this solution. ☐ SCE is using project experience and agency feedback to improve and update NBMPs.
High	8. Identify protocol for determining whether a nest is active			☐ Use this solution. ☐ Include in NBMP, need resource agency concurrence on definition of an active nest and protocol for making active nest determination. ☐ Utilize USFWS definition of an active nest (nest with eggs or young).

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Low	9. Identify specific situations where buffer reductions could occur beyond the defined NBMP programmatic buffers	CPUC	Utilities	☐ Use this solution. ☐ NBMP to include buffer reduction process based on species, field conditions, construction activity, and level of disturbance. ☐ Recognize that not all scenarios can be defined; reliance on agency approved utility avian experts in the field is needed.
Low	10. Require that all requests for buffer reductions (below those established in the NBMP) be approved by the CPUC/NEPA Lead Agency in consultation with resource agencies.			☐ Modify. ☐ Define a process where management of nest buffers less than the NBMP could occur without further approval from the agencies in order to allow for flexibility to self-manage nesting birds. ☐ Buffer reductions for common and abundant species should be self-managed by utility through NBMP, buffer reductions for raptors and special status species may be defined for special circumstances or through consultation with resource agencies

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Low	11. Specify that buffer reductions are temporary for low-impact activities, and nests within reduced buffers have full-time monitoring by an avian biologist			☐ Modify. ☐ Buffer reductions are specified to the types of construction or surrounding activities prior to discovery of the active nest to account for pre-existing tolerance of some birds to the activity. Reduced buffers are temporary in terms of a nesting season or until the nest is no longer active as construction is ongoing. ☐ Buffer reductions are based upon a clear description of the work to take place within a buffer, a change in work activities would require a reevaluation of the appropriate buffer distance. ☐ Full-time, monitoring may not be necessary, agency approved utility avian biologist should make decision based on field conditions. ☐ Full-time monitoring would potentially result in cost increases and schedule impacts with no additional resource protection.

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Low	12. Define terms, such as: a. "Active construction" or what keeps a site "active" (focused surveys do not need to be repeated in active work areas) b. "Sweeps" (levels, types of activities, breadth of surveys, etc.) and how they differ from a focused nest survey	CPUC	Utilities	☐ Use this solution. ☐ Definition of active construction areas used to define various levels of surveys and monitoring. ☐ NBMPs or other project plans to include descriptions of "active sites" and processes to maintain site as active. ☐ Survey methodologies and protocols to be defined for all survey types (focused nest surveys, preconstruction surveys, sweep surveys, etc.).
Low	13. Clearly state what happens when a bird nest is found in an active site	CPUC	Utilities	☐ Use this solution. ☐ NBMPs or other project plan to include descriptions of "active sites", processes to maintain site as active and process for addressing birds that nest within an active site, minimal protective measures should be employed based on birds being acclimated to construction activities.
Low	14. Stipulate qualifications required for avian biologists charged with monitoring and for considering buffer reduction requests	CPUC	Utilities	☐ Use this solution. ☐ Avian biologist qualifications to be defined for avian expert, avian surveyor, and avian monitors through collaboration with resource agencies. Standard qualifications should be implemented across projects.

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Low	Specify noise thresholds and work within these (varies by species) & if can't do then do pre-construction surveys to identify nests at specified distance	FWS	Utilities	☐ Modify. ☐ Analysis via noise thresholds is not consistently available for all species and does not consider ambient noise levels. Proximity of human or construction-related disturbances is a more meaningful parameter.
High	Enforce NBMP locally via avian monitors	BLM	Utilities	☐ Use this solution. ☐ Resource agency approved utility avian biologists should be allowed to make field decisions regarding implementation of buffers and avoidance measures.
High	Allow utilities to self-manage buffer reductions around active nest during construction, relying on resource agency-approved utility avian biologists	SDG&E	Utilities	☐ Use this solution. ☐ Resource agency approved utility avian biologists should be allowed to make field decisions regarding implementation of buffers and avoidance measures.
High	Develop process for relocation or removal of active nests in critical construction situations	Utilities	Utilities	☐ Use this solution
High	Define or list acceptable physical deterrents at existing inactive nests	Utilities	Utilities	☐ Use this solution

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Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
High	Use professional judgment when no species-specific buffer distances are known. Define using credible peer reviewed information.	USFS	Utilities & Agency Monitors	☐ Use this solution. ☐ Agency approved utility avian biologists should be allowed to make project-specific field decisions regarding implementation of buffers and avoidance measures.
Low	Consider timing of all activities, including any potential schedule changes.	USFS	Utilities	☐ Modify. ☐ Clarify this solution for discussion. ☐ Most large transmission construction projects will require work during nesting season.
	PRIOR TO CONSTRUCTION - PLANNING			☐
High	Develop a prompt process for addressing raptor and sensitive species issues in the field	Utilities	All	☐ Use this solution. ☐ Clarify this solution for discussion. ☐ Issues with raptors and special status species need to be promptly addressed (e.g., within 24 hours) through a consultation process defined in the NBMP or other project plan.

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Low	Require buffer distance from construction of at least half mile from active eagle nests	BLM	FWS	☐ Modify. ☐ Utilities request buffer modification; resource agencies review and respond. ☐ SCE has implemented agency buffer distances for golden eagles on EITP (1 mile for nests within line of sight, 0.5 miles for nests not within sight), smaller buffers could be implemented based on field conditions and construction activities through agency consultation. ☐ Buffer distance should depend upon the project activity, disturbance level, and field conditions.
Low	Continue to plan construction to avoid highly sensitive avian areas during nesting season to the extent feasible	Utilities	Utilities	☐ Use this solution.
High	Work with FWS to develop bird conservation strategies to help lessen take incidents to otherwise lawful activities	FWS	Utilities	☐ Use this solution. ☐ Need to discuss potential conservation strategies and define examples. ☐ Focus on conservation strategies that enhance population success for sensitive species, rather than focus on individual nest success of common and abundant species.

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Low	Allow at least one year lead time for agreement on an Eagle Conservation Plan	BLM	Utilities	☐ Modify. ☐ One year may be too long; consider shorter duration. ☐ Utility to begin development of eagle plans, if required, early enough for agency consultation and review.
Low	Consider use of innovative methods (e.g., Ultrasonic deterrents confuse, disorient, and intimidate birds within range so they avoid the area. These technologies may have other impacts that would need to be assessed if this technology is proposed.)	CPUC	Utilities	☐ Use this solution. ☐ Use of deterrents to encourage birds to nest outside of work areas will reduce the potential for impacts to nesting birds, and optimize project schedules
Low	Plan construction schedule to minimize restrictions imposed by buffers. Project should: 1. Anticipate need for deterrents at specific locations 2. Install deterrents in time to be effective 3. Plan construction-related activity, especially vegetation removal, to occur outside of the bird breeding season, but consider impacts to other sensitive species (e.g., listed amphibians) 4. Remove nests prior to breeding season only in accordance with laws, and only for species that re-use nests	CPUC	Utilities	☐ Use this solution. ☐ #s 1-3 already proposed in NBMP's. ☐ #4 needs clarification
				☐

CPUC NESTING BIRD WORKSHOP

SUMMARY OF POTENTIAL SOLUTIONS TO BE DISCUSSED AT 8/30/12 WORKSHOP

U.S.D.A. FOREST SERVICE – ADDENDUM; SCE COMMENTS 09/14/2012

Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
	DURING CONSTRUCTION - IMPLEMENTATION			
High	For common species, use nest deterrents to inhibit nest construction prior to nest becoming "active" (USFWS definition): ☐ Use behavioral deterrents to encourage nesting outside work areas ☐ Develop process for relocation or removal of active nests in critical construction situations ☐ Use physical deterrents for existing inactive nests ☐ Where deterrents are not effective, allow reduced buffers ☐ Consult with resource agencies for raptors and sensitive species	Utilities	Utilities	☐ Use this solution.
Low	Inspect and maintain nesting deterrents, including netting, caps, etc., regularly to avoid incidental impacts to wildlife	CPUC	Utilities	☐ Use this solution.
Low	Implement and maintain an easy to use nest mapping system: 1. Identify location, species, and any special circumstances regarding the nest 2. Indicate on maps the location of work areas and buffers 3. Share maps with CPUC and agencies	CPUC	Utilities	☐ Use this solution. ☐ SCE's Field Reporting Environmental Database (FRED) includes nest information, location, and mapping and is being implemented for the majority of our capital projects. FRED also allows for agency access to data and reports to allow agency oversight
High	Harass birds using various hazing techniques to clear them from work areas	FWS	Utilities	☐ Use this solution. ☐ Preventing birds from nesting in work areas will reduce the potential for impacts to nests and construction schedules.

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Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
Low	Do not destroy inactive nest that are not on towers	BLM	Utilities	☐ Modify ☐ Approved project work areas (i.e., wire set-up sites, yards) and construction equipment/material will need to be utilized. These areas are subject to nesting activity separate from transmission towers. Therefore, removal of inactive nests that are not in towers is imperative to support construction activities. ☐ Removal of inactive nests should be allowed under circumstances to be defined in NBMP. ☐ Does this include poles or other utility infrastructure?

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Low	Do not fill in inactive burrowing owl burrows	BLM	Utilities	☐ Modify. ☐ When avoidance of burrows (i.e., collapse of burrows) is not feasible, then implementation of exclusionary techniques in accordance to CDFG guidelines for burrowing owls is appropriate. ☐ A separate burrowing owl management plan is developed to address agency-approved management strategies for occupied/active/inactive burrows consistent with CDFG guidelines. ☐ Burrows within project work areas may be problematic from safety and work activity standpoint ☐ Need to define "inactive burrow" as this could potentially be any hole in the ground ☐ May be required for project activities.
Low	Remove inactive raven nests outside of the breeding season in tortoise habitat	FWS/BLM	Utilities	☐ Use this solution
High	Enforce MMs locally	BLM	CPUC and/or NEPA Lead Agencies	☐ Use this solution ☐ Utility avian biologists should be allowed to make decisions regarding avian resource issues and implementation of MMs
High	Conduct surveys using well-trained avian biologists and appropriate protocols	USFS	Utilities	☐ Use this solution.

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Low	Verify that protocol is not going to create disturbance in and of itself (e.g., too many helicopter surveys for golden eagles)	USFS	Utilities & FWS	☐ Use this solution. ☐ Potential impacts to biological resources should be considered from all sources including resource surveys. ☐ Need guidance from field experts.
Low	Submit resumes of biologists early; options for training in field	USFS	Utilities	☐ Continue to use. ☐ Project approvals and schedules do not always allow for advance notice to potential biologists, resumes should be submitted at the earliest opportunity given schedule and consultant contracting constraints. ☐ The pool of available biologists must be sufficient to meet project requirements for surveys and monitoring.
Low	Submit documents before starting construction	USFS	Utilities	☐ Use this solution. ☐ Which documents are being referred to? SCE's goal is to prepare and submit all project plans and documents at the earliest opportunity in order to ensure adequate time for agency review, commenting, incorporation of revisions to documents, and approval.

CPUC NESTING BIRD WORKSHOP

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Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
	DURING CONSTRUCTION – MONITORING / REPORTING			
Low	Continue to monitor active nests to determine outcome	BLM	Utility & Agency Monitors	☐ Modify. ☐ Monitoring should align with the construction schedule. Results from the monitoring will provide information on the outcome. The goal is to validate that the work activities do not alter or negatively affect breeding activities. Therefore, if breeding activities are not disrupted at the completion of the construction activity, then subsequent nest monitoring should not be required. The CEQA analysis pertains to the duration and type of project activities on the resource. ☐ Active nests are monitored during construction. ☐ Ongoing nest monitoring in completed construction areas will increase cost to project and correspondingly to California customers/ratepayers
Low	Decrease the frequency of reporting unless there is an incident	BLM	Utility & Agency Monitors	☐ Use this solution.
High	Implement uniform standards for biological monitor qualifications	BLM	FWS / DFG	☐ Use this solution.

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High	Designate one approving agency for biological monitor	BLM	FWS / DFG (CPUC / BLM?)	☐ Use this solution. ☐ Would require resource agency process and commitment from resource agency to review and approve resumes for monitors in a timely manner to prevent a bottleneck in the approval process.
Low	Increase utility use of qualified ornithologists to monitor bird behavior	CPUC	Utility	☐ Continue to use.
Low	Ensure utility monitors are trained in nest detection to maximize early nest detection and to ensure buffers are established or adjusted as needed to prevent a take	CPUC	Utilities	☐ Continue to use. ☐ Utilize FWS definition of active nest.
Low	Add an avian biologist to CPUC compliance monitoring team	CPUC	CPUC	☐ Modify. ☐ CPUC compliance monitoring team is responsible for the oversight of the project mitigation and monitoring program performed by the utility. Their role is to validate that the requirements/procedures described in the MMRP and associated mitigation measure plans are being followed as approved. The CPUC compliance monitoring team can seek technical input from in-house technical experts from their environmental consulting firm.

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Priority	TABLE 2: Add'l Solutions for FUTURE Projects	Comment Source	Implementing Entities	Notes: Use this solution? Modify? Explain.
Low	Monitor 7 days/week during peak breeding season	FWS	Utility & Agency monitors	☐ Modify. ☐ Repeated field surveys for nest monitoring could be more detrimental to nest success due to repeated human disturbance at close proximity. ☐ Full-time construction monitoring is appropriate for initial ground-disturbing activities (i.e. disturbances to vegetation, grading) where the potential to encounter a new nest is higher. However, once a work site is established, full-time monitoring is not required. Workers are already required to be trained to notify a monitor if a resource is detected. Routine spot-monitoring is performed and normally follows the construction schedule. Nesting bird surveys are also performed independently from construction monitoring. ☐ This requirement would be excessive for common and abundant species.
Low	Allow reduced buffers where deterrents are not effective	Utilities	Utilities	☐ Use this solution ☐ Utility should be allowed to self-manage nests for common and abundant species through NBMP and resource agency approved utility avian biologists. ☐ Buffer reductions should not be dependent on deterrent effectiveness.
				☐

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	REGULATORY STRATEGIES			
High	Establish consistent definition of 'nest' and what can and cannot occur, and when	Multiple	DFG & USFWS	☐ Use this solution. ☐ Utilize FWS definition of active nest.
High	Develop regulations to implement F&G Code 3503 and 3503.5	DFG	DFG	☐ Use this solution.
High	CDFG provides guidance on Fish and Game Code protections, specifically on the terms "active nest" and "needless destruction", and review MMs to ensure they do not include components that are inconsistent with F&G Code	DFG	DFG	☐ Use this solution.
High	Use USFWS special purpose permits and F&G Code 3513 for proactive nest management	Utilities	FWS / DFG	☐ Use this solution.
Low	Keep bird mitigation out of Streambed Alteration Agreements (other than seasonal restrictions on vegetation clearing)	BLM	DFG	☐ Use this solution.
Low	Keep FWS as the sole regulator of eagles; no additional stipulations by other agencies	BLM	FWS & CPUC / NEPA Lead Agencies	☐ Use this solution. ☐ CEQA/NEPA documents must assess all impacts and present mitigation to reduce to less than significant levels. ☐ Agree, however, golden eagle is a California fully protected species that is under the jurisdiction of CDFG as well as USFWS.
High	Provide for reasonable exemptions: • Clearly defined emergencies • Non-native species • Activities outside the breeding season • Scientific, educational, propagation, etc.	DFG	DFG	☐ Use this solution.

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High	Develop a permitting program that includes: • Nest and egg take authorization • Focus on declining and vulnerable species • Greater protection for listed and sensitive species • Minimization and avoidance measures tailored to impacts • Mitigation measures tailored to impacts • Improved wildlife management action opportunities	DFG	DFG	☐ Use this solution.
Low	Submit findings on regular timed basis	USFS	Utilities	☐ Use this solution.
Low	Do not assume that a nest failure is not associated with construction. State facts and define any associated activities occurring in the vicinity. Do not infer cause and effect	USFS	Utilities	☐ Modify or clarify solution. ☐ SCE conducts investigation for nest failures to determine potential cause, the goal is to describe the facts to discuss with resource agencies. ☐ Agree with "Do not infer cause and effect".
	Other			