

May 6, 2024

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Subject: Raptor Nests in Paige Canyon Require 300m Buffers

Dear Messrs. Sanchez and Sartorius:

We are bringing to your attention three raptor nests in Paige Canyon near where SunZia construction is occurring. Each of these nests require nest buffers to mitigate avian mortality and nest abandonment. The three nests consist of two zone-tailed hawk nests and one grey hawk nest and are located at 12S 557458 3567286 (zone-tailed hawk nest), 12S 556752 3564505 (zone-tailed hawk nest), and 12S 556720 3564409 (grey hawk nest) (Figure 1). Protecting these nests is critical as “human disturbance and increased noise levels due to construction activities near active bird nest sites can result in nest abandonment, interference of nestling feeding, increased predation, and decreased nestling and egg survival due to desiccation and exposure to ambient conditions” (POD, p. B3-4).

These nests were documented by a member of the Cascabel Conservation Association on April 26, 2024. Adult hawks were observed in each of the nests. Photographs of adult hawks were taken at or near each nest (Figures 2, 3, and 4). The zone-tailed hawks exhibited defensive behavior in response to the observer whereas the grey hawk was shy and avoided the area of the nest while the human observer was present (it had been observed in the nest earlier).

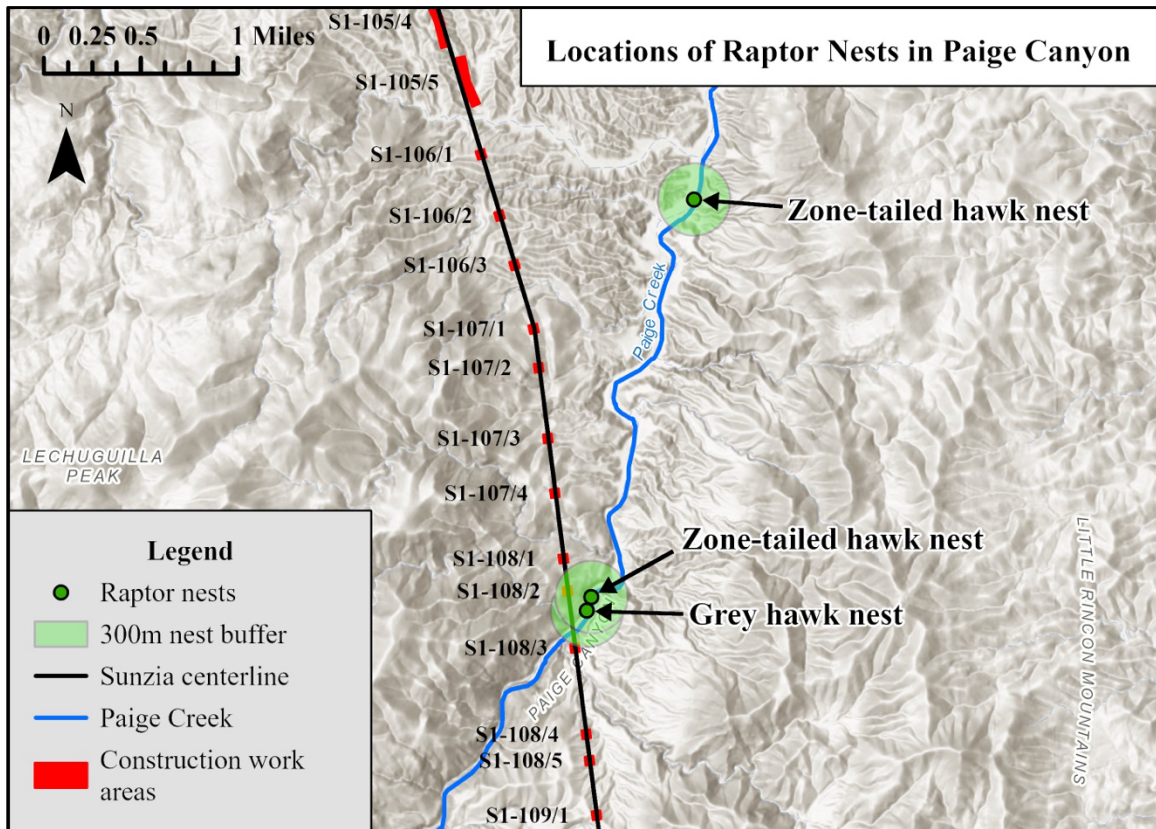


Figure 1. Map of raptor nests in relation to the SunZia centerline showing 300m buffers around nest sites.



Figure 2. Zone-tailed hawk exhibiting defensive behavior at a nest site on April 26, 2024. The nest can be seen in the bottom left corner of the image. The hawk was also observed in the nest itself. Coordinates: 12S 557458 3567286

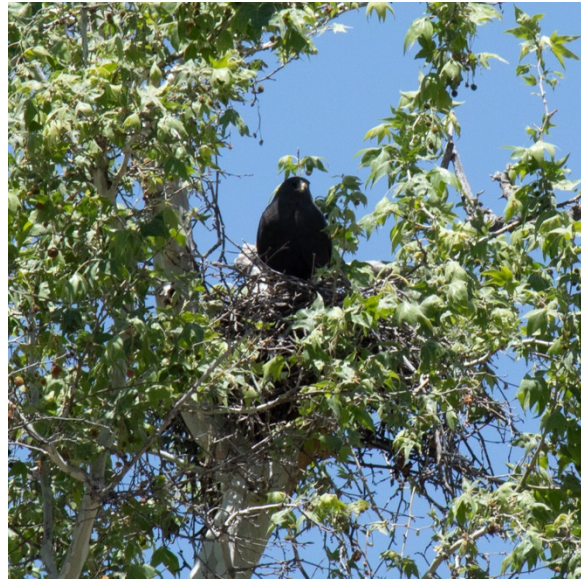


Figure 3. Zone-tailed hawk exhibiting defensive behavior (left image) and in its nest (right image) on April 26, 2024. Coordinates: 12S 556752 3564505



Figure 4. Grey hawk (left image) near its nest (right image) on April 26, 2024. The grey hawk was observed in the nest earlier, although it departed before an image could be taken. Coordinates: 12S 556720 3564409

The Avian Protection Plan (APP) of the Plan of Development (POD) requires nest buffers for different types of birds (Figure 5). Zone-tailed hawks and grey hawks are non-eagle raptors and require a 300m buffer if a biological monitor is not present (Figure 5). Two of the identified nests are within 300m of tower pad sites S1-108/2 and S1-108/3 (Figure 1). Construction at these tower pads sites must be halted immediately and the APP Program Coordinator must be contacted (POD, p. B3-8).

SPECIES OR TAXA	SEASON	NEST BUFFER (METERS)	NEST BUFFER WITH BIOMONITOR ¹ (METERS)
Eagles	December 1 st – July 31 st	1,600	1,600
Non-eagle raptors	February 15 th – August 31 st	300	200
Burrowing owls	February 15 th – August 31 st	200	75
Cactus ferruginous pygmy-owl ²	January 1 st – October 31 st	400	400
Passerines (including <i>Corvids</i> and <i>Hirundinids</i>); Doves (<i>Columbids</i>); Quail (<i>Galliformes</i>)	March 1 st – August 31 st	50	30
Desert thrashers (<i>Mimids</i> excluding northern mockingbird)	March 1 st – August 31 st	60	50
Yellow-billed cuckoo ²	March 1 st – August 31 st	400	400
Southwestern willow flycatcher ²	March 1 st – August 31 st	400	400
Rails (<i>Rallids</i>)	March 1 st – August 31 st	400	400
Waterfowl (<i>Anatids</i>)	March 1 st – August 31 st	300	100
Hérons (<i>Ardeids</i>)	March 1 st – August 31 st	300	100

¹ Biomonitoring are, to the extent possible, third-party avian biologists who actively monitor nests for signs of disturbance (e.g., agitation, adults not returning to nest) when construction activities must occur inside the standard nest buffer. Avian biomonitoring are empowered to request a temporary halt to construction activities inside the buffer to minimize/mitigate disturbance to a nest.

² Season dates drawn from 2023 Biological Opinion for nesting and dispersal season.

* Buffers are for active nests confirmed during seasonal surveys (e.g., for golden eagles) or during two-week "look-ahead" clearance surveys during construction.

* Helicopter buffers are not included here but should be adjusted correspondingly when/where needed.

Figure 5. Table showing active avian nest construction buffers with relevant text highlighted (POD, p. B3-9).

Additionally, helicopters are regularly traversing Paige Canyon to transport SunZia construction workers and equipment (Figure 6) and are flying directly over these nest sites. In the “*Travel to work sites*” section of the APP, it states that “if a nest is found, an avoidance buffer will be established appropriate to the species, in consideration of the intensity and duration of activities that may cause disturbance” (emphasis added, POD, p. B3-8). Given the extreme amount of disturbance caused by helicopters and the frequency of flights in Paige Canyon, it is necessary to determine a minimum altitude for helicopter flights above these nest sites.



Figure 6. Helicopters being used to transport workers and equipment through Paige Canyon. From left-to-right, the registration numbers for these helicopters are N814PJ (Sikorsky Black Hawk), C-GVBC (Airbus H125), and N407PJ (Bell 407).

Figure 7, below, shows the publicly-available flight tracks of SunZia helicopters in Paige Canyon over the past week (April 26 to May 2) including the locations of the three raptor nests. The flight paths of the SunZia helicopters must incorporate a 300m or otherwise appropriate buffer to avoid unnecessary auditory disturbance, stress, and flight risk to these raptors in order to facilitate the survival of their offspring. Given that the helicopters are regularly hauling equipment, the altitude must be measured from the bottom of the suspended cable or equipment in order to avoid avian collisions (Figure 8).

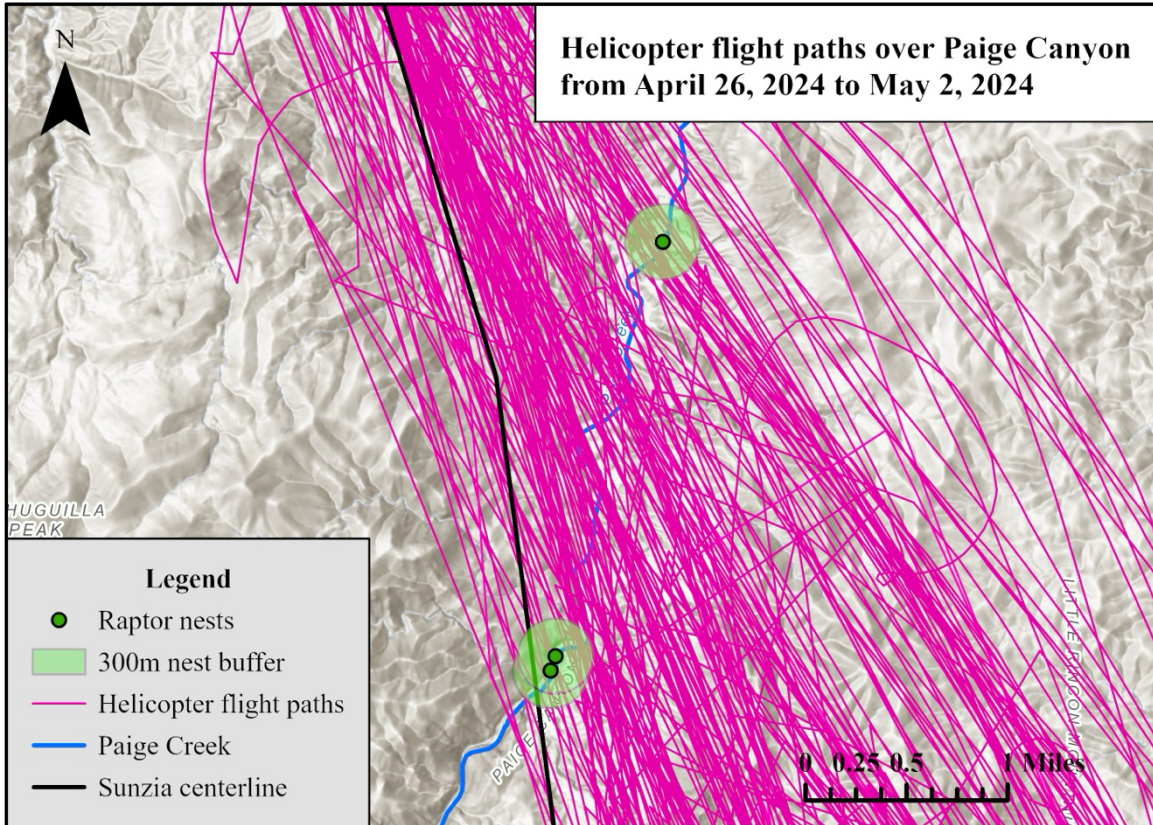


Figure 7. Map of publicly-available flight tracks of helicopters N814PJ, C-GVBC, and N407PJ over the past week (April 26 to May 2) in relation to the raptor nests.



Figure 8. SunZia helicopter (N814PJ) hauling equipment up Paige Canyon on April 26, 2024.

Because the zone-tailed and grey hawks are currently tending to their eggs or young in these nests, we request expeditious action in order to ensure these nests are no longer disturbed. Specifically, we request that construction at tower pad sites S1-108/2 and S1-108/3 be halted immediately, that the APP Program Coordinator be contacted, and that helicopter buffers for raptor nests be designated. Please let us know when BLM and USFWS have taken these steps or other steps to ensure and promote compliance with the Plan of Development in Paige Canyon.

Sincerely,

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References:

POWER Engineers, Inc. (2023, June). *SunZia Southwest Transmission Project Plan of Development*.

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