

Attachment 40 to

GNRO-2012/00039

**Federal Migratory Bird Depredation Permit
(provided as Attachment A on the Terrestrial Ecology response CD)**

Attachment A

Federal Migratory Bird Depredation Permit



DEPARTMENT OF THE INTERIOR
U. S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1 PERMITTEE:

ENTERGY OPERATIONS, INC.
GRAND GULF NUCLEAR STATION
POST OFFICE BOX 756
PORT GIBSON, MS 39150

2 AUTHORITY-STATUTES
16 USC 703-712

REGULATIONS
50 CFR Part 13
50 CFR 21.41

3 NUMBER
MB798276-0

4 RENEWABLE
☒ YES
☐ NO

5 MAY COPY
☒ YES
☐ NO

6 EFFECTIVE
04/01/2012

7 EXPIRES
03/31/2013

8 NAME AND TITLE OF PRINCIPAL OFFICER (if not a business)
JOHN LASSETTER
CHEMISTRY SUPERVISOR

9 TYPE OF PERMIT
DEPREDAATION

10 LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Grand Gulf Nuclear Station, Port Gibson, MS

11 CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD 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. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. You are authorized to take 200 cliff swallows, 200 cliff swallow nests (including eggs), 200 barn swallows and 200 barn swallow nests (including eggs). Lethal take is not to be the primary means of control. Active hazing, harassment or other non-lethal techniques must continue in conjunction with any lethal take of migratory birds.

E. You may use the following method(s) of take: shotgun, in accordance with Standard Condition #2.

F. Anyone who takes birds under the authority of this permit must follow the American Veterinary Medical Association Guidelines on Euthanasia (http://www.avma.org/issues/animal_welfare/euthanasia.pdf).

G. The following subpermittees are authorized: any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

H. You and any subpermittees must comply with the attached Standard Conditions for Migratory Bird Depredation Permits. **These standard conditions are a continuation of your permit conditions and must remain with your permit.**

For suspected illegal activity, immediately contact USFWS Law Enforcement at: (601) 965-4699

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 01/31

You must submit a report to your Regional Migratory Bird Permit Office, even if you had no activity. Report form is at: www.fws.gov/forms/3-202-9.pdf.

ISSUED BY

Charles P. Smith

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 4

DATE

02/04/2012



Standard Conditions Migratory Bird Depredation Permits 50 CFR 21.41

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.41 are conditions of your permit. The standard conditions below are a continuation of your permit conditions and must remain with your permit. If you have questions regarding these conditions, refer to the regulations or, if necessary, contact your migratory bird permit issuing office. For copies of the regulations and forms, or to obtain contact information for your issuing office, visit: <http://www.fws.gov/migratorybirds/mbpermits.html>.

1. To minimize the lethal take of migratory birds, you are required to continually apply non-lethal methods of harassment in conjunction with lethal control.
[Note: Explosive Pest Control Devices (EPCDs) are regulated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). If you plan to use EPCDs, you require a Federal explosives permit, unless you are exempt under 27 CFR 555.141. Information and contacts may be found at <http://www.atf.gov/explosives/how-to/become-an-fel.htm>.]

2. Shotguns used to take migratory birds can be no larger than 10-gauge and must be fired from the shoulder. You must use nontoxic shot listed in 50 CFR 20.21(j).
3. You may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice migratory birds into gun range.
4. You are not authorized to take, capture, harass, or disturb bald eagles or golden eagles, or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17, without additional authorization.

For a list of threatened and endangered species in your state, visit the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS) at: <http://www.fws.gov/endangered>.

5. If you encounter a migratory bird with a Federal band issued by the U.S. Geological Survey Bird Banding Laboratory, Laurel, MD, report the band number to 1-800-327-BAND or <http://www.reportband.gov>.
6. This permit does not authorize take or release of any migratory birds, nests, or eggs on Federal lands without additional prior written authorization from the applicable Federal agency, or on State lands or other public or private property without prior written permission or permits from the landowner or custodian.
7. Unless otherwise specified on the face of the permit, migratory birds, nests, or eggs taken under this permit must be:
 - (a) turned over to the U.S. Department of Agriculture for official purposes, or
 - (b) donated to a public educational or scientific institution as defined by 50 CFR 10, or
 - (c) completely destroyed by burial or incineration, or
 - (d) with prior approval from the permit issuing office, donated to persons authorized by permit or regulation to possess them.

8. 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. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of designation letters you have provided.
9. You and any subpermittees must carry a legible copy of this permit, *including these Standard Conditions*, and display it upon request whenever you are exercising its authority.
10. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.41. 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.
11. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect any wildlife held, and to audit or copy any permits, books, or records required to be kept by the permit and governing regulations.
12. You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law.

(DPRD - 12/3/2011)