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U.S. Fish and Wildlife Service Seeks Comment on Eagle Permit Assessment

The U.S. Fish and Wildlife Service published today a draft environmental assessment of a proposed permit program designed to protect bald and golden eagle populations, while providing the flexibility necessary for people to manage their land and businesses. This program would allow issuance of permits under the Bald and Golden Eagle Protection Act authorizing activities that may disturb eagles, require nest removal, or otherwise result in the death of or injury to a bird. A Notice of Availability regarding the draft environmental assessment appeared in the August 14, 2008, edition of the *Federal Register*.

While the bald eagle was protected under the Endangered Species Act, the Service had the authority to allow landowners, under certain limited conditions, to undertake otherwise lawful activities on their property that could result in death or injury to eagles. The proposed program would allow the Service to issue similar permits under the Eagle Act, which prohibits any "take" of bald and golden eagles – including killing, injuring, disturbing or otherwise harming eagles, their nests or eggs – without a permit, even though they have been removed from the list of threatened and endangered species. The new permit authority would apply to both bald and golden eagles. Additional authorizations would be required for eagles currently protected under the Endangered Species Act such as the Sonoran Desert bald eagle population.

“The U.S. Fish and Wildlife Service is developing new measures to ensure that eagle populations continue to thrive, while providing a way to manage the impacts of development,” said Service Director H. Dale Hall. “Such a permit structure will enable the Service to reduce the risk to eagles, since it allows biologists to work with permit applicants to reduce potential threats.”

The draft environmental assessment lays out the biological foundation for a proposed nationwide permit program, and examines the impacts of the new permit proposal within the context of all threats to eagles. It proposes upper limits to how many eagles can be taken conditioned on

increasing or stable populations. Under the preferred alternative, the issuance of any permit authorizing the disturbance of eagles, removal of nests or activities that could otherwise take an eagle would be based on the eagle population of the area. Service Regional offices will use population modeling and monitoring data to determine the number of permits that could be issued in a given year.

Under the Eagle Act, the Service currently issues permits to take, possess and transport bald and golden eagles for scientific, educational and Indian religious purposes, depredation, and falconry (golden eagles). No permit authorizes the sale, purchase, barter, trade, importation or exportation of eagles, or their parts or feathers.

The proposed permit program does not include any new provisions for Native Americans. However, Native American religious take permits, although limited in number to ensure that stable or increasing populations of bald and golden eagles are maintained, would be given priority over other permit requests. The preferred alternative would allow issuance of the permits for religious purposes only to enrolled members of federally recognized Native American tribes. The regulations also include provision for addressing safety emergencies such as eagles nesting near airport runways or in other hazardous locations.

The comment period on the draft environmental assessment provides another opportunity to comment on the proposed permit program and its anticipated impacts. The Service first solicited comments in June 2007 on the new permit proposal and received 21,000 comments from private citizens, state and tribal governments, conservation groups, and industry.

Prior to removing the bald eagle from the federal list of threatened and endangered species in August 2007, the Service codified a regulatory definition of "disturb" under the Eagle Act to give landowners a clearer understanding of their obligations under this law. The Service also released National Bald Eagle Management Guidelines providing guidance on how to ensure that activities conducted around eagles are consistent with the Eagle Act. Earlier this spring, the Service issued new regulations enabling the agency to continue honoring authorizations for take of bald eagles previously granted under the Endangered Species Act as long as specific conservation measures are met.

The draft environmental assessment and more information about the bald eagle are available on the Service's bald eagle website at <http://www.fws.gov/migratorybirds/baldeagle.htm>. To comment, please follow the on-line instructions at the Federal eRulemaking Portal <http://www.regulations.gov> or mail or hand deliver your comments to Public Comments Processing, Attn: RIN 1018-AI97; Division of Policy and Directives Management; U. S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203, by September 15, 2008.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov.