

Special Restriction
DEERFIELD LAKE BALD EAGLE NEST PROTECTION AREA CLOSURE
USDA - FOREST SERVICE
BLACK HILLS NATIONAL FOREST

Pursuant to 16 U.S.C. 551 and 36 CFR 261.53(a), for the protection of habitat for threatened, endangered, rare, or vanishing species of animals, the following acts are prohibited within the Deerfield Developed Recreation Management Area, Black Hills National Forest, as depicted on the attached map, hereby incorporated into this Order as Exhibit A. This Order shall remain in effect until rescinded or until April 10, 2010, which ever occurs first.

- (1) Person(s) entering zone of protection of .15mile (820 foot) buffer around a nesting Bald Eagle during critical nesting period of February 1 to August 31.

Pursuant to (36 CFR 261.53(a)), the following are EXEMPT from the order:

- (1) Person(s) with a permit specifically authorizing this prohibited act.
- (2) Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

Done at Custer, South Dakota, this 30th day of April, 2008

/s/ Craig Bobzien
CRAIG BOBZIEN
Forest Supervisor


Violations of this prohibition are punishable by imprisonment for not more than six (6) months, a fine of not more than \$5,000 or both. *Title 16, United States Code, Section 551, Title 18, United States Code, Section 3571.*

Management Objectives

(Order Number BKF-099-2008)

National Bald Eagle Management Guidelines (2007) suggests that an area around active bald eagle nests during the nesting season should have minimal human intrusion. The South Dakota Bald Eagle Management Plan (2005) indicates that 820 feet buffer is recommended to keep the public from disturbing the nests, if human disturbance is an issue.

Management objectives of this Order is to ensure that nesting eagles on National Forest land are not disturbed by the public during periods when bald eagles are more susceptible to nest abandonment. In addition, this Order supports the state of South Dakota's on-going protection and management of the bald eagle throughout the state, promoting the continued recovery of bald eagles throughout their range.



SUBPART B

**ORDER REQUEST JUSTIFICATION FORM
ORDER NUMBER: BKF-099-2008**

SUBMIT THE FOLLOWING INFORMATION:

1. STATE THE DESIRED ACT: To prevent bald eagle nest abandonment.
2. REASON FOR THE ORDER: The bald eagle is protected by the Bald and Golden Eagle Protection Act (amended 1962), The Lacey Act (1900) and the Migratory Bird Treaty Act (1918). These Acts and their implementing regulations provide authority for the conservation of bald eagles and protect against take when the Endangered Species Act protections are removed.
3. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? No
 - DESCRIBE: This Order is based on the South Dakota Bald Eagle (*Haliaeetus leucocephalus*) Management Plan, Section, 3.4.1 (2005), stating that 1/2 mile buffer zone is necessary to protect nesting bald eagles from human disturbance during critical nesting periods. This Order is consistent with the Black Hills Land and Resource Management Plan Standard 3101.
4. PERIOD OF TIME THE ORDER WILL BE IN EFFECT: Annually, February 1 through August 31
5. LIST THOSE EXEMPT FROM THE ORDER: Person(s) with a permit specifically authorizing this prohibited act. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
6. HAS AN ENFORCEMENT PLAN AND SIGN PLAN BEEN ESTABLISHED? Yes
 - WHO WILL ENFORCE THE ORDER? The USDA Forest Service, South Dakota Game, Fish and Parks Department and the USDI Fish and Wildlife Service.
 - WHO WILL ENSURE PROPER SIGNING? The USDA Forest Service and the South Dakota Game, Fish and Parks Department.
7. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT? Yes
8. HAS THE PUBLIC BEEN NOTIFIED? No.
 - DESCRIBE HOW: The public will be notified through signing at the periphery of the “no-entry” buffer and at road closure structures. In addition, visitors to recreation facilities will be notified of the closure and signing at access points and kiosks.

9. COMPLETE THE ORDER USING THIS CHECKLIST. When complete, forward the original request to the Supervisor's Office, Attention: Supervisory Law Enforcement Officer. The request will be routed to the appropriate Staff Officer, Public Information Officer, and Forest Supervisor.

Recommended: _____
District Specialist (Name & Title) _____ Date

Reviewed: _____
District Ranger, Bearlodge _____ Date

Reviewed: _____
District Ranger, Hell Canyon _____ Date

Reviewed: _____
District Ranger, Mystic _____ Date

Reviewed: _____
District Ranger, Northern Hills _____ Date

Reviewed: _____
Office of General Counsel, Regional Office _____ Date

Reviewed: _____
South Zone Law Enforcement Officer _____ Date

Reviewed: _____
North Zone Law Enforcement Officer _____ Date

Reviewed: _____
North Zone Patrol Captain _____ Date

Reviewed: _____
Office of General Counsel _____ Date

Reviewed: _____
Public Information Officer _____ Date

Reviewed: _____
Forest Staff Officer _____ Date