

**Special Order**  
**DEERFIELD LAKE BALD EAGLE NEST PROTECTION AREA CLOSURE**

**USDA - FOREST SERVICE**  
**BLACK HILLS NATIONAL FOREST**

Pursuant to 36 CFR 261.50(a) &(b), the following acts are prohibited within the nesting Bald Eagle zone of protection in the Deerfield Developed Recreation Management Area, Black Hills National Forest (“the restricted area”), as depicted on the attached map, hereby incorporated into this Order as Exhibit A.

**PROHIBITIONS**

1. Going into or being upon the restricted area. 36 CFR 261.53(a).
2. Being on Forest Service Road 461 while possessing or using a motorized vehicle. 36 CFR 261.54(b) & (e).

**EXEMPTIONS**

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

- (1) Person(s) with a Forest Service 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.

**AREA DESCRIBED**

See Exhibit A

**PURPOSE**

The above prohibition is necessary for the protection of habitat for threatened, endangered, rare, or vanishing species of animals.

**IMPLEMENTATION**

1. This Order will be in effect when signed and shall remain in effect until September 1<sup>st</sup>, 2007, or until rescinded, which ever event occurs first.
2. Violations of this prohibition are punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for a legal entity other than an individual, or imprisonment for not more than six (6) months, or both. Title 16 USC, Section 551.

Done at Custer, South Dakota, this 21st day of May, 2007

*/s/ Craig Bobzien*  
CRAIG BOBZIEN  
Forest Supervisor


## Management Objectives

Purpose of Order. The Northern States Bald Eagle Recovery Plan (1983) 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 are 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.

Scope of Order. The closure order will prohibit entry into the area defined on the map entitled Bald Eagle Nest Area. The Order applies to all persons, except those identified as being exempt. This is an interim order that will be assessed annually with a termination date of September 1<sup>st</sup>, 2007.

Enforcement Plan. The general public will be informed through signs that will be posted around the closure area. These signs describe the purpose of the closure, prohibitions, and criminal penalties associated with the prohibitions. The area will be patrolled by Law Enforcement Officers and Forest Officers as budgets and other priorities allow.



**SUBPART B**

**ORDER REQUEST JUSTIFICATION FORM**

**ORDER NUMBER: BKF-096-2007**

**SUBMIT THE FOLLOWING INFORMATION:**

1. **STATE THE DESIRED ACT:** To prevent bald eagle nest abandonment.
2. **REASON FOR THE ORDER:** The bald eagle currently is considered “Threatened” under the Endangered Species Act, but may be de-listed by USDI Fish and Wildlife Service in June 2007. The bald eagle will continue to be protected by the Bald Eagle 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 a minimum 820 foot buffer zone is recommended 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:** For the 2007-nesting season—through August 31, 2007.
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 (Black Hills NF, Mystic RD), USDA Forest Service Law Enforcement & Investigations.
  - **WHO WILL ENSURE PROPER SIGNING?** The USDA Forest Service (Mystic RD, Black Hills NF).
7. **WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT?** Yes
8. **HAS THE PUBLIC BEEN NOTIFIED?** The public will be notified when the order takes effect.
  - **DESCRIBE HOW:** The public will be notified through a press release, 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.