



# Draft Eagle Conservation Plan Guidance



Golden Eagle  
Photo: Donna Dewhurst/USFWS

The U.S. Fish and Wildlife Service published a Final Eagle Permit Rule (Eagle Permit Rule) on September 11, 2009 under the Bald and Golden Eagle Protection Act (Eagle Act) authorizing limited issuance of permits to take Bald and Golden eagles where the take is associated with but not the purpose of an otherwise lawful activity. The Eagle Protection Act has prohibited take of Bald Eagles since 1940 and Golden Eagles since 1962. Take means *pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb*. Since publication of the Eagle Rule, the planned development of wind-power facilities has increased dramatically in the core range of Golden Eagles in the western United States. Golden Eagles, in particular, are vulnerable to collisions with wind turbines. In some areas such collisions are a major source of mortality, and the documented level of take is increasing.

The draft Eagle Conservation Plan Guidance explains the Service's approach to issuing programmatic eagle take permits and provides guidance to applicants and biologists for conservation practices and adaptive management necessary to meet standards required for issuance of these permits and to be in compliance with the Eagle Act. The draft Eagle Conservation Plan Guidance interprets and clarifies the provisions of the Eagle Permit Rule and does not impose additional regulatory requirements. Programmatic take permits will authorize limited incidental mortality and disturbance of eagles at wind facilities, provided effective offsetting conservation measures are carried out.

The draft Eagle Conservation Plan Guidance is written to guide wind-facility projects starting from the earliest conceptual planning phase. For projects already in the development or

operational phase, implementation of all stages of the recommended approach in this Guidance may not be applicable or possible. Project proponents with operating or soon-to-be operating facilities at the time the draft Eagle Conservation Plan Guidance was first released that are interested in obtaining a programmatic eagle take permit should coordinate with the Service. The Service will work with project proponents to determine if the facility might meet the permit requirements by conducting eagle fatality and disturbance monitoring and by adopting reasonable operational avoidance and minimization measures that might reduce future eagle fatalities detected through monitoring. Sections of Eagle Conservation Plan Guidance that address these topics are relevant to both planned and operating wind facilities.

The draft Eagle Conservation Plan Guidance calls on wind turbine developers to consult with the Service in a 5-tiered process that includes: 1) early landscape-level site assessments; 2) site specific surveys; 3) risk assessment; 4) avoiding, minimizing and mitigating impacts; and 5) post-construction monitoring. Based on the presence of eagles relative to proposed projects, the draft Eagle Conservation Plan Guidance calls for categorizing the projects into one of four categories: Category 1 – High risk to eagles with low potential to avoid or mitigate impacts; Category 2 – High to moderate risk to eagles with opportunities to mitigate impacts; Category 3 – Minimal risk to eagles; and Category 4 – uncertain risk to eagles. For additional information, visit the Service's website at <http://www.fws.gov/windenergy>

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