

**Advance Notice of Proposed Rulemaking (ANPR) Seeking Public Input
On the Bald and Golden Eagle Protection Act Permit Program
Questions and Answers**

What is the Service proposing?

In September 2009, the Service published a final rule establishing new permit regulations under the Bald and Golden Eagle Protection Act (Eagle Act) for nonpurposeful take of eagles (74 FR 46836). These regulations relate to permits to take eagles where the take is associated with, but not the purpose of, otherwise lawful activities. The regulations provide for both standard permits and programmatic permits.

Since the regulations took effect, some stakeholders have expressed concern about provisions of the rule. This ANPR gives interested members of the public the opportunity to review the regulations and recommend revisions that would make permitting more efficient while continuing to provide adequate protection for eagles.

What are “standard” and “programmatic” permits?

Standard permits authorize individual instances of take that cannot practicably be avoided. Programmatic permits authorize recurring take that is unavoidable even after implementation of advanced conservation practices.

What information is being requested?

The Service is seeking ideas, proposals and information on possible revisions to regulations under the Bald and Golden Eagle Protection Act for permits for nonpurposeful take of eagles. The Service is giving interested members of the public the opportunity to review the regulations and recommend revisions to improve the permit process while continuing to adequately protect eagles.

What parts of the Eagle Act is the Service accepting comment on?

Through this notice, the Service seeks public input on the following three issues:

- 1) Criteria for issuance of programmatic and standard permits;
- 2) The circumstances, degree, and types of compensatory mitigation that are appropriate to offset detrimental impacts to eagles; and
- 3) Potential modification of the Eagle Act Preservation Standard: “consistent with the goal of stable or increasing breeding populations.”

In addition, the Service will accept public input on most other aspects of the permit governed by 50 CFR 22.26 that may be improved by revision of the regulations. However, comments on the Service’s proposals to change permit tenure, transferability of permits, and permit application fees should be made through a separate Docket No. FWS-R9-MB-2011-0054 (see next question).

Are there aspects of the eagle permit regulations you will not accept comments on?

In a separate action also published today, (Docket Number FWS-R9-MB-2011-0054), the Service is proposing to extend the maximum term of programmatic permits from 5 years to 30 years. The proposed regulations would also increase permit application processing fees for programmatic permits. Because those proposed regulations are a separate action from this notice, the Service is not soliciting, and will not consider, any comments submitted in response to the ANPR that pertain to the issues addressed in the proposed regulations.

How are comments submitted?

Comments and supporting materials may be submitted only by one of these two methods. Please do not submit comments by both methods.

- *Federal eRulemaking portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R9-MB-2011-0094.
- *U.S. mail or hand delivery:* Public Comments Processing, Attention: FWS-R9-MB-2011-0094; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, MS 2042-PDM; Arlington, VA 22203-1610.

If you submit a comment via <http://www.regulations.gov>, your entire comment—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request that we withhold this information from public review, but there is no guarantee that information will be withheld. All hardcopy comments will be posted on <http://www.regulations.gov>.

The Service will not consider comments sent by e-mail or fax, or written comments sent to an address other than the one listed.