

Bald and Golden Eagle Management

Public Comment
Process and Analysis for Scoping Meetings



**Final Report to the
U.S. Fish and Wildlife Service**



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Executive Summary

The U.S. Fish and Wildlife Service (USFWS or Service) is refining its management objectives for Bald Eagles and Golden Eagles and considering revisions to eagle non-purposeful (incidental) take permit regulations (50 CFR 22.26) and eagle nest take regulations (50 CFR 22.27). These permits allow the take of eagles where the take is associated with, but not the purpose of, otherwise lawful activities. In April 2012, the Service published an Advanced Notice of Proposed Rulemaking to solicit preliminary public input on possible revisions to the permit regulations.

The Service contracted with D. J. Case and Associates (DJ Case) in March 2014 (as a sub-contractor to Kearns-West) to assist in planning and implementing public input for a scoping process to identify issues to consider when revising the eagle non-purposeful take permit regulations. DJ Case is a natural resource communications firm based in Mishawaka, Indiana.

Based on DJ Case's experience with public input techniques for similar high-profile species, DJ Case recommended an open house format for the eagle scoping meetings. In addition, a "virtual meeting" website was also recommended.

A notice of the public input process was published in the Federal Register (June 23, 2014 *79 FR 35564*). Five public scoping meetings were held between July 22, 2014, and August 7, 2014. These meetings consisted of a narrated overview video presentation and ten large informational displays with supplemental informational handouts. Representatives from the Service were available to answer participants' questions and listen to their ideas and concerns. Approximately 213 people attended the meetings, and all were encouraged to submit written comments.

DJ Case developed a website, <http://www.eaglescoping.org>, to serve as a "virtual meeting," where visitors could go to see the same information that was presented at the public meetings, including the overview video presentation and informational displays. Links to the Service e-mail for public comments were included on the site.

The Service received a total of 536 comments during the public comment period. Upon removal of duplicates, there were a total of 517 unique comments, of which many included additional attachments (e.g., scanned letters, one picture, and supporting documents). In addition to the comments received, two organizations provided spreadsheets with additional comments. First, the Friends of Blackwater provided a spreadsheet of 46 supporters of their comment. Secondly, the National Audubon Society provided a spreadsheet of 25,349 comments in support of their comment and 2,064 personalized comments.

The comments received required analysis to facilitate compilation, interpretation, and understanding. Thematic analysis and key-word analysis were used to categorize the eagle comments. DJ Case reviewed comments submitted at the public meetings, online, through mail and faxes for common themes.

Introduction

The U.S. Fish and Wildlife Service (Service) is refining its management objectives for bald eagles and golden eagles and considering revisions to eagle non-purposeful (incidental) take permit regulations (50 CFR 22.26) and eagle nest take regulations (50 CFR 22.27). These permits allow the take of eagles where the take is associated with, but not the purpose of, otherwise lawful activities. In April 2012, the Service published an Advanced Notice of Proposed Rulemaking to solicit preliminary public input on possible revisions to the permit regulations.

The Service is analyzing various aspects of bald and golden eagle management as part of its responsibility under the National Environmental Policy Act (NEPA). Public input is an important part of this process. The NEPA analysis will evaluate the environmental effects of a range of alternatives for eagle management, including possible changes to permit regulations.

The purpose of the public scoping process with regard to NEPA is to determine relevant issues that could influence the scope of the analysis, including alternatives, and guide the process for developing an environmental assessment (EA) or environmental impact statement (EIS) and related compliance efforts. This document reports the results of the initial scoping process—five public meetings that were held from July 22 to August 7, 2014.

Methods

D.J. Case & Associates (DJ Case), a conservation communications firm, was contracted by the Service (as a sub-contractor to Kearns-West) to coordinate and facilitate public input for the initial scoping process. DJ Case researched public involvement processes used in recent years for high-profile species to identify successful approaches. Based on that research, DJ Case developed recommendations that included an open house public meeting format, development of a public website, and mail-in comment cards. The open house format was suggested for the scoping process for several reasons:

- Open houses facilitate and encourage two-way communication.
- Participants have the opportunity to gain a better understanding of the issues through dialogue with the agencies involved in eagle management.
- Every attendee has the opportunity to ask questions and provide written comments.
- Participants can attend anytime during the open house period at their convenience.

- Participants uncomfortable speaking in a large group or holding viewpoints they perceive to be different than the majority are more likely to engage in one-on-one discussion than speak in front of a large group in a public hearing-type setting.

The Service elected to adopt the open house meeting format and website approach, and directed DJ Case to implement the processes.

Meeting Facilities

DJ Case arranged facilities for five public meetings held in California, Minnesota, New Mexico, Colorado and Washington D.C. between July 22 and August 7, 2014. Criteria for the selected facilities included Americans with Disabilities Act (ADA) accessibility, as well as accommodations for up to 200 participants at each location.

Date	Time	Location
July 22, 2014	5 p.m. to 8 p.m.	Red Lion Hotel Woodlake Conference Center, 500 Leisure Lane, Sacramento, CA, 95815
July 24, 2014	5 p.m. to 8 p.m.	DoubleTree Bloomington-MSP South, 7800 Normandale Blvd., Bloomington, MN 55439
July 29, 2014	5 p.m. to 8 p.m.	DoubleTree Albuquerque, 201 Marquette Avenue Northwest, Albuquerque, NM 87102
July 31, 2014	5 p.m. to 8 p.m.	Holiday Inn Denver Airport, 6900 Tower Rd, Denver, CO 80249
August 7, 2014	1 p.m. to 5 p.m.	South Interior Building, 1951 Constitution Ave, NW Washington, DC 20240

Publicity

The Service prepared an official notice of five public scoping meetings, which was published in the Federal Register on June 23, 2014 (79 FR 35564). The Service published a news release on June 20, 2014, announcing the process to review eagle management objectives and non-purposeful take permits. The Federal Register notice can be found in [Appendix A](#) and the News Release can be found in [Appendix B](#).

Meeting Process

The open house meeting format included the following elements:

- A 6.5-minute, continuous-loop, video presentation providing an overview of eagles and the scoping process
- A series of 10 informational posters and handouts focused on:
 - Golden eagles
 - Bald eagles
 - Management objectives
 - Adaptive management process
 - Compensatory mitigation



- Programmatic permits
- Cultural resources and values of eagles
- Permits for taking eagle nests
- National Environmental Policy Act (NEPA)
- Importance of eagle research



In addition, comment cards and computers were available onsite, which participants could use to submit written comments for the public record at Regulations.gov (<http://www.regulations.gov/#!/documentDetail;D=FWS-R9-MB-2011-0094-0491>).



In order to ensure consistency across all meetings, facilitators from DJ Case provided

training to agency representatives prior to the meetings. At each meeting, Service staff greeted participants. The facilitators explained the meeting format, invited participants to sign up for further communications from the Service, and gave each participant a comment card, encouraging them to provide written comments during the comment period ending September 22, 2014.

Facilitators encouraged participants to first view the six and a half-minute, narrated video presentation. Typically, the narrated video presentation was set up in the corner of the room nearest the entrance, and seating was provided for those who wanted to sit and watch. The presentation was set to a continuous loop and ran throughout the meeting. The presentation highlighted salient issues in regards to the proposed revisions to the eagle non-purposeful (incidental) take regulations. A link to the presentation is included in [Appendix C](#).



The screenshot shows the Regulations.gov website interface. The main heading is "Eagle Permits; Notice of Intent To Prepare an Environmental Assessment or an Environmental Impact Statement". Below this, there is a "Summary" section with the following text: "We, the U.S. Fish and Wildlife Service (Service, us, or we), announce five public scoping meetings to inform our decision to prepare either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, in conjunction with an evaluation of our eagle management objectives. The decision to initially prepare an EA or EIS will be, in part, contingent on the consistency of issues identified during, and following, the scoping phase of the NEPA process. The scoping meetings will provide an opportunity for input from other agencies, Tribes, nongovernmental organizations, and the public on the scope of the NEPA analysis, the pertinent issues we should address, and alternatives we should analyze." The page also includes sections for "Dates", "Addresses", and "Supplementary Information". On the right side, there is a "Comments" section showing 560 comments received.



Ten informational panels with supplemental handouts relating to eagles and the proposed revision were displayed around the room at each meeting. These included biological and life history information about bald and golden eagles, as well as information about eagle management and the public input process. Most participants viewed the exhibits and many commented on the amount of information they learned. Copies of the informational displays and handouts are located in [Appendices D-M](#).



The open house format provided the opportunity for participants to speak one-on-one with representatives from the Service, who were available to answer questions and discuss issues and concerns. Participants and agency representatives were able to engage in dialogue; participants could ask questions of the representatives, as well as express their ideas and concerns. This kind of interaction is invaluable in helping the Service identify the range of issues and concerns regarding eagles—the purpose of the scoping process.

In addition, a booklet/workbook was developed and provided, containing printed images of each banner alongside empty space for participants to use in jotting down questions and/or taking notes as they moved from one informational station to the next, and discussing each topic of interest with Service staff.





In order to ensure participants' comments were captured in the public record, Service staff encouraged participants to submit written comments after they were finished discussing the issues. DJ Case developed a comment card ([Appendix N](#)) for this purpose. Participants were advised that the interaction with Service staff would not be recorded, and only written comments would become part of the public record. Written comments were collected at the meetings, and participants were told they could also submit comments online via regulations.gov, via mail, fax, or e-mail prior to the close of the comment period on September 22, 2014. Mailing address, fax number and e-mail address were posted at each meeting.

Website

DJ Case developed a website, <http://www.eaglescoping.org>, as a “virtual public meeting.”



It contained the same information presented at the meetings, so those not able to attend meetings in person would be able to gain information about the issue and submit written comments. Separate web pages were developed containing all of the content and imagery for each informational panel. The overview video presentation was posted to the site, as were the handouts. The website provided a link to the Service comment page at regulations.gov, making it convenient for viewers to easily submit written comments.

Analysis

DJ Case compiled all the comments submitted by the public, read every comment, and used thematic analysis and key word analysis to place them into meaningful categories. All of the specific recommendations that were identified in the comments were pulled out and are listed below.

Moreover, the purpose of the comments was not to take a poll or a vote, but rather to identify the range of issues for the Service to consider during the rulemaking process. All ideas and opinions were viewed with equal importance, whether stated by a few people or a few hundred.

Results

The Service received a total of 536 comments. Upon removal of duplicates, there were 517 unique comments, of which many included additional attachments. Seventy agencies and organizations sent comments that included attachments, as follows:

- Nongovernmental organization: 32
- States/local government: 14
- Industry: 14
- Tribes and tribal associations: 5
- Falconry associations: 3
- Federal agencies: 2

These attachments included scanned letters, spreadsheets, one picture, other supporting documents and two off-topic letters.

Comment Themes

Most of the comments could be categorized into eight major thematic areas (presented in no particular order):

- General comments against the killing of eagles (or for eagle protection)
- Proposed 30-year permit is too long (or keep the permit length at 5 years)
- Other permit length comments
- Falconry concerns or changes to eagle take for falconry
- Comments generally anti-wind energy facilities

- Comments generally pro-wind energy facilities
- A need exists for more research (or there is not enough information)
- Form letters originating from an organization, but sent by individuals.

These themes are briefly described below along with a quote or two that captures the essence of the category.

Killing or protection of eagles

Comments voiced concern over the killing of eagles or for the protection of eagles. Wrote one commenter, “Do not allow wind energy companies to kill any eagles without penalties. Eagles are precious wildlife.” Another exclaimed, “Protect these animals at all costs!”

Thirty-year permit too long (or keep the permit length at 5 years)

One theme found throughout many of the comments was concern that 30 years is too long for the permit or to keep the maximum permit term at 5 years. Explained one commenter:

“In line with what many have commented already, I believe that extending the programmatic take tenure for bald and golden eagles from 5 years to 30 years is a mistake. 30 years was enough time for another North American raptor, the peregrine falcon, to pass from the brink of extinction to being removed from the Endangered Species List. Unfortunately, the same process could happen in reverse, and without careful monitoring of eagle populations, how are we to know that eagle take permits issued today will not be too much for the eagle population of 30 years from now?”

Other permit tenure comments

Commenters expressed the concern that the 30-year permit duration deters technological improvements, reduces diligence in proper siting and/or does not deter take.

“While it is necessary to give consideration to wind farms and other commercial enterprises, the primary consideration should be the development of better strategies for preventing bird deaths rather than giving permission for large numbers of eagles to be killed. Issuing long-term permits with liberal exemptions allowing the taking of eagles does not encourage the development or implementation of preventive strategies by businesses once they are granted a permit.”

Falconry concerns

Many falconers submitted comments, but many of the comments were only indirectly related to the issues for which the Service was seeking input. In general, falconers who commented seek to loosen the limitations on the take of golden eagles for falconry. Falconers would like to be integrated as stakeholders in the eagle management process. They largely seek to reinstate the program, authorizing eagle trapping in depredation areas for falconry and use it as a tool to acquire eagles. In addition, they propose to improve the program by including dangerous wind farm areas as approved locations for take by falconers, and they would like to increase the authorized number of eagles taken from six per year to the total required or funded by wind energy companies. Falconers also suggested that they could breed and release golden eagles as a compensatory mitigation strategy for take permitted under eagle non-purposeful take permits.

Anti-wind energy facilities

Some comments received were generally opposed to wind farms or wind turbines because of the potential negative impact on eagles. For example, wrote one commenter:

“We are not generating much power using the wind right now, what is it? 0.2%???? We can afford to put that much energy on hold until all the problems with wind are solved. Windmills are catching fire and setting fire to the woods that surround them! They are too loud. People who live near the mills are abandoning their homes just to get away from the noise. Mountaintops are being removed for reasons no one understands. And tens of thousands of birds are being killed! This is not a green industry! This is a blood-red industry. We must have a pause in wind installations until the problems with the generators are solved.”

Pro-wind energy facilities

Not all comments were anti-wind energy. Wrote one commenter:

“The biggest threat to eagles and to other species is declining water supplies and strange weather patterns caused by increasing levels of coal pollution in our atmosphere. Saving eagles means switching to cleaner electricity sources like wind farms and solar projects. I know that wind power can be built with extremely low risk to eagles, and I think you need to accept the low risk to eagles in exchange for a high degree of certainty that more eagles will be saved by eliminating pollution sources that are poisoning the air now.”

Need for more research

As with concerns over the duration of the permit, some commenters expressed concern over the need for more research or information. However, a handful of

comments focused specifically on the need for more research. Noted one commenter:

“The permits for taking eagles should not be increased. More study is needed, paid for by private industry, on how to adjust their tactics to impact less lethally on the species. Tuna fishermen were forced to come up with nets designed for the release of lung breathing animals like the dolphin and sea turtles. It was a success. The same standards must be used by the wind industry. With a little effort, this problem can be solved to the benefit of all beings...including our American eagle population.”

Letter Comment Themes

Some comments received were form letters in support of the comment letters from other organizations. These included one form letter mirroring the letter from Audubon International, 11 from the Rocky Mountain Sierra Club and 10 from the American Bird Conservancy. Recommendations from these letters have been included in the *Specific Recommendations* section below.

In addition to their direct comments, two organizations provided spreadsheets containing additional comments. First, the Friends of Blackwater National Wildlife Refuge provided a spreadsheet of 46 supporters of their comment. In their letter, they argue for the fullest protection of eagles allowed under the extent of the law and that wind farms should not be sited where they can harm raptors.

Secondly, the National Audubon Society provided a spreadsheet of 25,349 comments in support of their letter and 2,064 personalized comments. These comments raise concerns over experimental, unproven mitigation measures. They urge the Service to complete comprehensive conservation planning for both eagle species, set clear conservation goals for each management region, and commit resources to rapidly developing protective Advanced Conservation Practices (ACP). Further, they suggest that the Service should retain the current standard that requires measures to reduce eagle take to the point where remaining take is unavoidable, rather than relaxing this standard. Impact avoidance should be the first course of action for development projects that could harm America's eagles.

Specific Recommendations

In addition to being part of the general themes listed above, many of the comments contained specific recommendations for the Service to consider regarding eagles and eagle management. This section will likely be most useful for Service consideration. All specific recommendations are presented below, again in general thematic categories and presented in no particular order.

NEPA Process

- The NEPA process was violated during this process and a full EIS should be conducted.
- The EIS should include an alternative that returns to five years as the maximum permit duration, and also the effects of not renewing a take permit after its five year duration.
- The Service should conduct a national programmatic wind EIS and use it to identify areas where wind energy cannot be developed due to unacceptable risk to public trust resources, including eagles and other federally protected birds and bats.
- The Service should conduct a nationwide programmatic NEPA analysis on the issuance of eagle conservation permits for electric utilities so subsequent permit applications can be categorically excluded from additional NEPA analysis. Under the current permitting process, each application is subject to independent NEPA analysis. Most utilities cannot afford this cost, nor justify it to public service commissions or electric co-operative members. In addition, these costs would likely take funds away from a company's APP, and divert funds that could have otherwise been used to retrofit poles. Individual project NEPA analysis is the biggest constraint associated with the current eagle take permit process. A programmatic analysis under NEPA would streamline and expedite the process for applicants and likely result in more participation by electric utilities and others. Also, the money saved by companies not having to pay for NEPA analyses on individual projects could be used for actions that benefit eagles directly.
- The case for conducting a programmatic NEPA analysis is especially applicable for projects categorized as low risk. Should a NEPA review be required for higher risk projects, an Environmental Assessment should be utilized rather than a materially more burdensome and costly Environmental Impact Statement.
- The benefits of various activities that impact eagles should be analyzed in the EA or EIS. For example, renewable energy will benefit eagles and other wildlife by reducing carbon emissions, and utilities manage large water reservoirs that provide valuable foraging habitat for bald eagles.
- The Service should integrate tribal consultation throughout the NEPA process for this rulemaking and for individual permit applications to take eagles by providing tribes with clear proposed rulemaking and permit application information in a timely manner, disseminating information to a wide tribal audience, and ensuring that in-person consultation meetings are conducted.
- All environmental reviews for take permits should be published for public review and comment.
- The NEPA analysis must consider the unique effects that eagle handling and eagle takes have on tribes. For example, topics for consideration should include: how a loss of eagles in an area where tribes are present will affect such tribes; the extent to which tribes can participate in handling the

remains of eagles that are taken on reservation lands; protection of tribal cultural resources and historic properties by a project seeking a permit to take eagles; and whether procedures for handling eagle remains are consistent with tribal practices and beliefs.

- The Final EA, Final Rule, and Guidance do not specify the mechanism by which the NEPA document should be prepared. Thus, an applicant-prepared EA is permissible under the current regulations, and EDPR encourages the Service to accept applicant-prepared EAs to expedite the permitting process.
- The Service should clarify that projects seeking take permits will be subject to NEPA analysis only in regard to the effects of the permit itself, and not the authorization of the project itself.
- For the NEPA on individual permits, the Service should use the project-specific NEPA already undertaken by other federal agencies, rather than developing an additional NEPA document.
- Independent, third parties not employed directly by the permittee should conduct the environmental assessment (EA). This could be accomplished by the permittee supplying funds for the EA managed by the Service.

Population Goals and Management Objectives

- Populations should be managed using western and eastern take thresholds rather than Bird Conservation Region (BCR)-based regional thresholds. Satellite telemetry data (published and currently being collected) suggest a great deal of mixing across BCR boundaries.
- Management of golden eagles by BCRs is problematic because most BCRs are large and span multiple jurisdictional boundaries; individual eagles may use multiple BCRs throughout the year; and a single BCR may host breeding, resident, and migratory eagles in different locations and/or times of year. Management should be at three scales: flyway, state, and local.
- The Service should establish smaller local geographic units (as defined by eagle biology and movement) in order to better assess project-level impacts and mitigation.
- The Service should consider using the states as the Eagle Management Units (EMUs) for bald eagles.
- The Service should treat Alaska as one EMU for both bald and golden eagles. A lack of information regarding golden eagle populations in Alaska does not justify the imposition of a rigid “no net loss” standard. When combined with the emphasis on management by EMUs, the Service has established a disproportionately high threshold for the approval of golden eagle take permits. Accordingly, in Alaska, the Service should discontinue the “no net loss” standard and the application of multiple EMUs for golden eagles, and should instead provide for a flexible approach to acceptable compensatory mitigation.
- The Service should revise its interpretation of the eagle preservation standard to apply to the national population of eagles, and should therefore issue an eagle take permit if issuance would not reduce the likelihood of

survival of the species of golden eagles and bald eagles nationally, rather than individual eagles, local, or sub-regional populations.

- The Service should develop regional strategies to evaluate whether the predicted magnitude of cumulative impacts on eagles is consistent with the preservation of eagles. This will require that there is sufficient baseline data from each region to monitor any changes that occur over time. Evaluate take not just in a regional context, but also taking into account its impact on local and national populations.
- Remove the reference to "breeding" populations in the preservation standard and replace it with "consistent with the goal of stable or increasing populations." This change will better recognize recent findings clarifying the importance of sub-adults and floaters to eagle populations.
- The Preservation Standard should incorporate the concept of resilience, requiring maintenance of "*resilient and stable or increasing*" breeding populations." For eagle populations to be resilient to change, multiple factors (size, genetic diversity, demographics) must be of sufficient quality to provide for long-term persistence.
- For golden eagle management units with adequate population data and robust populations, the Service should relax the "no net loss" standard and implement the permitting process at levels compatible with maintaining stable or increasing populations.
- Adopt a conservative, low-risk approach for both species in light of uncertainty and prioritize achieving management objectives to ensure the preservation of the species.
- The Service should adopt a low-risk tolerance (cautious approach) to management of golden eagles in the Southwest (BCR16) because of changes in climate, land management and resource development, and continued human population growth.
- The Service should replace the current "preservation" standard with "to not meaningfully impair the Bald/Golden Eagle's continued existence."
- The Service should adopt a Qualitative Prevention approach rather than a Quantitative Allowance approach to allow for more flexibility to permit even if mitigation options are not available to fully compensate for impacts, thus increasing data collection as the result of monitoring required by the permit.
- We believe the quantifiable approach is far too cumbersome and makes for an overly complex management/permitting approach. Aside from reducing the complexity of analysis for and issuing permits, proceeding with a qualitative assessment approach would allow for greater flexibility in compensatory mitigation options than the quantitative approach – focusing more on "growing" eagles than saving them from other anthropogenic sources of mortality.
- The preservation standard currently implemented requires surveys and monitoring with the likely consequence that funds will be redirected from more important resource needs.

- There should be national management objectives for eagle populations that are stable and/or increasing. Quantitative objectives allow states to measure progress towards goals, are an essential feature of adaptive management strategies, and are the best way to ensure that eagle populations remain secure.
- Numerical population objectives alone are not sufficient to guide permitting decisions without appropriate take thresholds and/or caps for regional and local populations. Like population objectives, take thresholds and caps should be evaluated periodically and risk should be refined based on monitoring data and the results of research efforts.
- The alternative qualitative approach described in the scoping materials “to not meaningfully impair the bald or golden eagles’ continued existence” is vague, ambiguous and subject to interpretation. The suggestion that extinction is a threshold is alarming and contradicts the regulatory standard of the Eagle Act. While qualitative objectives may provide a larger degree of flexibility, they often rely far too heavily on the judgment of individuals, often working in isolation and overwhelmed with permit reviews. It is impossible to determine whether an individual project is consistent with the preservation standard absent an understanding of the full set of cumulative impacts likely to affect both the local and regional populations (e.g., wind facilities, residential development, drought, lead ammunition, climate change, etc.) examined against the backdrop of meaningful population goals and objectives.
- The Service should use both a quantitative and qualitative approach. The qualitative criteria could be used when there is not enough data in an area to set population objectives and take thresholds.
- The Service should use smaller local geographic management units within the larger regional units, which would allow the Service to permit take in areas where the local breeding population exceeds the regional averages. It would also mean that replacement mitigation would not need to be tied to the larger regional population, but would be based on the local population.
- The Service should reconsider the position that “historic” or “baseline” types of take should not count against the take thresholds. Failure to evaluate these types of take will lead to an over-estimation of the Maximum Sustained Yield as described in the Final Environmental Assessment (FEA) on the 2009 permit regulations.
- The Service should conduct an analysis to assess the relative contribution of ‘historical’ or ‘baseline’ types of take to the overall take that might be expected.
- The Service should develop a new Maximum Sustained Yield take threshold model based on the take of adult individuals from the population, rather than the removal of juveniles (as was the basis for the 2009 FEA) because the removal of juveniles has less of an impact than removal of mature individuals.

- The revised management scheme needs to clarify whether take caps are hard or flexible. The Service has issued permits that exceed the 5% local area population cap but has not articulated under what circumstances ignoring the cap is acceptable and how it is consistent with the preservation standard.
- In order to effectively balance the population with development pressure, habitat loss, and other unanticipated impacts to the eagle population, a management goal of increasing the population would be a more conservative approach to protecting the eagle population.
- Eagle population status should be assessed every five years using the best scientific methodologies available.
- The Service should re-evaluate new information (data) that may affect management decisions or take permits on an annual basis. Incorporation of new, peer-reviewed research needs to occur quickly because predator populations can experience sudden, drastic changes.
- Where regionally appropriate information is lacking, the Service should use caution in relying on data collected elsewhere.
- The Service should use the most current research and scientific information (for example, telemetry data) to re-draw and update the EMU boundaries to more accurately reflect breeding territories, wintering ranges, and migration corridors for bald and golden eagles.
- The Service should perform their 5-year review of bald eagle regional take thresholds and also update the thresholds for golden eagles.
- Incorporate updated baseline eagle population information, analyzing cumulative threats, updating population goals and objectives, and identifying an effective regional conservation plan that describes specific avoidance criteria, best management practices, and advanced compensatory mitigation strategies to address biological needs and key threats for regional populations.
- The current rulemaking should take this opportunity to address the differences between bald eagles and golden eagles in terms of their natural history, habitat requirements and behavior, and address how the management units, risk models and mitigation measures planned for each reflect the conservation requirements of that species.
- Effective population objectives must be:
 - Consistent with the Preservation Standard;
 - Applicable at a variety of spatial scales (e.g., local populations, EMUs, and potentially flyways);
 - Developed through a standardized approach that is based on the best available science and incorporates the appropriate level of uncertainty and risk;
 - Refined periodically based on monitoring and population status and trends;
 - Developed within a collaborative, peer-reviewed process; and
 - Representative of population parameters, such as sex or age ratios, genetic characteristics, etc.

- The Service should allow for take thresholds to be flexible in some cases to account for migrating, wintering, etc. eagles that come from other regions.
- The Service should exercise caution when permitting lethal take of eagles where best science shows populations are compromised, or especially where populations are proven to be 'sink' populations.
- The USFWS should reconsider the concept of "depredation" as applied to golden eagle take for the purpose of falconry. In the manner "depredation" and "mitigation" activities could be properly coordinated and balanced across the range of the golden eagle. By redefining depredation to encompass other meanings and geographical areas and including the golden eagle itself as "wildlife," the concept of "depredation" by golden eagles becomes something that includes take of eagles to protect themselves. As wildlife, a situation where golden eagles are flying into windmill power generators, with lethal results, becomes golden eagle depredation involving wildlife. Therefore, incidental take of golden eagle by wind farms is "depredation" within the meaning of the Eagle Act, which allows golden eagle take for falconry purposes. Falconers permitted to trap golden eagles prior to entering a "wind farm" are undertaking the first mitigation priority – "avoiding" the potential of lethal take by the windmills. Golden eagles taken in this manner could be relocated to another safer area, with a small percentage of these "mitigated" eagles available for falconry purposes.

Pre-permit evaluation, surveys, and analysis

- Pre-construction surveys using rigorous methods standardized by the Service for wind energy development should be mandatory, not voluntary.
- Two years of independent, pre-construction monitoring of eagle behavior, nesting, foraging and migration should be required.
- Fatality prediction models should be different for the two species based on the apparently different behavior and risk profiles of each species. The golden-eagle based prior probabilities for exposure and collision are unlikely to be representative of bald eagles and will overestimate project risk.
- Exposure-based models used to predict mortality during pre-construction risk assessments should be tested for accuracy and new models should be developed that take cumulative impacts of all sources of mortality into account.
- The current Bayesian prior probabilities for exposure and collision probabilities are based on data on golden eagles at old wind facilities in the western U.S.. In estimating bald eagle take, the Service should replace these priors with empirical data on bald eagles at modern wind energy facilities.
- The Eagle Conservation Plan Guidelines (ECPG) indicate that eagle nest surveys should be conducted in the project area, which it defines as the area within the project boundary plus a 10-mile radius surrounding the project. However, the 10-mile radius recommendation was based on golden eagles in the desert southwest and is of questionable value in other areas and unnecessary for bald eagles. The Service should develop appropriate

national standardized criteria that are species-specific and based upon region-specific information.

- The ECPG recommends 20 hours per turbine per year of sampling effort, which is far higher than suggested by simulations using the Bayesian fatality model. The additional surveys do not provide a corresponding benefit in terms of estimating risk, but are imposing additional costs on developers. The sampling guidance should be revised to avoid over-sampling.
- The ECPG is intended to guide project proponents and Service personnel in evaluating risk to eagles and developing eagle conservation plans (ECPs) and permit applications. However, different Service Regions have developed modified guidance. The Service should ensure standardization of the guidance nationally.
- The ECPG and the 2009 permit regulations are inconsistent as to whether the maximum take thresholds are set at “1% of annual productivity” or “1% of population.”
- As it is critical for assessing risk, the Service should require radar data at different times of the year and weather conditions to monitor activity and height of migratory birds flying through the area.
- There is a need for greater clarification on risk assessment and monitoring specifications/requirements for electric utilities and other industries, such as mining. The Service should develop eagle conservation plan guidance for these other industries.
- The Service or other third-party, professional biologists should conduct pre-construction surveys.
- Consultants for wind developers who conduct pre-construction surveys should not be involved in the drafting of Environmental Assessments or Environmental Impact Statements for those same projects, and should not be tasked with verifying or approving the validity of the information provided to the Service.
- All information generated for a proposed or operational wind energy project should be downloaded to a free, user-friendly Service docket to bring much needed transparency to the process.
- The Service should use the growing body of post-construction monitoring data to update their assessment of the potential for disturbance.
- Recommendations from wildlife agencies should be incorporated into the project planning.

Permit Duration/Tenure

- The recent revisions to the permit regulations that allow for permits to be issued for up to 30 years endanger eagles. There is not enough data or analysis to support permits of this duration.
- The extension of maximum permit tenure to 30 years is appropriate and will encourage project proponents to obtain eagle take permits and commit to the associated conservation measures that will benefit eagles.

- The programmatic take permits should be subjected to a three-year renewal and review cycle. Technology in the wind industry is changing at a speed that long-term permit requirements would not be able to capture.
- The maximum programmatic permit tenure should be 15 years with thorough and effective review every 5 years. These reviews should be independent of permittee-derived monitoring results.
- The maximum permit tenure should be 20 years with the option for review and permit renewal for an additional 10 years. However, this 20-year permit must require that post-construction monitoring occur annually in years 1-5 and then every third year for the balance of the permit.
- For projects that will have a longer life-span or a more lengthy federal license or permit term, the Service should revise the regulations to retain the flexibility to grant programmatic take permits that extend beyond 30 years so that the permit term is coextensive with the life of the project, or at least consistent with the term of the federal authorization.
- The regulations need to retain the provision that the Service may suspend or revoke permits if necessary to protect eagles.
- Long-term permits for activities that pre-date the 2009 regulations should function in the same manner as long-term permits for new activities.

Permitting Decision Process and Issuance Criteria

- The Eagle Act does not require that the incidental take of eagles must first be avoided and then minimized and mitigated so that any remaining take is unavoidable, as the Service currently requires. The Service should reexamine its interpretation of the Eagle Act.
- The criteria for issuing programmatic permits under the Eagle Act, consistent with the requirement for an Endangered Species Act incidental take permit, should only require avoidance and minimization to the maximum extent that take cannot practicably be avoided, and then mitigate for residual take that cannot otherwise be avoided.
- An "unavoidable" standard could present a high threshold, where reliability, proven effectiveness, and cost are not considered in developing and implementing "advanced conservation practices." The cost of a conservation practice should have a reasonable relationship to the potential benefits derived from such a practice. Use the same standard for both an individual and programmatic take - that a take cannot be practicably avoided.
- The analysis of individual projects must be considered in the context of similar surrounding projects, and the Service should develop criteria to study the landscape effects of such projects.
- The approval of future projects should take into account the health of eagle populations including thresholds beyond which a population becomes threatened; the dynamics of eagle migration; and the iterative effects of continued development.
- To the extent that the Service amends the current issuance criteria for programmatic permits to align with the "practicable avoidance," the term

“practicable” should be redefined as “capable of being done after taking into consideration, relative to the magnitude of the impacts to eagles: (1) the cost of the remedy for an actual measurable impact as compared to the overall benefit and utility of the project with respect to public interest; (2) existing technology; and (3) logistics in light of overall project purposes.”

- The Service should also amend the definition of ACPs, to ensure consistency with the change to the definition of “practicable,” if the latter is adopted.
- The unavoidable standard should not be eliminated. All permits should require permittees to avoid and minimize the take of eagles to the degree that remaining take cannot practicably be avoided.
- The practicable standard should be applicable to programmatic take permits and the “practicable” standard should not take into account the project proponent’s resources.
- Although a proponent’s ability to pay can be a relevant factor in determining the extent of conservation measures, the “cost of the remedy compared to [the] proponent resources” should not be an overriding factor. The determination should also consider the benefit to the species derived from the remedy. If the benefit to the species from an avoidance and minimization measure is low and the cost is high, the measure would not be considered “practicable.”
- The regulations should require mandatory compliance with the ECPG and the Land-Based Wind Energy Guidelines to achieve the “unavoidable” criteria specified in the current regulations for the issuance of a programmatic take permit at all new wind energy facilities.
- All environmental reviews that affect take permits should go through nationwide publication, advertising, and review process with sufficient time for comment period (e.g., 60 days).
- As a starting point, the proper affected tribes must be identified (by casting the widest net possible) and contacted to participate in permit decision-making.
- Early and meaningful consultation with tribes should occur to “use” traditional ecological knowledge.
- State wildlife agencies should be consulted in the federal eagle take permit process, including the Service internal, five-year, non-public “reviews” of programmatic permit conditions for the 30-year life of a permit.
- The authorized level of take for all programmatic permits should be at least two eagles to avoid requiring immediate re-evaluation of a permit upon the take of one eagle.
- Make the Service’s national eagle management structure and practices, and the permit review process, transparent and open to full public review and comment procedures. Clearly articulate for each eagle take permit issued in a legally sound and scientifically defensible manner how it complies with BGEPA and ensures preservation of eagles, especially in the face of acknowledged uncertainty.

- Permit issuance should require preparation of EISs and Section 7 consultation under the ESA when ESA-listed species are known to be present.
- Areas of particular importance to eagles, such as migratory corridors and high-density nesting areas should not be allowed for wind development or should have additional scrutiny in the permitting process.
- Permits should only be given for actions where take may occur as a result of a random event. No permit should be issued for take that is predicted to occur.

Adaptive Management and Permit Conditions

- An independent third party entity and not the permittee should conduct monitoring, with a five-year oversight by the Service. Energy companies could pay the party through a trustee.
- The regulations should provide that all data on bird mortality at specific wind energy sites be made available for meaningful stakeholder (public) review and analysis on a regular basis, including analyses of the effectiveness of post-construction mitigation in reducing eagle (and other federally protected birds and bats) mortality.
- The Service should consider requiring that post-construction fatality monitoring follow a standardized protocol that has been proven effective and peer-reviewed.
- Adaptive management scenarios and the possibility of compensatory mitigation should be agreed upon in the planning stage of project development as part of the requirements for the programmatic permit.
- The revised rule should clarify what is required and what analysis is performed at 5-year reviews.
- The 5-year reviews should account for eagles that abandon nests, eagles that continue to breed, any nest that is removed, and all eagle mortalities associated with the project.
- Trigger mechanisms that will require additional measures by the permittee must be clearly identified prior to permit issuance and spelled out in the permit.
- Permit reviews should be informal discussions bound by mitigation options and costs defined by the permit.
- When changes to the permit terms and conditions are expected by the Service during the pendency of the permit due, the permittee should be provided as much advance notice as possible to plan and budget for potential changes in mitigation requirements. Periodic meetings (e.g., annually) between the permittee and the Service would be appropriate to ensure that both parties are informed on any potential issues or concerns.
- If the required post-construction monitoring determines take will exceed the pre-construction estimates, the project should be placed on a shorter re-evaluation cycle.
- Habitat changes can affect the patterns of eagles and must be accounted for.

- Increase frequency of turbine site inspection to search for physical evidence of mortality/injury event.
- Develop and employ video surveillance and other technologies (impact alarms).
- Provide onsite personnel quarters to facilitate monitoring of larger wind farms.
- Keep the public apprised of the status of experimental measures and adaptive management prescriptions.
- Implement a hierarchy of 1) avoidance; 2) minimization and 3) mitigation.
- Minimization strategies include seasonal curtailment during known periods of high avian use, as well as observation-based shutdown of turbines when eagles are within a specified distance of wind turbines.
- The Service should clarify that the NEPA analyses for the permit should cover the adaptive management provisions in the ECPG including the 5-year reviews.
- The 2013 revised regulations do not define what advanced conservation practices will consist of for long-term permits. Standards are needed for these advanced practices that evolve with changing science.
- In a migration pathway, the use of radar to detect migrating raptors and on-the-ground observers should be considered during migration periods. The cost of detection devices and methods to discourage eagles from using a site should be built into the project budget, as should the cost of temporary shutdown of the project, if necessary, during migrations.
- There is a need for peer-reviewed research-based risk models and standardized monitoring criteria, e.g., frequency (more often than every 30-90 days), monitoring duration, a search radius that corresponds to the turbine height and size of each turbine monitored and specific protocols for data collection.
- “For golden eagles east of 100 degrees West longitude, we will not issue any take permits unless necessary to alleviate an immediate safety emergency.” The Service should reconsider this statement and allow for issuance of programmatic permits for “non-purposeful take” of golden eagles nationwide. The current regulations do not allow for recognition of the potential of non-purposeful take of golden eagles east of the 100 degrees West longitude.
- After construction, some projects may still result in take over time due to project operations. The level of take should be at least two eagles to avoid requiring immediate re-evaluation of a permit upon the take of one eagle.
- The Service should revise the definition of “programmatic take” to allow a programmatic take permit even if only indirect effects would cause a “take” or a “disturbance”. The definition applies for “take that is recurring”. Programmatic permits also should be used in situations where a “take may occur”, but neither a take nor disturbance of an eagle is certain. This acknowledges both low risk activities and/or that avoidance and minimization methods may be sufficient to eliminate a future take.

- The Service should redefine ACPs as “scientifically supportable measures or testing of experimental measures that are approved by the Service to reduce eagle disturbance and ongoing mortalities to a level where remaining take cannot practicably be avoided.”
- Immediately establish a process for Advanced Conservation Practices approval and implementation, including a transparent mechanism for selecting and assessing ACP effectiveness in minimizing eagle take and providing for a diversity of options.
- 5-year reviews create uncertainty for permittees. The Service should incorporate provisions similar to the Habitat Conservation Plan Assurance Rule for incidental take permits issued under the Endangered Species Act. This approach would provide regulatory assurances to permit holders and incorporate a greater degree of certainty in the 30-year programmatic permit process.
- The Service must retain the option to NOT renew a take permit at the 5-year review if the level of eagle kills exceeds the permitted threshold and may impact populations.

Compensatory Mitigation

- The regulations should make compensatory mitigation mandatory for all wind energy facilities and associated transmission towers and lines at which federally protected birds are being taken.
- Compensatory mitigation requirements should only be required as replacement mitigation for take that exceeds established take thresholds and populations are not healthy enough to sustain additional mortality, consistent with the Eagle Conservation Plan Guidance.
- Compensatory mitigation should address both direct and indirect effects, such as the loss of important use areas. The regulations should require compensatory mitigation for all permits associated with 1) anticipated or known fatalities; 2) anticipated or known loss of productivity; and anticipated or permanent loss of an important use area, including breeding areas, nest sites, foraging areas, and migration corridors.
- The Service should develop metrics to address compensatory mitigation for impacts to eagles outside the breeding population (i.e., on wintering grounds and during migration).
- The Service should provide regulatory assurance that, as long as permittees are abiding by the terms and conditions of their ITP, the Service cannot ask the permittee to neither commit any additional compensatory resources nor impose on the permittee any additional restrictions in the event of unforeseen circumstances short of a jeopardy determination.
- All lethal take of eagles should require compensatory mitigation. Without such a requirement, there will be no incentive for the wind power industry to refine their methods to reduce take.
- Mitigation should not be relied upon to offset mortalities.

- Mitigation should be managed by an entity that specializes in these strategies, rather than industry or the permittee.
- Allowing wind companies (and others) to retrofit other companies' power poles may result in power companies taking responsibility for fixing their own lines.
- The Service needs to collaborate with utilities on how to select which poles to retrofit and how to identify the highest priority areas for mitigation.
- The Service needs to recognize the cost differences in retrofitting different companies' distribution systems. The types of equipment, size, height and location of the power pole being retrofitted will affect cost to complete. Utilities must calculate specific cost or value according to pole type and the scope modification to determine a cost to retrofit.
- The ECPG states a cost of retrofitting per pole of \$7,500 underestimates the cost of retrofitting the average pole. In addition, the Service has also underestimated the life of a pole at ten years. The age and cost to replace poles vary greatly. Costs to modify poles (particularly for transmission voltage) cost more than \$7,500 per pole depending on the type of work done, voltage, location, climate, etc. The Service should work with electric utilities to ensure appropriate costs are considered and that pole modification programs are effective and durable.
- The Avian Power Line Interaction Committee (APLIC) has developed a guidance document titled, "Developing Power Pole Modification Agreements for Compensatory Eagle Mitigation for Wind Energy Projects" that provides a framework for developing, implementing, tracking, monitoring, and maintaining pole retrofits as compensatory mitigation. The Service should consider adopting this type of program or one similar to it.
- Retrofitting cannot be the only replacement mitigation option available. A utility should have the opportunity to review proposed retrofitting and/or refuse. The Service needs to have flexibility on type of mitigation required.
- The Service should provide sufficient flexibility in the Eagle Rule so that a utility will not be precluded from self-directing funds to retrofit poles and wires owned and operated by that utility where such retrofits would exceed normal Avian Protection Plan commitments and/or expedite the timeframe of a retrofitting plan.
- Falconers are in a unique position to participate in any compensatory mitigation or Species Survival Plan projects. This is because falconers are capable of conducting the entire range of activities and operations necessary for participating in a Species Survival Plan: Obtaining specimens from the wild, maintaining them in good condition, rehabilitation, training, conditioning for release, and release of golden eagles in to the wild to become successful members of an adult breeding population. A genetically diverse captive population of golden eagles must be obtained and maintained as a breeding population.

- Mitigation should focus upon the replacement of suitable eagle habitat. Conservation of nest sites and potential nest sites in vulnerable areas should be a high priority in light of the continued loss of habitat and nesting sites.
- The Service and permit holders should consider opportunities to achieve significant benefits to eagles through a comprehensive approach rather than relying on individual permit holders to conduct piecemeal mitigation projects. While these individual mitigation efforts can provide benefit to the species, a coordinated approach that combines compensatory mitigation requirements into a cohesive package should provide greater benefits to eagles. Allowing permit holders to pay an in-lieu fee to support a mitigation fund, which could be used to support eagle conservation, research, and education efforts, would be one way to accomplish that objective.
- The Service's review should include how the Service will determine an appropriate amount of take, and explain why that determination may be different based upon differences among projects.
- Many projects have a long life span and a low possibility of "take". Here, the Service should provide a flexible method for implementing compensatory mitigation over time.
- If the benefit to the species from an avoidance and minimization measure is low and the cost is high, the measure would not be considered "practicable". Conversely, a project proponent should not be able to avoid compensatory mitigation if it proposes a project that fails to reasonably consider avoidance or minimization measures.
- Mitigation should be more tangible. The death of an eagle should result in mitigation directly saving the life of another eagle.
- Any revisions to the compensatory mitigation should require that conservation measures or monetary contributions be applied to the county where they are generated.
- By calculating the risk of eagle take through a formula that does not account for eagle avoidance behaviors (especially with the bald eagle), and then requiring compensatory mitigation to completely offset the level of assumed take (and, pursuant to the ECPG, requiring significant mitigation upfront), the Service sets the compensatory mitigation level too high and requires compensation for in effect "phantom" takes that may never occur.
- Options for mitigation should include:
 - An ammunition exchange in locations where eagles are impacted by lead;
 - Funding for identification and carcass removal programs that would remove carcasses from areas where eagles collide with vehicles or trains;
 - Habitat enhancement funding or purchasing mitigation lands through commercial habitat banks;
 - Funding for appropriate research efforts;
 - Reduction of unintentional poisoning;
 - Implementation of a reward system to reduce poaching;
 - Reduction of mortality from vehicle collisions and road kill-collisions through road kill-carcass removal efforts;

- Shifting to use of non-toxic ammunition via hunter education and voluntary lead abatement;
- Reduction of stock tank drowning;
- Implementation of a whistleblower rewards system to reduce poaching;
- A reduction of the impacts of secondary trapping;
- Funding of Rehabilitation centers;
- Chelation to reduce lead levels in eagles;
- Funding of livestock depredation compensation programs to encourage landowners to protect eagles;
- Improved management of public recreational activities that reduce eagle productivity;
- Prey management programs;
- Habitat preservation;
- Habitat restoration;
- Reduction of unintentional poisoning;
- Captive breeding programs;
- Solar impacts;
- Utility line marking to prevent collisions;
- Nest discourager/excluder installation;
- Contributions to eagle management programs.
- The Service should encourage and provide incentives for creative approaches to compensatory mitigation.
- Institute higher standards of avoidance and mandatory mitigation for: Eagle Management Units (EMUs) not able to sustain take, important eagle use areas, Important Bird Areas (IBAs) and other special protection areas, eagle migration corridors, and areas of high value habitat—particularly areas known for eagle use for foraging, nesting or concentrated migration activity.
- Carefully prioritize investment in mitigation options to provide for the greatest conservation benefit to the species, utilizing effective and measurable measures that provide tangible benefits to the affected species.
- Immediately identify and test for additional compensatory mitigation measures— including consideration of permanent conservation of important eagle use areas.
- Provide for durable mitigation, especially when considering habitat enhancement or conservation, and plans for effectiveness monitoring throughout the life of the permit.
- Consider habitat enhancement or conservation for mitigation. These could include: 1) fire prevention measures in areas with golden eagle breeding territories that are at high fire risk, 2) removal and control of non-native grasses which are known to increase fire risk and may also decrease golden eagle prey abundance, and 3) conservation easements to protect known golden eagle breeding territories that are at risk of residential, agricultural, or energy development.

- It is appropriate to not require compensatory mitigation for historic religious take by tribes; however, the Service should direct other permittees' mitigation efforts into the areas where the religious take occurs.
- The regulations should emphasize and incentivize avoidance in conservation plans and institute the full mitigation hierarchy prior to requiring compensatory mitigation.
- The desired conservation outcomes from compensatory mitigation should be achieved within a timeframe commensurate with predicted impacts to be offset. Given that the Service cannot predict when programmatic take will occur, benefits of proposed compensatory mitigation actions should accrue as early in the life of the project as possible.
- The length of time that the measurable benefits of compensatory mitigation persist should meet or exceed the length of time of the projected impacts.
- Compensatory mitigation actions should be proven to be reasonably likely to deliver expected conservation benefits.
- Actions proposed as compensatory mitigation should provide benefits beyond those that would be achieved if the mitigation actions had not taken place. The Service must also provide evidence that the mitigation does more than require permittees to complete actions that a third party is otherwise legally required to complete under federal, state, or local law.
- The Service should establish a standardized process for reporting and monitoring of compensatory mitigation actions to ensure compliance and the delivery of eagle conservation benefits.
- The Service should create separate risk models for bald and golden eagles based on their biology and behavior, as take estimates are the basis for determining the mitigation amounts.
- The applicant should, after each 5-year review period, be able to apply unused mitigation credits by carrying them over to subsequent review periods. Alternatively, these credits should be tradable or transferable.
- Allowing companies to receive credits for excess compensation could lead to excess take in some years, especially at the local scale. The Service needs to explain how the credit system will avoid excess take.
- The Service should allow mitigation opportunities that occur outside of the BCR where the take occurred and into adjacent BCRs (and possibly on a biome-wide basis), depending on the characteristics of the bird that was taken (e.g., migratory vs. resident) as long as those mitigation efforts help eagle populations in that BCR (i.e., the biology of the affected eagle population justifies a broader approach).
- Additional compensatory mitigation should only be required in response to changed circumstances previously provided for in the permit and applied at the project level consistent with the "no surprises assurances" provided by ESA incidental take permits. In providing this type of assurance, cost uncertainty would be reduced, thereby creating a situation where developers/owner operators would be more likely to seek full-term permits and to comply with the related conservation measures.

- The regulations should allow hypothesis-driven, scientifically based research to count as part of a mitigation strategy.
- The regulations should explicitly provide that mitigation will be focused on conservation of wild birds rather than hacking captive-reared eagles as a mitigation measure.

Permits for Taking Eagle Nests

- The definitions found in the current regulations make sense, but they conflict with how similar terms are used in scientific literature.
- The definition of inactive eagle nest should be revised to extend the time period when a nest is considered not currently being used beyond 10 consecutive days.
- The ten-day period used to define an "inactive" nest should be reduced to five days, particularly for nests where young have fledged. The shorter period is sufficient to identify eagle breeding activity.
- Permits should not be available to remove nests with no eggs or young, but which adults for purposes of breeding attend in order to prevent an anticipated (but not yet present) emergency situation.
- If the regulations will allow nests that are attended by adults but no eggs have been laid yet to be removed for anticipated safety emergencies, the regulations should include a clear decision process for what constitutes an anticipated emergency.
- Nest removal should occur outside of the breeding period and should only occur when there is an extreme safety situation.
- A nest should not be considered abandoned unless it has not been used for five years, as Golden Eagles sometimes return to a nest after two or three years.
- Expand take of nests to include new or potentially hazardous nests that are actively tended by adults but without eggs/chicks.
- The regulations should allow more flexibility for removal of active and inactive nests in urban areas and other areas of potential risk to successful nests.
- The high standard in the current regulations that limits nest removal to limited situations should be retained. It has contributed to the preservation of bald eagle nesting habitat and the persistence of historic nest territories in Florida.
- Expedite permit mechanism for removal of inactive nests with potential of risk, including those in urban areas.
- Under "50 CFR 22.27 (b) *Conditions*. (2) When an active nest must be removed under this permit, any take of nestlings or eggs must be conducted by a Service-approved, qualified, and permitted agent, and all nestlings and viable eggs must be immediately transported to foster/recipient nests or a rehabilitation facility permitted to care for eagles, as directed by the Service." This requirement may not always be feasible or possible. Rather, the language should be; "(2) When an active nest must be removed under this

permit, any take of nestlings or eggs must be conducted by a Service-approved, qualified, and permitted agent. *In most instances, nestlings and viable eggs must be immediately transported to foster/recipient nests or a rehabilitation facility permitted to care for eagles, as directed by the Service. The Service will make the determination as to the fate of all nestlings and viable eggs.*

- The definition of “eagle nest” should have a temporal aspect such that a nest that remains unused for 5 consecutive years and has deteriorated to an unusable condition is no longer included. The definition should be expanded to allow for more flexibility when the need arises to remove a nest that has deteriorated and is in an unusable state. The proposed language is “Eagle nest means any readily identifiable structure built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction. Through consultation with the Service, any nest that is deemed as unmaintained along with the absence of eagles, and the nest is in a state of deterioration will no longer be considered an eagle nest.”
- Permits for removal of bald eagle nests should be less stringent and easier to acquire, without requiring applicants to provide “net benefits” to eagles or mitigation.
- Additional circumstances that indicate a nesting pair may continue to be viable, such as identification of an alternate nest within the territory, should allow for removal of one nest without requiring “net benefit” measures.
- The regulations should maintain the current standards with respect to the “net benefit” requirement for removal of inactive nests, including further clarifications and a clear definition of what constitutes a “net benefit.”
- Due to the current population status of golden eagles, golden eagle nest removal criteria should be more restrictive in nature. Mitigation, whether compensatory or replacement, should be implemented, by the permit holder, for golden eagles. The destruction of golden eagle nests should be avoided, if at all possible, unless the nest is posing a safety emergency.
- In addition to situations that present human health hazards, the Service should retain the authority to issue nest removal permits in instances of extreme hardship, such as a new nest constructed following acquisition of a small housing lot.
- The regulations should be revised to allow nests to be removed to alleviate a threat of significant property damage.
- Permits should not be made available for removal or relocation of active nest with eggs or young for purposes other than safety emergencies.
- For cases where an inactive nest take permit is sought, a standard monitoring methodology should be required for determining the status of the nest so that such a determination can be reviewed and approved similarly by multiple permitting agencies.
- If a pair of eagles known to use one nest creates another resulting in the abandonment of the original nest, the old nest should be considered immediately abandoned.

- Permitting exclusions or streamlined permitting should be an option for inactive nest sites, which the applicant can demonstrate are degraded and for which removal will not have a detrimental impact on preservation of the species.
- The Service should evaluate the establishment of nest removal permits that would cover the removal of an active nest (without eggs or dependent young) or an inactive nest multiple times for the same location.
- Additional definitions should be added to the regulations, including the following:
 - Active Nest - this definition would serve to clarify the types of breeding behavior or evidence needed to prevent the take of a nest during a particular breeding season.
 - Active Territory - this definition would supplement the existing definition for area nesting population and relate to one breeding pair making a nesting attempt within an established breeding territory.
 - Inactive Territory or Historical Territory - this definition would aid in dealing with a scenario where nest structures are observed but no evidence of use has been documented for a specific period of time.
 - Alternate Nest - this definition would apply to a documented nest used by a breeding pair within the same territory in which a nest removal permit is applied for.
 - Nest condition - this definition would describe the qualitative evaluation of nest conditions used to determine the likelihood of repeat nesting at this site.
 - Non-viable Nesting Structure or Historical Nest Site - this definition would define a structure that has not been used for a period time or damaged from environmental conditions.
 - Existing Disturbance Regime - this definition is to provide a qualitative evaluation of the baseline conditions for which a new disturbance is proposed. For example, if an existing operation is ongoing and eagles chose to nest nearby, this needs to be considered when evaluating "take" or the risk for potential "take."
- The definition of "area nesting population" should be modified to remove the 10-mile radius because it may not have any bearing on the actual home-range of a nesting pair or on the project impact area.
- Establish and clearly define in the management objectives acceptable distances from eagle nests necessary to avoid disturbance of eagles in a given management area.
- Any nest, abandoned or active, that is removed for any reason needs to be accounted for in the five-year review.
- The term "abandoned nest" should be clarified so it is clear in the literature that both species may have several nests that they use on a rotational basis and will pick the current year's nest based on things like disturbance.
- The Service should seek input from electric utilities to define emergency situations that are specific to electric utility operations.

- The Service should clarify the type of permit needed for temporarily obstructing eagle access to nests (prior to nesting season) to prevent disturbance during nesting-season construction or maintenance activities.

Low Risk Category

- The Service should revise the definition of “low-risk” to include projects with slightly higher probability of taking eagles, provided the cumulative impacts would be compatible with eagle management objectives. The current definition represents such a low level of risk that the burdens of issuing take permits for both developers and the Service outweigh the benefits of the permitting. The Service should redefine the probability of take percentage for “low-risk” projects such that projects with the probability of take of 0.03 or lower should be able to address their potential impacts through the development of non-permit-based conservation strategies.
- The Service should exempt issuance of permits for projects with low-effects or “low-risk” by establishing a new categorical exclusion for them in its NEPA regulations. Given the Service’s conservative take estimates and limited resources in its permitting program, a categorical exclusion for low-risk projects would be reasonable for the Service and project proponents.
- The Service should not broaden the category of “low-risk” projects established in the “Duration Rule” to include any projects that are likely to take more than 0.03 eagles per year.
- The Service should modify the low-risk threshold from 0.03 eagles per year to 0.17 eagles per year. Annual take probabilities of 0.17 eagles per year are the lowest that produce 30-year take probabilities rounding to 1.0 at two significant digits.
- The Service should use binomial probability to calculate the single-year probability, i.e., 100 percent probability of one or more takes occurring over the course of 30 years. The Service should modify the low-risk threshold from 0.03 eagles per year to 0.17 eagles per year, which will maintain a conservative basis for identifying low-risk projects.
- Low-risk permits should not be coupled with 30-year and other longer-term permit durations.
- Low-risk projects should be evaluated within the context of cumulative risk to local and regional eagle populations, as well as within the context of projected disturbance and habitat modification.
- The Service should establish criteria to identify low-risk activities and set up a more streamlined permit process to address these circumstances. For example, there could be a one-page permit criteria checklist submitted with the “take” permit application that qualifies a project for an exemption from NEPA or advanced conservation practices.
- The definition of low risk should be clearly defined and based not only on anticipated project take (mortality and disturbance), but also on habitat modification, and should also be defined in the context of cumulative risk to regional and local eagle populations.

- While the application process for low-risk permits should be streamlined, applicants should still be required to meet the same permit eligibility standard for avoidance through the implementation of ACPs.
- Low-risk permittees should be required to adhere to standardized monitoring, annual reporting requirements, and incidental take reporting sufficient to accurately capture any take.
- A low risk category for placement of wind energy facilities should be created in a transparent manner using data such as the American Bird Conservancy's Wind Risk assessment map.
- Low-risk permits should have standardized terms and conditions that are industry-specific and reviewed and updated on a periodic basis.
- Individual low-risk permit applications must be subject to a robust stakeholder review and comment process.
- When determining low risk projects, two separate models should be used for golden and bald eagles, which take into consideration the apparently different behavior and risk profiles of each species.
- The Service should consider some types of transportation projects as low-risk to nesting and roosting bald eagles, specifically those that are:
 - Similar to existing activities that eagles in the area are accustomed to;
 - Of limited duration, occurring no more than several days at a time;
 - Implementing various minimization measure to reduce impacts to eagles; and
 - Not going to have a project noise level above 92 dB.
- Criteria to evaluate whether a project is considered low risk should include:
 - Proximity and view shed of proposed disturbance in relation to nesting habitat
 - Landscape level migration patterns
 - Quality of potential foraging habitat
 - Project activities that have a potential interaction with eagles or eagle habitats
 - Timing of projects (short-term/long-term, within or outside of breeding season)
 - Specific operational practices (applicant-committed protection measures)
- The "low-risk" project category should be based on clearly defined disturbance thresholds, including, but not limited to, no surface occupancy (NSO) and seasonal buffers around nests.
- If a project is beyond the Service-recommended buffer distance from an eagle nest, the project should be considered "low risk" and the permit issued under a simplified and shortened application/approval permit process.

Cultural

- To address the cultural value of eagles, the Service should consult face-to-face, with the National Congress of American Indians and other tribal entities for their direction on this issue.

- In recognition of the continued lack of tribal engagement on these eagle matters, the Service should consult with and engage tribes, tribal religious and spiritual leaders, and tribal conservation and environmental experts regarding the development and implementation of federal policies related to eagles.

Research

- The Service should establish regular, consistent surveys to assess changes in population.
- The Service should undertake a well-defined research program that explores potential innovations in ACPs to supplement a menu of validated, effective measures.
- There is an opportunity for the Service to use utility data if they facilitate use of the reporting system and provide guarantee of security of data.
- The Service should actively pursue research on many factors that affect long-term population status of eagles in a changing landscape, including climate, prey populations, wind-farm losses, electrocutions, and lead poisoning.
- Research and monitoring efforts should be developed to:
 - Collect regional baseline population data;
 - Evaluate trends in population status;
 - Understand risk factors for take and improve risk assessment methodologies;
 - Identify and quantify threats to regional populations and the opportunities to reduce threats through compensatory mitigation;
 - Refine avoidance strategies;
 - Identify and assess the effectiveness of ACPs; and
 - Identify and assess the effectiveness of compensatory mitigation measures.
- The Service and its partners should conduct more detailed studies of eagle movements, prey populations, habitat use, and populations on a regional basis and use them to improve siting decisions.
- The Service should use modeling to simulate populations of known structure that are then impacted at Known (simulated) levels as a means to inform decisions. The substantial body of knowledge on bald eagles could serve as an initial benchmark for developing simulation models for golden eagles.
- Any dollars that come from enforcement and fines should be applied to fund eagle research.

Other

- The Service should consider shifting focus of the USFWS programmatic permit program from a lethal take focus to the conservation of eagles and their habitat.
- Consider the use and issuance of true programmatic approaches to planning that examine mitigation measures within the context of a local area population, or other regional characteristic, thereby adding population-scale

data collection, analyses and mitigation efforts to the site-specific analysis that must occur for each individual take authorization.

- The preamble to the 2009 permit regulations, Final Environmental Assessment conducted for those regulations, and the ECP Guidance all identify projects in operation prior to 2009 as being part of baseline conditions on which take thresholds were established. In practice, however, the Service has been inconsistent about how to treat such projects. The Service should clarify the extent to which mitigation is required for pre-2009 projects.
- The Service should treat known permitted take that occurred prior to 2009 as measureable when considering additional take, and not consider it “baseline.”
- Some Service Regions have imposed a requirement that applicants prepare Service-approved Bird and Bat Conservation Strategies as part of the permit application. The regulations do not require this and evaluation of non-eagle species should not rise to the level of an approved plan for a Service decision in support of issuing an eagle take permit.
- Section 22.11(c) should be revised to state: "You must obtain a permit under part 21 of this subchapter for any activity that also involves migratory birds other than bald and golden eagles, and a permit under part 17 of this subchapter or a statement under Part 402 for any activity that also involves threatened or endangered species other than the bald eagle."
- The Service should consider issuing programmatic take permits to cover a company's entire service territory.
- The contents of the permit application form should be explicitly spelled out in the regulation. The preamble to the current regulations states that the application form requirements are purposefully absent so the Service can modify them without undergoing additional rulemaking. This lack of formal codification could lead to unintentional, pre-decisional actions by the Service, such as deeming applications incomplete.
- It would be beneficial for the public and government agencies to clearly understand the approximate (or maximum) length of time that it would take the Service to complete various eagle permit applications since the current process appears to differ from CFR 13.11.
- The regulations should specifically address the requirements for each type of permit. For example, they should clarify what level of studies, which types of documents are needed, the level of NEPA that is appropriate, and whether an ECP is required for each type of permit.
- A panel of eagle experts & eagle biologists should begin a review of the Eagle Act. The Eagle Act is old, very expensive, less complete and harder to enforce than the more current MBTA and ESA and it does not work well with current regulations.
- The Service should move forward with the development of a permitting process under the MBTA to augment those now available under BGEPA and ESA.

- The Service needs to enforce the ESA, BGEPA and MBTA when it comes to all energy development, whether traditional or alternative. Shut down or relocate wind energy sites that greatly exceed their take limits for federally-protected species, especially if mitigation proves ineffective in reducing bird (and bat) mortality. This means more prosecutions for violation of the laws and predictable consequences for non-compliance.
- The 2013 revisions to the permit regulations provide that the Service will make reported injury and mortality data available to the public. The regulation should clarify whether the Service will publish/post this data, or whether it will be available only upon filing a request under the Freedom of Information Act.
- The eagle depredation regulations at 50 CFR 22.23 state: “The tenure of any permit to take bald or golden eagles under this section is shown on the face of the permit. We will not issue these permits for terms longer than 90 days, ...”. This language should be amended to; “The tenure of any permit to take bald or golden eagles under this section is shown on the face of the permit. We will not issue these permits for terms longer than 90 days, *except permits for capture and relocation of eagle(s) for the protection of aviation safety and/or the eagle themselves. These types of exceptions may be issued up to one year. In addition, permits to authorize disturbance associated with hazing eagles from the vicinity may be valid for up to five years.*”
- Regional Service control of golden eagles must be stopped and turned over to the states, as it is with ALL other birds of prey. Regional control has led to inefficiency and inconsistent implementation and enforcement of laws.
- The Service should make modifications to the other BGEPA regulations to ensure consistency among the regulations and to carry forward any changes to the programmatic permits.
- Many natural community restoration activities need to be conducted during a specific season or they will not be successful. Therefore, planning to avoid the eagle nesting season may not be an option, and failing to restore the natural community compromises ecosystem integrity.
- The scoping process documents mention timber harvesting as an activity for which a programmatic permit may be appropriate. However, timber harvesting should not qualify for programmatic permits because the current eagle management guidelines for timber harvesting are quite easy to follow.
- Clarify the regulations and guidance documents to specifically address the requirements for each type of permit. For example, clarify whether Eagle Conservation Plans (ECPs) are required for a nest removal permit when the project NEPA has evaluated impacts and established appropriate mitigation measures.
- Consider developing a "Nationwide" permit program, similar to the Section 404 Clean Water Act permits that allows for projects to qualify under specific categories (low-risk). These instances would permit take within an established threshold per category.
- Develop additional industry-specific guidance documents in addition to the

wind energy guidance, transmission lines, etc., as the mineral mining industry does not easily fit into current guidance for Land-based Wind Energy due to major spatial and temporal differences in projects.

- Address in the regulations and guidance the roles and responsibilities of other permitting agencies. For example, if a project involving the removal of an inactive nest is being evaluated in a Bureau of Land Management (BLM) document and with appropriate consultation, the Service would allow the BLM to become the lead agency and establish appropriate mitigation, which would then be written into the "take" permit. This will allow for a streamlined approach for permitting and NEPA.
- Incorporate permit review and process times into the regulations and clarify how permits are processed. It is preferred that they are processed in a manner that allows for low-risk standard permits to be processed expeditiously. In addition, no industry should be given priority over another. For example, a permit to support a wind energy project should not be given precedence over a permit to support a mining operation.
- The regulations should require permittees to allow access to state wildlife agency staff to monitor permit compliance. Currently, the regulations require permittees to allow Service personnel and other qualified persons designated by the Service such access.
- A portion of the permit fees should fund a permit writer in each regional office dedicated to eagle permits. This will allow for consistency and efficiency in processing applications and meeting permit timelines.
- The rule should incorporate provisions to allow land managers to engage in habitat management activities that are beneficial to wildlife or plants, such as prescribed burns, natural community restoration, and nuisance species abatement, without liability for temporary disturbance to eagle.
- Further standardization is needed across Regions to eliminate multiple Regional guidance documents. The national ECP Guidance should be the only guidance for the process of evaluating eagle risk and developing ECPs.
- The regulations should establish a standardized timeline for review proportional to the risk posed to eagles by any given project.
- The slow pace of the eagle permitting process often leaves projects at risk of unauthorized take between the time the project is constructed and when the permit is issued. EDPR NA recommends the Service provide a mechanism such as a Technical Assistance Letter that includes a set of criteria under which a project receives some level of protection from prosecution during the interim period.
- When a permit is transferred to another entity, the original permit holder should be responsible for all mitigation requirements that were required during the period of their ownership. Allowing the new permittee to take responsibility for the outstanding mitigation requirements may provide a disincentive for the original permit holder to carry out the mitigation.

- The Service should work with utilities to better understand their construction, operation, and maintenance practices to better identify permitting categories and risk factors/categories for take.
- The fees for these programmatic permits increased substantially. The money from these fees should be used for wildlife conservation, mitigation and monitoring in the region affected.
- The Service should look to the more efficient permitting systems that federal agencies have used successfully for years under other regulatory programs. The Service could implement a programmatic industry permit with NEPA tiering as the Service uses for permits issued under the ESA or a general permit program similar to that utilized by the Army Corps of Engineers per the Nationwide Permit program under the Clean Water Act.
- Implementation of Avian Protection Plans allows for a cooperative model to address concerns, rather than through a more rigid permitting scheme that adds cost to avian protection activities. To maintain this flexibility, development and implementation of APPs should remain a viable option to address the same concerns that a 30-year programmatic permit would address.
- As neither the Eagle Act nor the actual regulations require that eagle take permits be available solely for individual projects, the Service should allow for multi-project/facility permit for bald eagles or regional permits that can serve as umbrella permits for individual projects. Bald eagle populations continue to grow exponentially in much of the country, and as these populations grow, so do the numbers of incidental take. Therefore, a set amount of authorized take over a period of time (i.e., 30 years) can be unpredictable and impractical. As long as the population growth exceeds the take and the overall goal of stable or increasing bald eagle population is being met, no individual permits would be necessary. Such regional permits could also be used for golden eagle take in projects that are considered low-risk.
- The Service should make modifications to other Eagle Act permit regulations to ensure consistency among the regulations and to carry forward the concepts identified above. For example, a programmatic permit to take golden eagle nests under section 22.25 (removal of nests for resource development and recovery operations) should be the same length of time as other programmatic permits and should not contain more stringent requirements to obtain a permit than what would be authorized under section 22.26 and 22.27.
- Similarly, the ESA and its implementing regulations at 50 CFR 17.31, the eagle permit regulations should include provisions for state wildlife agencies to take eagles as part of the agencies' management activities, for example, aiding injured or sick individuals, disturbing eagles while undergoing habitat management, salvaging carcasses, euthanizing mortally wounded eagles, and removing nest for specific management purposes.
- The regulations should clarify "disturbance" as it relates to eagle take and how the Service may use disturbance to infer a permit requirement.

- The Service should establish and clearly define in the management objectives acceptable distances from eagle nests that are necessary to avoid disturbance of eagles in a given management area.
- Wind turbines with predictable eagle mortality should not be permitted and those already permitted with future predictable mortality should be taken offline.
- The revised regulations should clarify if the provisions of the Eagle Act usurp the authority of the Endangered Species Act (ESA). The Service has made it difficult or impossible to obtain a permit to remove a golden eagle nest to protect California condors at their release site.
- New regulations should provide more information as to what other entities are expected to apply for programmatic permits. Will the regulations affect the aviation industry if there are more eagle strikes? Will they apply to state natural resource agencies if there is an increase in non-target eagle catch associated with recreational trapping?

Appendix A: Federal Register Notice

<http://www.fws.gov/policy/library/2014/2014-14497.html>

[Federal Register Volume 79, Number 120 (Monday, June 23, 2014)]
[Notices]
[Pages 35564-35567]
From the Federal Register Online via the Government Printing Office
[www.gpo.gov]
[FR Doc No: 2014-14497]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R9-MB-2011-0094;FF09M21000-145-FXMB123109EAGLE]

Eagle Permits; Notice of Intent To Prepare an Environmental Assessment or an Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; notice of public scoping meetings; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service, us, or we), announce five public scoping meetings to inform our decision to prepare either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, in conjunction with an evaluation of our eagle management objectives. The decision to initially prepare an EA or EIS will be, in part, contingent on the complexity of issues identified during, and following, the scoping phase of the NEPA process. The scoping meetings will provide an opportunity for input from other agencies, Tribes, nongovernmental organizations, and the public on the scope of the NEPA analysis, the pertinent issues we should address, and alternatives we should analyze.

DATES: To ensure consideration of written comments, they must be submitted on or before September 22, 2014. See SUPPLEMENTARY INFORMATION for the locations and dates of the scoping meetings.

ADDRESSES: See SUPPLEMENTARY INFORMATION for the locations of the scoping meetings. To obtain additional information about the topics that will be presented at the public scoping meetings, go to <http://www.eaglescoping.org>. You may submit written comments by one of the following methods:

Electronically: Go to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Search for FWS-R9-MB-2011-0094, which is the docket number for this notice, and follow the directions for submitting comments.

By Hard Copy: Submit by U.S. mail to Public Comments Processing, Attn: FWS-R9-MB-2011-0094; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, VA 22203.

Please note in your submission that your comments are in regard to Eagle Management and Permitting. We request that you send comments by only one of the methods described above. We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Availability of Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Eliza Savage, at 703-358-2329 (telephone), or eliza_savage@fws.gov (email). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800-877-8337 for TTY assistance. Alternatively, information presented at the public scoping meetings can be viewed at <http://www.eaglescoping.org>.

SUPPLEMENTARY INFORMATION:

Public Scoping Meetings

We will hold informal public informational sessions and present currently identified issues at the following dates and times:

1. July 22, 2014: Sacramento, CA, 5 p.m. to 8 p.m., Red Lion Hotel, Woodlake Conference Center, 500 Leisure Lane, Sacramento, 95815.
2. July 24, 2014: Minneapolis, MN, 5 p.m. to 8 p.m., DoubleTree Bloomington--MSP South, 7800 Normandale Blvd., Bloomington, MN 55439.
3. July 29, 2014: Albuquerque, NM, 5 p.m. to 8 p.m., DoubleTree Albuquerque, 201 Marquette Avenue Northwest, Albuquerque NM 87102.
4. July 31, 2014: Denver, CO, 5 p.m. to 8 p.m., Holiday Inn Denver Airport, 6900 Tower Rd, Denver, CO 80249.
5. August 7, 2014: Washington, DC, 1 p.m. to 5 p.m., South Interior Building, 1951 Constitution Ave NW., Washington, DC 20240.

Background

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) (Eagle Act) prohibits take of bald eagles and golden eagles except pursuant to Federal regulations. The Eagle Act regulations at title 50, part 22 of the Code of Federal Regulations (CFR), define the ``take'' of an eagle to include the following broad range of actions: ``pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb'' (Sec. 22.3). The Eagle Act allows the Secretary of the Interior to authorize certain otherwise prohibited activities through regulations. The Secretary is authorized to prescribe regulations permitting the ``taking, possession, and transportation of [bald eagles or golden eagles] . . . for the scientific or exhibition purposes of public museums, scientific societies, and zoological parks, or for the religious purposes of Indian tribes, or . . . for the protection of wildlife or of agricultural or other interests in any particular locality,'' provided such permits are ``compatible with the preservation of the bald eagle or the golden eagle'' (16 U.S.C. 668a).

On September 11, 2009, we published a final rule that established two new permit regulations under the Eagle Act (50 FR 46836). One permit authorizes take (removal, relocation, or destruction) of eagle nests (50 CFR 22.27). The other permit type authorizes nonpurposeful take of eagles (50 CFR 22.26). The nonpurposeful eagle take regulations provide for permits to take bald eagles and golden eagles where the taking is associated with, but not the purpose of, an activity. The regulations provide for standard permits, which authorize individual instances of take that cannot practicably be avoided, and

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programmatic permits, which authorize recurring take that is unavoidable even after implementation of advanced conservation practices. We have issued standard permits for commercial and residential construction, transportation projects, maintenance of utility lines and dams, and in a variety of other circumstances where take is expected to occur in a limited timeframe, such as during clearing and construction.

``Programmatic take'' of eagles is defined at 50 CFR 22.3 as ``take that is recurring, is not caused solely by indirect effects, and that occurs over the long term or in a location or locations that cannot be specifically identified.'' Take that does not reoccur, or that is caused solely by indirect effects, such as short-term construction, does not require a programmatic permit. For additional explanation of programmatic take and programmatic permits, see 74 FR 46841-46843.

We can issue programmatic permits for disturbance as well as take resulting in mortalities, based on implementation of ``advanced conservation practices'' developed in coordination with the Service. ``Advanced conservation practices'' are defined at 50 CFR 22.3 as ``scientifically supportable measures that are approved by the Service and represent the best available techniques to reduce eagle disturbance and ongoing mortalities to a level where remaining take is unavoidable.'' Most take authorized under Sec. 22.26 to this point has been in the form of disturbance; however, permits may authorize lethal take that is incidental to an otherwise lawful activity, such as mortalities caused by collisions with rotating wind turbines.

The Eagle Act requires the Service to determine that any take of eagles it authorizes is compatible with the preservation of bald eagles or golden eagles. In the preamble to the final regulations for eagle nonpurposeful take permits, and in the Final Environmental Assessment of the regulations, we defined that standard to mean ``consistent with the goal of stable or increasing breeding populations'' (74 FR 46838).

On April 13, 2012, the Service initiated two additional rulemakings: (1) A proposed rule (``Duration Rule'') to extend the maximum permit tenure for programmatic eagle nonpurposeful take permit regulations from 5 to 30 years (77 FR 22267), and (2) an Advance Notice of Proposed Rulemaking (ANPR) soliciting input on all aspects of those eagle nonpurposeful take regulations (77 FR 22278). The ANPR highlighted three issues on which the Service particularly hoped the public would comment: Eagle population management objectives, compensatory mitigation, and programmatic permit issuance criteria.

The Duration Rule was finalized on December 9, 2013 (78 FR 73704). Under the revised regulations, the maximum term for programmatic permits was extended from 5 to 30 years. This change is intended to facilitate the responsible development of projects that will be in operation for many decades and bring them into compliance with statutory mandates protecting eagles. The longer term permits will incorporate conditions that provide for adaptive management. Permits issued for periods longer than 5 years are available only to applicants who commit to implementing adaptive management measures if monitoring shows the measures are needed and likely to be effective. The required adaptive management measures will be negotiated with the permittee at the outset and specified in the terms and conditions of the permit.

At no more than 5-year intervals from the date a permit is issued, permittees must compile a report documenting any fatalities and other pertinent information for the project and submit the report to the Service. The Service will evaluate each permit to reassess fatality rates, effectiveness of measures to reduce take, the appropriate level of compensatory mitigation, and eagle population status. Depending on the findings of the review, permittees may be required to undertake additional conservation measures consistent with the permit. The Service will make mortality information from both the annual and the 5-year compilation report available to the public.

Management Objectives for Bald and Golden Eagles

The language of the Bald and Golden Eagle Protection Act provides flexibility with regard to defining management objectives for bald and golden eagles. The management objective directs strategic management and monitoring actions and, ultimately, determines what level of permitted eagle removal can be allowed.

We are considering modifying current management objectives for eagles, which were established with the 2009 eagle permit regulations and Final Environmental Assessment of our regulatory permitting system under the Eagle Act. Different management objectives could be set for bald and golden eagles. At least four elements may be considered when establishing a management objective: (1) The population objective and relevant timeframe for it to be met; (2) eagle management units (EMUs), or the geographic scale over which permitted take is regulated to meet the population objective; (3) whether we also set an upper limit on take at a finer scale than the EMU to avoid creating population sinks in local breeding populations; and (4) our level of risk tolerance. The level of risk tolerance means how much risk the agency is willing to take when information is uncertain in carrying out management actions (e.g., setting levels of authorized take). For example, when information is less certain, a more conservative approach may be adopted to avoid unintended outcomes. Alternatively, to provide for more flexibility in permitting, the Service could adopt a more risk-tolerant approach.

The current management objective, also referred to as the ``Eagle Act preservation standard,'' is to manage populations consistent with the goal of maintaining stable or increasing breeding populations over 100 years, which is at least five eagle generations. The scale the Service uses to evaluate eagle populations is referred to as eagle

management units. EMUs for the golden eagle were set at the Bird Conservation Region (BCR) level because the only range-wide estimates available for the golden eagles are BCR-scale population estimates. To establish management populations for bald eagles, we used natal populations (eagles within the natal dispersal range of each other) in our evaluation in order to look at distribution across the landscape. (Natal dispersal refers to the movement between hatching location and first breeding or potential breeding location.) Because the populations delineated by this approach roughly correspond to the Service's Regional organizational structure, we have been managing bald eagles based on populations within the eight Service Regions, with some shared populations. Estimates of bald and golden eagle population size in each EMU were calculated, and EMU-specific estimates of demographic rates were used in models to determine rates of authorized take that are compatible with maintaining stable breeding populations.

Under the current management approach, permitted take of bald eagles is capped at 5 percent estimated annual productivity for bald eagles. Because the Service lacked data to show that golden eagle populations could sustain any additional unmitigated mortality at that time, we set take thresholds for that species at zero for all regional populations. This means that any new authorized ``take'' of golden eagles must be at least equally offset by

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compensatory mitigation (specific conservation actions to replace or offset project-induced losses). For more details and explanation about the current eagle management approach, see the 2009 Final Environmental Assessment, Proposal to Permit Take as Provided Under the Bald and Golden Eagle Protection Act, which can be found at: <http://www.fws.gov/migratorybirds/BaldAndGoldenEagleManagement.htm>.

The Service also developed and applies guidance on upper limits of take at more local scales to manage cumulative impacts to local populations. Under the guidance, the Service must assess take rates both for individual projects and for the cumulative effects of other human-caused take eagles, at the scale of the local-area eagle population. The local-area population is the population of eagles within the natal dispersal distance. The Service considers this distance to represent the geographic area that would provide recruits to replenish a local population if permitted take caused a decline in the breeding population of eagles around a permitted project. The Service identified take rates of between 1 and 5 percent of the total estimated local-area eagle population as significant, with 5 percent being at the upper end of what might be appropriate under the Eagle Act preservation standard, whether offset by compensatory mitigation or not.

The Service is considering a range of possible alternatives to the current management objective. At one end of the spectrum, we could adopt a qualitative objective such as ``to not meaningfully impair the bald or golden eagle's continued existence.'' Alternatively, we could update the current management objective by incorporating newer, improved information on eagle movements, population size, and natal dispersal distances to revise the EMUs; set explicit numerical population objectives in each EMU; and refine the area we consider the

local scale. We could also adopt an explicit level of risk tolerance relative to how much take to allow based on uncertainty in the population size estimates.

The scoping process announced today in this notice will inform our eagle management program and our decision to prepare either an EA or an Environmental Impact Statement (EIS). Service staff who have been implementing the 2009 eagle permit regulations have identified a number of priority issues for evaluation during this scoping process, including the following: Eagle population management objectives; programmatic permit conditions; compensatory mitigation; evaluation of the individual and cumulative effects of low-risk (or low-effect) permits; and criteria for nest removal permits. For more information about these topics visit <http://www.eaglescoping.org>. In addition to these topics, during this scoping process, we invite the public to provide input on any aspect of our eagle management program.

Analysis Under the National Environmental Policy Act

The NEPA analysis will evaluate the environmental effects of a range of alternatives for eagle management. We also intend the NEPA analysis to:

Evaluate up-to-date information about the status of bald and golden eagle populations;

Enable the Service to recalculate regional take thresholds for both species (if population management will continue to incorporate regional take thresholds);

Analyze the effects of issuing permits to take golden eagles and bald eagles throughout the U.S.;

Further analyze the effects of longer term nonpurposeful take permits; and

Rigorously evaluate the effects of low-risk (low-effect) projects to allow for more efficient permitting at the individual project level.

The purpose of the public scoping process with regard to NEPA is to determine relevant issues that could influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EA or EIS and related compliance efforts. Factors currently being considered for analysis in the EA or EIS include, but are not limited to:

1. The direct, indirect, and cumulative effects that implementation of any reasonable alternative could have on bald and golden eagles, migratory birds, other wildlife species, and their habitats;

2. Direct, indirect, and cumulative effects of projects that are likely to take a minimal number of eagles and as such can be classified as "low-risk" or "low effect" and for which permitting at the individual project level could be expedited;

3. Effects to cultural resources;

4. Potentially significant impacts on biological resources, land use, air quality, water quality, water resources, economics, and other environmental/historical resources;

5. Strategies for avoiding, minimizing, and mitigating the impacts to eagles, migratory birds, wildlife, and other resources listed above;

6. Climate change effects; and

7. Any other environmental issues that should be considered with regard to potential alternatives for eagle management.

The final range of reasonable alternatives and mitigation to be analyzed in the draft EA or EIS will be determined in part by the comments received during the scoping process. The public will also have a chance to review and comment on the draft EA or EIS when it is available (a notice of availability will be published in the Federal Register).

Public Comments

We are requesting information from other interested government agencies, Native American Tribes, the scientific community, industry, nongovernmental organizations, and other interested parties.

You may submit your comments and materials by one of the methods described above under ADDRESSES at the beginning of this notice. Written comments will also be accepted at the public meetings, although these public meetings are primarily intended to provide additional information and provide a chance for the public to ask questions.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that the entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

References

U.S. Fish and Wildlife Service. 2009. Final Environmental Assessment: Proposal to Permit Take as Provided Under the Bald and Golden Eagle Protection Act. U.S. Fish and Wildlife Service, Washington, DC U.S.A.

Authority

The authorities for this action are the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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Dated: June 16, 2014.
Jerome Ford,
Assistant Director, Migratory Birds.
[FR Doc. 2014-14497 Filed 6-20-14; 8:45 am]
BILLING CODE 4310-55-P

Appendix B: News Release

Service Begins Process to Reviewing Eagle Management Objectives, Non-Purposeful Take Permits

Jun 20, 2014

Service Begins Process of Reviewing Eagle Management Objectives, Non-Purposeful Take Permits Public Scoping Meeting July 22 in Sacramento

Contact:

Laury Parramore, 703-358-2541
laury_parramore@fws.gov

Washington - The U.S. Fish and Wildlife Service today announced a process to engage the public as it works toward revising a rule governing how permits are issued for the non-purposeful take of bald and golden eagles. These regulations under the Bald and Golden Eagle Protection Act relate to permits where the take of eagles is associated with, but not the purpose of, otherwise lawful activities.

The Service will host five public information meetings in various locations around the country and open a 90-day public comment period. The meetings will be held on July 22, 2014, in Sacramento, Calif.; July 24, 2014, in Minneapolis, Minn.; July 29, 2014, in Albuquerque, N.M.; July 31, 2014, in Denver, Colo.; and Aug. 7, 2014, in Washington, D.C.

“The Service is committed to an open and transparent process, and we value the additional information public input can provide to make the final rule robust and as effective as possible,” said Service Director Dan Ashe.

The public information sessions will serve as scoping meetings as required under the National Environmental Policy Act (NEPA). The Service will review information from the meetings and use it to prepare either a draft Environmental Assessment (EA) or Environmental Impact Statement (EIS) and proposed revisions to the permit regulations. The Service will then open another comment period for an additional round of public review and input before finalizing the EA/EIS and revised permit regulations.

As part of this scoping process, the Service is requesting information from government agencies, Native American tribes, the scientific community, industry, non-governmental organizations and other interested parties in light of the Service’s overall reexamination of its 2009 permit regulations and eagle management objectives. This reexamination includes, among other things, a December 2013 revision to regulations extending the maximum duration for programmatic eagle non-purposeful take permits from five to 30 years.

“The bald eagle's recovery from near extinction in the lower 48 states is an American success story, written in part by the Service, the dedication of its staff, its leadership in eagle conservation, and its administration and enforcement of the Endangered Species Act and Bald and Golden Eagle Protection Act,” said Ashe. “The Service remains committed to the conservation of bald and golden eagles, and the final rule will be consistent with the long-term conservation of eagle populations across the nation.”

The process to revise the eagle rule began in April 2012, when the Service put forth an Advanced Notice of Rulemaking (ANPR) about permits for non-purposeful take of eagles. The ANPR highlighted three issues on which the Service invited public comment: eagle population management objectives, compensatory mitigation and programmatic permit issuance criteria. The upcoming public information meetings are a continuation of this process.

For more information about the public information meetings, please visit <http://www.eaglescoping.org> .

Written comments must be submitted on or before Sept. 22, 2014, by one of the following methods:

Electronically: Federal e-Rulemaking Portal: <http://www.regulations.gov> FWS-R2-MB-2011-0094 or by hard copy: Submit by U.S. mail to Public Comments Processing, Attention: Eagle Management and Permitting FWS-R2-MB-2011-0094; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, VA 22203. Comments will be posted all information received on <http://www.regulations.gov>

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.

Appendix C: Overview Presentation of Issues

The following video was developed and shown at a station near the entrance to the room on a repeating loop, as well as online at the public scoping website <http://www.eaglescoping.org>.

To view the video on the Service's YouTube channel, go to:
<http://youtu.be/cNu4moE8orA>

Appendix D: Display Banner & Handout- Golden Eagle

Golden Eagle

Biology and Life History

The golden eagle is one of the largest birds of prey in North America. They can be found primarily throughout the western portion of the continent — from the northern tundra, through grasslands and forests, to deserts. In winter, golden eagles are present in the eastern U.S. where many migrate south from Canada for the season. They eat small to mid-sized mammals and some birds and reptiles.

Golden eagles build nests on cliffs or in large trees that give them a clear view of their surroundings. They build flat or bowl-shaped nests out of sticks, and usually lay two eggs.

Golden eagles are sensitive to human disturbance. Disturbances near roosting and forage areas can stress eagles to the point that they fail to reproduce and suffer high mortality rates.

In summer, golden eagles are mainly found in the western states and Alaska. In winter, they are found throughout the continental United States.

Biologists estimate that the golden eagle population in the western United States (not including Alaska) is likely between 31,000 – 34,500 individuals and is generally stable since the late 1960s, though some local populations have decreased or increased over this time period.







Golden Eagle

Biology and Life History

The golden eagle (*Haliaeetus canadensis*) is one of the largest birds of prey in North America. These powerful birds can be found primarily in the western U.S. — from the northern tundra, through grasslands, forests and woodland- brushlands, to deserts, including Death Valley, California. In winter, golden eagles are present in the eastern U.S. where many migrate south from Canada for the season. They are aerial predators that eat small to mid-sized mammals (such as rabbits, jackrabbits, prairie dogs, ground squirrels), and some birds and reptiles.

Golden eagles build nests on cliffs or in the largest trees of forested areas that give them an unobstructed view of their surroundings. They tend to avoid nesting in densely forested habitat. They build their nests out of sticks shaped to create flat or bowl-shaped platforms. Breeding pairs usually lay two eggs per year, but sometimes lay only one or as many as four.

Golden eagles are sensitive to some forms of human presence and typically avoid nesting near urban areas. However, they occasionally nest near semi-urban areas where housing density is low and in farmland habitat. Disturbances near roosting and forage areas can stress eagles to the point that they fail to reproduce and suffer high mortality rates.

In summer in the United States, golden eagles are mainly found in the western states and Alaska. Some may have migrated north from southern areas.

In winter, they migrate south from northern parts of their range. As a result, golden eagles are found throughout the continental United States in the winter. During migration, golden eagles tend to fly in the middle of the day, and will follow along north-south oriented cliff lines and ridges, which deflect the wind upward, providing lift. In open landscapes, they use lift from heated air to help them move efficiently, gliding from one thermal to the next and sometimes moving in groups with other raptor species.

The Service and its partners recently evaluated data on summer golden eagle populations in the western United States (not including Alaska) and concluded that populations overall are stable and likely number between 31,000 – 34,500 individuals.

This analysis suggests that golden eagle populations have been generally stable in the western United States since the late 1960s, though some local populations have likely decreased or increased over this time period.






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Appendix E: Display Banner & Handout- Bald Eagle

Bald Eagle

Biology and Life History

The bald eagle is a conservation success story with an important place in the hearts and minds of many Americans. When the U.S. adopted the bald eagle as the national symbol in 1782, the country may have had as many as 100,000 nesting eagles. Less than 200 years later, only 417 nesting pairs remained, and the species was in danger of extinction.



Bald Eagle
Haliaeetus leucocephalus

Following enactment of the Endangered Species Act of 1973, the Service listed the species in 1978 as endangered throughout the lower 48 states, except in Michigan, Minnesota, Oregon, Washington, and Wisconsin, which it was listed as threatened.

The banning of DDT use in the United States in 1972, accompanied by habitat protection provided by the Endangered Species Act, enabled the bald eagle to make a remarkable recovery. In 2007, it was removed from the federal list of threatened and endangered species. In 2009, the Service estimated there were nearly 10,000 nesting pairs of bald eagles in the lower 48 states and no fewer than 14,000 in Alaska. The population appears to be increasing in much of its range.



Bald Eagle Breeding Pairs - 1963 to 2006

Year	Estimated Breeding Pairs
1963	47
1973	96
1983	137
1993	268
2006	10,000

Bald eagles can weigh 14 pounds and have a wingspan of eight feet. Males are smaller than females. Bald eagles are mostly dark brown, and don't get their distinctive white head and tail feathers until they are four to five years old.

Bald eagles eat fish, waterfowl, turkeys, rabbits, snakes, and other small animals, and carrion. Their habitat includes lakes, reservoirs, rivers, and some wetlands. They are also found in growing numbers in suburban and even some urban areas.



Bald Eagle Breeding Pairs - 1963 to 2006

Year	Estimated Breeding Pairs
1963	47
1973	96
1983	137
1993	268
2006	10,000

Bald eagles typically nest in the tops of large trees. They often use and enlarge the same nest year after year. Nests may reach 10 feet across and weigh as much as a small car. The female typically lays one to three eggs. Young eagles can fly within three months of hatching and are on their own about a month later. Bald eagles travel great distances before they mature, but usually return to breed within 100 miles of the place where they were raised. Bald eagles may live 15 to 25 years in the wild.



Bald Eagle Breeding Pairs - 1963 to 2006

Year	Estimated Breeding Pairs
1963	47
1973	96
1983	137
1993	268
2006	10,000

Bald eagles can weigh 14 pounds and have a wingspan of eight feet. Males are smaller than females. Bald eagles are mostly dark brown, and don't get their distinctive white head and tail feathers until they are four to five years old.

Bald eagles eat fish, waterfowl, turkeys, rabbits, snakes, and other small animals, and carrion. Their habitat includes lakes, reservoirs, rivers, and some wetlands. They are also found in growing numbers in suburban and even some urban areas.



Bald Eagle Breeding Pairs - 1963 to 2006

Year	Estimated Breeding Pairs
1963	47
1973	96
1983	137
1993	268
2006	10,000



Bald Eagle

Biology and Life History



Bald Eagle
Haliaeetus leucocephalus



Bald Eagle Breeding Pairs - 1963 to 2006

Year	Estimated Breeding Pairs
1963	47
1973	96
1983	137
1993	268
2006	10,000

The bald eagle (*Haliaeetus leucocephalus*) is a conservation success story with an important place in the hearts and minds of many Americans. When the U.S. adopted the bald eagle as the national symbol in 1782, the country may have had as many as 100,000 nesting eagles. The first major decline of the species probably began in the mid to late 1800s, coinciding with the decline of waterfowl, shorebirds, and other prey.

Fifty years ago, the bald eagle was in danger of extinction throughout much of its range (from Alaska and Canada to northern Mexico). Habitat destruction and degradation, illegal shooting and DDT decimated bald eagle populations. By 1963, with only 417 nesting pairs of bald eagles remaining, the species was in danger of extinction. In 1967, the Secretary of Interior listed bald eagles south of the 40th parallel under the Endangered Species Preservation Act of 1966. Following enactment of the Endangered Species Act of 1973, the Service listed the species in 1978 as endangered throughout the lower 48 states, except in Michigan, Minnesota, Oregon, Washington, and Wisconsin, where it was designated as threatened.

The banning of DDT use in the United States in 1972, accompanied by habitat protection provided by the Endangered Species Act, enabled bald eagles to make a remarkable recovery. As the bald eagle recovered, its status was upgraded to threatened throughout the lower 48 states in 1993. In 2007, it was removed from the federal list of threatened and endangered species. In 2009, the Service estimated there were between 8,500 and 10,000 nesting pairs of bald eagles in the lower 48 states and no fewer than 15,000 in Alaska. The Service is currently evaluating data to revise the estimate for the lower 48. No official numbers are available at this time, but the population appears to be increasing in much of its range.

Bald eagles can weigh 14 pounds and have a wingspan of eight feet. Males are smaller than females. Bald eagles are



mostly dark brown, and don't get their distinctive white head and tail feathers until they are four to five years old.

Bald eagles eat fish, waterfowl, turtles, rabbits, snakes, and other small animals, and carrion. Their habitat includes estuaries, large lakes, reservoirs, rivers, and some seacoasts. They are also found in growing numbers in suburban and even some urban areas. During the winter, they tend to congregate near open water in tall trees for shelter or spotting prey.

Bald eagles typically nest in the tops of large trees. They often use and enlarge the same nest year after year. Nests may reach 10 feet across and weigh as much as a small car. A breeding pair may also have one or more alternate nests within its breeding territory. In treeless regions, they may nest in cliffs or on the ground. The female typically lays one to three eggs, which hatch after about 35 days. Young eagles can fly within three months of hatching and are on their own about a month later. Disease, lack of food, bad weather, and human interference can kill eaglets, but about 70% survive their first year of life. The survival rate of eaglets is even higher in some areas, such as Florida, where it can be nearly 90%. Bald eagles travel great distances before they mature, but usually return to breed within 100 miles of the place where they were raised. Bald eagles may live 15 to 25 years in the wild.



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Appendix F: Display Banner & Handout- Management Objectives

Management Objectives for Bald and Golden Eagles

Management objectives shape how the Service plans to preserve eagle populations. These objectives must be in accordance with the Bald and Golden Eagle Protection Act. Management objectives direct strategic management and eagle monitoring and, ultimately, determine the amount of permitted eagle take that can be allowed.

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" eagles, including their parts, nests, or eggs. The Act also specifies that all authorized take be consistent with the preservation of the species.

At least four elements could be considered when setting the management objective:

- 1. Population Size** – the goal for the number of eagles in the wild.
- 2. Geographic Scale** – the area over which population objectives are set.
- 3. Sink Prevention** – preventing permitting-induced decreases in local breeding populations.
- 4. Risk Tolerance** – the level of risk the Service is willing to take when a new information or different management decision is unknown.

AREA CLOSED
16 U.S.C. 668c
1 December – 31 July
BALD EAGLE NESTING AREA

Current Eagle Management Objectives (established 2009). Update the permit for north bald and golden eagle nesting populations within each Eagle Management Unit (EMU) over at least five eagle generations. The Service also developed guidance to manage cumulative impacts to local eagle populations, and used EMU population models to determine a level of take that would not decrease breeding populations.

The Bald Eagle Management Units roughly match the US Fish and Wildlife Service administrative regions.

Possible Alternative Management Objectives
The Service is considering a range of possible alternatives. At one end of the spectrum, agency scientists have considered a qualitative alternative such as "to not intentionally impact the bald or golden eagle's essential systems." On the other end, the current objective could be updated with new information on eagle biology, and the Service could adopt an explicit level of risk tolerance relative to how much take is allowed based on uncertainty in the population size estimates.

The Golden Eagle Management Units match the Bird Conservation Regions set by the North American Bird Conservation Initiative.

What management objectives best fulfill the Service's statutory mandate under the Eagle Act to preserve eagles? Should management objectives continue to explicitly incorporate quantifiable population information, or is a qualitative objective preferable? At what scale should eagles be managed (national, regional, local), or a scale defined by eagle biology/movements? Do you believe that the Service is currently overly-conservative in our approach to estimating effects of permits on eagle populations to meet management objectives? Is it more important that the Service ensure eagle management objectives are met, or that activities that might impact eagles are not unnecessarily restricted?

Management Objectives for Bald and Golden Eagles

Management objectives shape how the US Fish and Wildlife Service plans to preserve eagle populations. These objectives must be in accordance with the Bald and Golden Eagle Protection Act (Eagle Act). Management objectives direct strategic management and monitoring and, ultimately, determine the amount of permitted eagle take that can be allowed. The management objectives do not have to be the same for both bald eagles and golden eagles.

At least four elements could be considered when setting the management objective:

- 1. Population Objective**
The goal for the number of eagles in the wild and the timeframe to meet that goal.
- 2. Geographic Scale**
The areas over which population objectives are set. Each geographic area is an "eagle management unit" (EMU).
- 3. Sink Prevention**
Whether or not the Service also sets an upper limit on take at a smaller scale than the EMU to prevent permitting-induced population "sinks" (decreases in local breeding populations).
- 4. Risk Tolerance**
The level of risk the Service is willing to take when some information to inform management decisions is unknown. For example, when information is less certain, more conservative choices can be made to avoid risk. Alternatively, to provide for more flexibility in permitting, the Service could adopt a more risk-tolerant approach.

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" eagles, including their parts, nests, or eggs.

The Service's Current Eagle Management Objective
The Service established the current management objective with the 2009 Eagle Permit Rule consistent with the goal of stable or increasing breeding populations within each EMU over at least five eagle generations. The EMUs correspond to Bird Conservation Regions for golden eagles, and Service administrative regions for bald eagles.

The Service also developed guidance on setting upper limits at more local scales to manage cumulative impacts to local populations to minimize sinks. Biologists calculated estimates of bald and golden eagle populations in each EMU, and used EMU population models to determine a level of take that would not decrease breeding populations.

Possible Alternative Management Objectives
The Service is considering a range of possible alternatives to the current management objectives. At one end of the spectrum, agency scientists have considered a qualitative objective such as "to not meaningfully impair the bald or golden eagle's continued existence." On the other end, the current management objective could be updated with new information on eagle biology, population size, movements across the landscape, and natal dispersal distances.

Within the more quantitative approach, the Service could adopt an explicit level of risk tolerance relative to how much take to allow based on uncertainty in the population size estimates.

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Appendix G: Display Banner & Handout- Adaptive Management Process

Adaptive Management Process



Adaptive management is a process that implements specific management practices, assesses the outcomes of those practices, and then makes adjustments to the practices to better meet management objectives.



Adaptive management is particularly appropriate for projects such as wind energy operations, where the impacts of the activity on eagles are uncertain and management practices designed to reduce potential take have not been well-tested.

The goals of adaptive management are to **reduce uncertainty**, **improve the ability** to predict outcomes over time, and to make future management actions more effective based on past learning.

Adaptive Management of Individual Projects

For proposed activities where measures to reduce impacts to eagles are uncertain, actions that have the potential to reduce impacts can be applied experimentally. Here is how the process might look:

- A project developer will implement all available avoidance and minimization measures.
- The Service and the project developer will work together to develop experimental measures that might further reduce risks to eagles.
- Specific trigger points (such as an eagle fatality) will be specified in the permit. If the trigger point is reached, the experimental measures will be implemented.
- The permittee will monitor results and report to the Service.
- The Service will conduct evaluations of each project every five years.

Benefits:

- Projects that might otherwise present too much risk to eagles could be permitted through cooperative development of experimental measures.
- Over time, the adaptive management process reveals effective practices that can be incorporated into future permits.

What do you see as opportunities, options, and/or limitations for the adaptive management approach?






Adaptive Management Process





Adaptive management is a process that implements specific management practices, assesses the outcomes of those practices, and then makes adjustments to the practices to better meet management objectives. Through the use of adaptive management, long-term management outcomes become better and better, based on feedback from actual implementation.

Adaptive management to **minimize risk to eagle populations** is particularly appropriate for projects such as wind energy operations, where the impacts of the activity on eagles are uncertain and management practices designed to reduce potential take have not been well-tested.

Such uncertainties include:

- Factors that **affect risk** to individual eagles
- Level of effects that **influence** population trends
- **Effectiveness** of various mitigation options

The goals of adaptive management are to reduce uncertainty, improve the ability to predict outcomes over time, and to make future management actions more effective based on past learning.

Adaptive Management of Individual Projects

For proposed activities where measures to reduce impacts to eagles are uncertain, actions that have the potential to reduce impacts, based on the best available science, can be applied experimentally. Here is how the process might look:

- A project developer or operator will implement all available avoidance and minimization measures.
- The Service and the project developer or operator will work together to develop other measures ("experimental measures") that might further reduce or eliminate risks to eagles, should they be needed.

- Specific trigger points (such as threshold of eagle use or an eagle fatality) will be specified in the permit. If the trigger point is reached, the experimental measures will be implemented.
- The permittee will monitor results and report all fatalities, disturbances, and other relevant information to the Service.
- The Service will conduct evaluations of each project every five years, reassessing fatality rates, effectiveness of measures to reduce take, the appropriate level of compensatory mitigation, and eagle population status.

One of the important advantages of adaptive management is that an individual project could be permitted that otherwise might produce too much risk to eagles.

Further, there is a collective benefit: after analyzing the results from a number of facilities where an experimental measure is being used, the Service will determine if that measure is effective in reducing eagle take. If so, it can be included as a best management practice, and be incorporated into future permits.

What do you see as opportunities, options, and/or limitations for the adaptive management approach?



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Appendix H: Display Banner & Handout- Compensatory Mitigation

Compensatory Mitigation

In general, the term "mitigation" refers to measures taken to lessen or offset adverse impacts from an action. Broadly speaking, mitigation includes: avoidance, minimization, reduction or elimination over time. Compensatory mitigation is mitigation that "compensates" for impacts that were not avoided or minimized.

Current regulations require all permittees to avoid and minimize impacts to eagles. Additional compensatory mitigation has sometimes been required for:

- Impacts to eagles that could not practically be avoided.
- Take of eagles that would exceed Service-established take thresholds.

In these cases, the Service requires compensatory mitigation to "replace" by saving from another lethal threat the number of eagles taken in excess of the threshold. An example of replacement mitigation is power pole retrofitting, which reduces eagle electrocutions.

The Service would like to establish consistent standards for when compensatory mitigation would be required. The range of options available, but can be simplified into three approaches (one or more of which could be adopted):

1. Required for take that exceeds established take thresholds.
2. Required for all authorized take, with some scaled level of compensatory mitigation for every permit.
3. Required under some predetermined circumstances for take that is within established thresholds but nevertheless may affect the long-term preservation of eagles (for example, when habitat is significantly degraded, for loss of a traditional communal roost, or if necessary to offset impacts on the local area eagle population).

Under what circumstances do you think the regulations should require compensatory mitigation?

What additional actions other than power pole retrofits, lead abatement, and carcass removal should be analyzed for replacement mitigation?

If general "mitigation funds" are established, what types of mitigation or other conservation measures should they support in order to maximize benefits to eagles?

The Service would like to establish consistent standards for when compensatory mitigation would be required under permits.

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Compensatory Mitigation

In general, the term "mitigation" refers to measures taken to lessen or offset adverse impacts from an action. Broadly speaking, mitigation includes: avoidance, minimization, rectification, reduction or elimination over time, and compensatory mitigation. Compensatory mitigation is mitigation that "compensates" for impacts that were not avoided or minimized.

Currently, the eagle nonpurposeful take regulations require all permittees to avoid and minimize impacts to eagles. Additional compensatory mitigation has been required for:

- Impacts to eagles that could not practically be avoided.
- Take of eagles that would exceed Service-established take thresholds.

In these cases, the Service requires compensatory mitigation to essentially "replace" (by saving from another lethal threat) the number of eagles taken in excess of the threshold. The Service has adopted the term "replacement mitigation" for this approach. An example of replacement mitigation is power pole retrofitting, which reduces eagle electrocutions. After years of monitoring electrocutions and retrofits, the Service can estimate how many power line poles must be altered to reduce existing fatalities. However, there are other actions with the potential to serve as replacement mitigation, such as carcass removal from highways and reduction of lead available to eagles.

The range of options is wide, but can be simplified into these approaches (one or more of which could be adopted):

1. Require replacement mitigation for take that exceeds established take thresholds.
2. Require compensatory mitigation for all authorized take. There could be some scaled level of compensatory mitigation for every permit, with minimal restrictions on how the money could be spent so long as it was for eagle conservation.
3. Require compensatory mitigation under some predetermined circumstances for take that is within established thresholds but nevertheless may affect the long-term preservation of eagles (for example, when habitat is significantly degraded, for loss of a traditional communal roost, or if necessary to offset impacts to the local area eagle population).

Under what circumstances do you think the regulations should require compensatory mitigation?

What additional actions other than power pole retrofits, lead abatement, and carcass removal should be analyzed for replacement mitigation?

If general "mitigation funds" are established, what types of mitigation or other conservation measures should they support in order to maximize benefits to eagles?

The Service would like to establish consistent standards for when compensatory mitigation would be required under permits.

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Appendix I: Display Banner & Handout- Programmatic Permit

Programmatic Permit Conditions and Duration

Current regulations for nonpurposeful take permits allow two types of permits:

Standard permits, which authorize individual instances of take.

Programmatic permits, which authorize "take that is recurring, is not caused solely by indirect effects, and that occurs over the long term or in a location or locations that cannot be specifically identified." (50 CFR 22.3) These permits can cover such things as wind energy projects, power lines, airport operations, logging, and others.

Standard for issuing programmatic permits
For a programmatic permit, current regulations require permittees to show that take is unavoidable. This is a high standard that has been perceived as unrealistic and ambiguous.

Permit Duration
In 2013, the Service extended the maximum duration for programmatic permits from five to 30 years to order its on-site activities with longer "life-spans" to gain some certainty as to whether they can operate in compliance with the Eagle Act. These longer-term permits incorporate conditions for adaptive management. Permits will be reviewed every five years, and additional conservation measures required as appropriate.

Should the regulations eliminate the "unavoidable" standard?
Should all permittees (programmatic and standard) be required to avoid and minimize take of eagles to the degree that remaining take "cannot practically be avoided"?
Is 30 years the appropriate maximum term for programmatic permits?
What do you see as opportunities, problems, or constraints for long-term programmatic permitting?
How can 5-year reviews be most effective?

Programmatic Permit Conditions and Duration

Current regulations for nonpurposeful take permits provide for two types of permits:

- 1) **Standard permits**, which authorize individual instances of take.
- 2) **Programmatic permits**, which authorize "take that is recurring, is not caused solely by indirect effects, and that occurs over the long term or in a location or locations that cannot be specifically identified." (50 CFR 22.3) These permits can cover activities and infrastructure such as wind energy projects, electric transmission and distribution lines, airport operations, timber harvesting, and others.

Standard for issuing programmatic permits
To qualify for a programmatic permit, current regulations require implementation of "advanced conservation practices" that reduce eagle disturbance and ongoing mortalities to a level where remaining take is unavoidable. However, requiring take to be "unavoidable" for programmatic permits is a high standard that has been perceived as unrealistic and ambiguous.

Should the regulations eliminate the "unavoidable" standard?

Should all permittees (programmatic and standard) be required to avoid and minimize take of eagles to the degree that remaining take "cannot practically be avoided"?

Permit Duration
On December 9, 2013, the Service revised its regulations to extend the maximum permit duration for programmatic eagle non-purposeful take permits from five to 30 years. The purpose of allowing permits to be valid for more than five years is to enable activities with longer "life-spans" to gain some certainty as to whether they can operate in compliance with the Eagle Act.

Under the revised regulations, the longer-term permits incorporate conditions for adaptive management. Permits will be reviewed every five years and, if additional measures specified in the permit are necessary to ensure preservation of the eagle, the permittee will be required to implement those additional measures.

Is 30 years the appropriate maximum term for programmatic permits?

What do you see as opportunities, problems, or constraints for long-term programmatic permitting?

How can 5-year reviews be most effective?





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Appendix J: Display Banner & Handout- Cultural Resources and Values

Cultural Resources and Values


For Native American tribes, eagles are spiritually, culturally, and ecologically significant.

Both bald eagles and golden eagles are central to Native American cultural and religious practices; eagles are seen as relatives who represent tribal respect, humility, and strength. Because of the sacred place they occupy within tribal traditions, the health and presence of eagles is seen as essential to the survival of those cultures.

In 1782, the bald eagle was chosen by Congress to be depicted on the official seal of the United States. As the nation's symbol, the bald eagle represents the American sense of independence, courage, and power. Additionally, the dramatic recovery of the species from the brink of extinction has made the bald eagle an icon of our nation's ecological awareness and concern for environmental protection.

What do you see as opportunities, issues, and concerns for cultural resources that may result from changes in eagle management?



Cultural Resources and Values

For Native American tribes, eagles are spiritually, culturally, and ecologically significant.

Both bald eagles and golden eagles are central to Native American cultural and religious practices; eagles are seen as relatives who represent tribal respect, humility, and strength. Because of the sacred place they occupy within tribal traditions, the health and presence of eagles is seen as essential to the survival of those cultures.






In 1782, the bald eagle was chosen by Congress to be depicted on the official seal of the United States. As the nation's symbol, the bald eagle represents the American sense of independence, courage, and power. Additionally, the dramatic recovery of the species from the brink of extinction has made the bald eagle an icon of our nation's ecological awareness and concern for environmental protection.

What do you see as opportunities, issues, and concerns for cultural resources that may result from changes in eagle management?

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Appendix K: Display Banner & Handout- Permit for Taking Eagle Nests

Permits for Taking Eagle Nests

Under current regulations, the Service can issue permits for the taking of eagle nests only under limited circumstances, such as to protect human or eagle health and safety.



Definitions of "Eagle Nest" and "Inactive Eagle Nest"



"Eagle nest" means any readily identifiable structure built, maintained, or used by eagles for the purpose of reproduction.



"Inactive eagle nest" means an eagle nest that is not currently being used by eagles as determined by the continuing absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days immediately prior to, and including, at present.



Active Nest Take Permits
Under current regulations, the Service can issue a permit to remove active eagle nests only to resolve a safety emergency.



Inactive Nest Take Permits
Under current regulations, the Service can issue permits to remove inactive eagle nests only under specific, limited circumstances, such as:

1. Preventing a safety emergency
2. Protecting public health and safety (non-emergency)
3. Restoring operability to human-made infrastructure
4. On if the removal, or mitigation will provide a net benefit to eagles.

Do these definitions strike the appropriate balance between (1) protecting important breeding structures for eagles, and (2) minimizing the regulatory burden with regard to sites that may have less biological value to eagles?




Should permits be available to remove nests with no eggs or young but which are attended by adults for purposes of brooding in order to prevent an anticipated (but not yet present) emergency situation?

Should permits be available to remove active nests, even with eggs or young, for purposes other than safety emergencies?

Should permits to remove inactive nests be available under additional circumstances without requiring applicants to provide a "net benefit" to eagles?



Permits for Taking Eagle Nests

Under current regulations, the Service can issue Permits for the taking of eagle nests only under limited circumstances, such as to protect human or eagle health and safety.

The Service is looking for your input about whether to modify those restrictions and/or amend the regulatory definitions of "eagle nest," and "inactive eagle nest."

Definitions of "Eagle Nest" and "Inactive Eagle Nest"

"Eagle nest" means any readily identifiable structure built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction.

"Inactive eagle nest" means a bald eagle or golden eagle nest that is not currently being used by eagles as determined by the continuing absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days immediately prior to, and including, at present. An inactive nest may become active again and remains protected under the Eagle Act.

Active Nest Take Permits
Under current regulations, the Service can issue a permit to remove active eagle nests only to resolve a safety emergency. This applies to all active nests, including those where adults are attending the nest, but no eggs have been laid.

Inactive Nest Take Permits
Under current regulations, the Service can issue permits to remove inactive eagle nests only under specific, limited circumstances.

Inactive nests can be taken if the removal is necessary to:

1. Prevent a safety emergency
2. Protect public health and safety (non-emergency)
3. Restore operability to human-made infrastructure

Or, a permit may be issued to remove an inactive eagle nest if:


4. The removal, or mitigation provided by the applicant, will provide a net benefit to eagles.

Do these definitions strike the appropriate balance between (1) protecting important breeding structures for eagles, and (2) minimizing the regulatory burden with regard to sites that may have less biological value to eagles?

Should permits be available to remove nests with no eggs or young but which are attended by adults for purposes of brooding, in order to prevent an anticipated (but not yet present) emergency situation?

Should permits be available to remove or relocate active nests, even with eggs or young, for purposes other than safety emergencies?

Should permits to remove inactive nests be available under additional circumstances without requiring applicants to provide a "net benefit" to eagles?



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Appendix L: Display Banner & Handout- National Environmental Policy Act

National Environmental Policy Act (NEPA)

Today's "scoping" meeting is part of the NEPA process.



This is an information-gathering step to identify all the factors the Service should consider when developing alternatives for eagle management and permit regulations.




The Service encourages you to talk to Service staff at this meeting and to submit written comments.

The Service will review information from the scoping meetings and use it to prepare either a draft environmental assessment or a draft environmental impact statement and proposed revisions to the permit regulations. There will be multiple opportunities for public input.

In addition to evaluating the environmental effects of a range of alternatives for eagle management, the Service intends the NEPA analysis to:

- Present up-to-date information about the status of bald and golden eagle populations
- Support development of conservation and management goals
- Analyze the effects of issuing permits for take of bald eagles and golden eagles throughout the U.S. under modified permit regulations
- Analyze the effects of longer-term nonpurposeful take permits
- Evaluate the cumulative effects of processing low-risk projects

What are the opportunities, problems, or limitations of the NEPA process outlined above?

What criteria should the Service consider when determining what constitutes a low-risk project?

What resources may be affected by different alternatives to eagle management and permitting?

What factors, other than biology, should be considered in developing management objectives for eagles?



National Environmental Policy Act (NEPA)



Today's "scoping" meeting is part of the NEPA process.

This is an information-gathering step to identify all the factors the Service should consider when developing alternatives for eagle management and permit regulations.

The Service encourages you to talk to Service staff at this meeting and to submit written comments.

- The Service will review information from the scoping meetings and use it to prepare either a draft environmental assessment or a draft environmental impact statement and proposed revisions to the permit regulations.
- The Service will release a draft environmental assessment or a draft environmental impact statement with the proposed revisions to the permit regulations for another round of public review and input.
- The Service will review all public input before preparing the final environmental assessment or final environmental impact statement and revised permit regulations.

In addition to evaluating the environmental effects of a range of alternatives for eagle management, the Service intends the NEPA analysis to:

- Present up-to-date information about the status of bald and golden eagle populations
- Support the Service's development of regional conservation and management goals for both eagle species
- Analyze the effects of issuing permits for take of bald eagles and golden eagles throughout the U.S. under modified permit regulations
- Analyze the effects of longer-term nonpurposeful take permits
- Evaluate the cumulative effects of low-risk (low-effect) projects to allow for more efficient permitting at the individual project level.

What are the opportunities, problems, or limitations of the NEPA process outlined above?

What criteria should the Service consider when determining what constitutes a low-risk project?

What resources may be affected by different alternatives to eagle management and permitting?

What factors, other than biology, should be considered in developing management objectives for bald eagles and golden eagles?




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Appendix M: Display Banner & Handout- Why is Eagle Research Important

Why is Eagle Research Important?



Information from ongoing research improves predictions ...

... about how different activities affect individual eagles, when take is likely to occur, and what levels of impact have a significant effect on eagle populations. This information helps the Service make better decisions about bald and golden eagle management actions, including the amount of take that can be authorized.

USFWS Eagle Research Efforts
The Service has been working closely with the U.S. Geological Survey and other agencies to support eagle research focused on:

- Population status and dynamics
- Distributions and movements
- Causes and relative significance of mortality
- Development of models for predicting eagle fatalities at utility-scale wind facilities
- Impact of fatalities on eagle populations

Examples of specific research projects include:


- Golden eagle population estimate and status review
- Eagle dispersal study from band recovery data
- Golden eagle multiple study of movements, survival and mortality
- Adaptive management framework for wind energy permitting

National Fish and Wildlife Foundation Eagle Research Funds
The Service and the National Fish and Wildlife Foundation have established two new funds to support eagle research: a National Bald and Golden Eagle Research Fund and a Mohave and Sonoran Desert Fund. Each fund will have an advisory committee of federal, state, and private individuals to select and fund eagle research projects.

These and other important research efforts can be used to update and improve the studies that were conducted as part of the Final Environmental Assessment for the 2009 eagle permit regulations.



Why is Eagle Research Important



To predict and evaluate the effects of permitted take on eagles the Service needs to understand:

- Basic dynamics of eagle populations
- Factors that influence changes in population dynamics
- Levels of risk an action may pose to eagles

Information from ongoing research improves predictions about how different activities affect individual eagles, when take is likely to occur, and what levels of impact have a significant effect on eagle populations.

This information will allow the Service to make better decisions about bald and golden eagle management actions, including the amount of take that can be authorized.

USFWS Eagle Research Efforts
The Service has been working closely with the U.S. Geological Survey and other agencies to support research on eagle:

- Population status and dynamics
- Distributions and movements
- Causes and relative significance of mortality
- Development of models for predicting eagle fatalities at utility-scale wind facilities
- Impact of fatalities on eagle populations

Examples of specific research projects include:


- **Golden eagle population estimate and status review**
This work uses updated data from two independent surveys to examine size and trends of the golden eagle population in the western U.S. over time. Results could be used to update allowable take thresholds.
- **Eagle dispersal study**
This reassessment of band recovery data examines the distances eagles travel from their hatch sites across the U.S. and could be used to update analyses of local-scale impacts of projects.

Golden eagle satellite study
Satellite tracking provides excellent information on eagle movements, survival, and mortality. Initial data suggest that golden eagles move greater distances and more often than previously thought. This work helps to establish more accurate eagle management units, and will also provide unbiased information on sources of eagle mortality to improve population models and management efforts.

Adaptive management framework for wind energy permitting
Several efforts are underway to predict eagle fatalities at proposed wind facilities, and then to update predictive models with actual data after facilities are constructed.

These and other important research efforts can be used to update and improve the studies that were conducted as part of the Final Environmental Assessment for the 2009 eagle permit regulations.

National Fish and Wildlife Foundation Eagle Research Funds
The Service and the National Fish and Wildlife Foundation have established two new funds to support eagle research: a National Bald and Golden Eagle Research Fund and a Mohave and Sonoran Desert Fund. Each fund will have an advisory committee of federal, state, and private individuals to select and fund eagle research projects.



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Appendix N: Comment Card

7. National Environmental Policy Act:

8. Eagle Research:

9. Other Topics/Issues Related to Bald and Golden Eagles:

For more information about the eagle scoping process, visit www.eaglescoping.org

All written comments become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that the entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Organization/Tribe You Represent: _____

Which Public Scoping meeting did you attend, if any? Location: _____

E-mail: _____

If you do not want your name and address to be available to the public, check here (Be aware the Service cannot guarantee anonymity.)

Please write neatly so your comments can be recorded completely and accurately. Complete and drop this form in the box provided (or mail it to address on cover).

The following topics correspond to banners located around the room. The banners describe the issues and list some questions we'd like your input on. Please comment on any of these or anything else related to bald and golden eagle management, permits for nonpurposeful take of eagles, or permits for taking eagle nests.

1. Management Objectives:

2. Adaptive Management Process:



Bald and Golden Eagle Management

Public Scoping Meeting

Comment Form

Welcome to this public scoping meeting on bald and golden eagle management. The U.S. Fish and Wildlife Service (Service) is analyzing various aspects of bald and golden eagle management as part of its responsibility under the National Environmental Policy Act (NEPA).

This analysis will evaluate the environmental effects of a range of alternatives for eagle management, and possible changes to permit regulations for nonpurposeful take of eagles and take of eagle nests.

The purpose of the public scoping process is to identify relevant issues that could influence the scope of the analysis, including alternatives, and guide the process for developing an environmental assessment (EA) or environmental impact statement (EIS). The final range of reasonable alternatives and mitigation to be analyzed in the draft EA or EIS will be determined in part by the comments received during the scoping process.

Please talk with Service staff and review the materials located around the room. We are especially interested in your comments on the topics listed below, but please give us your comments on any aspect of the permit regulations and eagle management objectives.

To submit your comments, you can drop off this form in the box by the main door, or mail it to:

Public Comments Processing
 ATTY: FWS-R9-MB-2011-0094
 Division of Policy and Directives Management
 U.S. Fish and Wildlife Service
 4401 N. Fairfax Drive, MS 2042-PDM
 Arlington, VA 22203
 (Please note that your comments are in regard to Eagle Management and Permitting.)

Or, you can submit comments electronically at www.regulations.gov. Enter "FWS-R9-MB-2011-0094-0491" in the search box.

To ensure consideration of written comments, they must be submitted on or before September 22, 2014.

3. Compensatory Mitigation:

4. Programmatic Permit Conditions and Duration:

5. Cultural Resources and Values:

6. Permits for Taking Eagle Nests:
