

Eagle Rule Revisions and Programmatic EIS



Webinar for Tribes
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Migratory Bird Program



U.S. Fish and Wildlife Service
Migratory Bird Program
Conserving America's Birds



Eagle Rule Revisions and PEIS

The Service recently announced 3 actions related to management of eagles

- Status Report on bald and golden eagles

For public comment: [ehs1](#)

- Proposed revisions to the 2009 permit regulations for nonpurposeful take of eagles and take of eagle nests
- Draft Programmatic Environmental Assessment (DPEIS)

Slide 2

ehs1

Just added this.

Eliza Savage, 5/18/2016



Status Report

“Bald and Golden Eagles: Status, trends, and estimation of sustainable take rates in the United States”

- Compilation of current research on the population status and trends of bald and golden eagles
- Serves as the biological basis for the proposed rule revisions and the preferred alternative in the DPEIS
- Estimates population sizes, productivity, and survival rates; cumulative effects to local area populations; and effects of unauthorized take of golden eagles
- Provides recommended take limits for both species



Eagle Rule Revisions and DPEIS

Draft Programmatic EIS (DPEIS)

- Programmatic: When an agency is proposing to carry out a broad action, program, or policy.
- In addition to the cost to project developers, NEPA requirements for permitting individual projects resulted in substantial staff time and effort when processing eagle incidental take permit applications.
- This DPEIS programmatically analyzes the effects of permitting take within certain levels, allowing subsequent NEPA analyses to be more narrowly focused on activities at specific locations.



DPEIS

Draft Programmatic EIS (DPEIS)

- Analyzes:
 - Proposed revisions to eagle permit regulations
 - Eagle management at different geographic scales (Eagle Management Units)
 - Different take levels for bald and golden eagles – including the effects of permitting up to those levels



DPEIS

Draft Programmatic EIS (DPEIS)

- Two different levels of risk in EIS alternatives:
 - Liberal take levels: ~50:50 balance of risk of excessive take versus eagle protection
 - Conservative take levels: ~20:80 balance of risk in favor of eagle protection
- Permitting take of up to 5% of local area populations



Management Objectives

Eagle Management Units

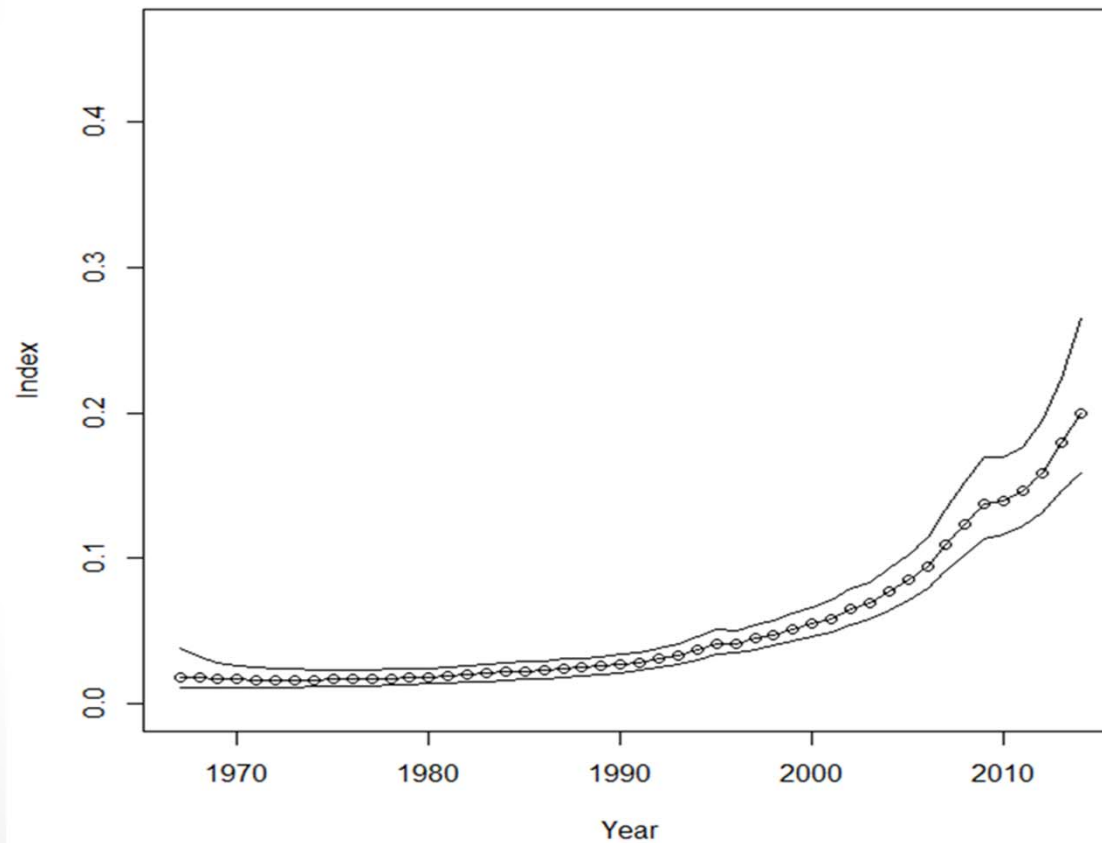
- Proposing to use Flyways as EMUs
 - Bald Eagle: Flyways (Pacific flyway divided into three EMUs: Southwest, Mid-latitude, and Alaska)
 - Golden Eagle: Flyways (Mississippi and Atlantic flyways combined as one EMU)
- Ability to permit golden eagle take east of the 100th meridian



Management Objectives

Status of the Bald Eagle

Bald Eagle Populations - US BBS Results 1966-2013

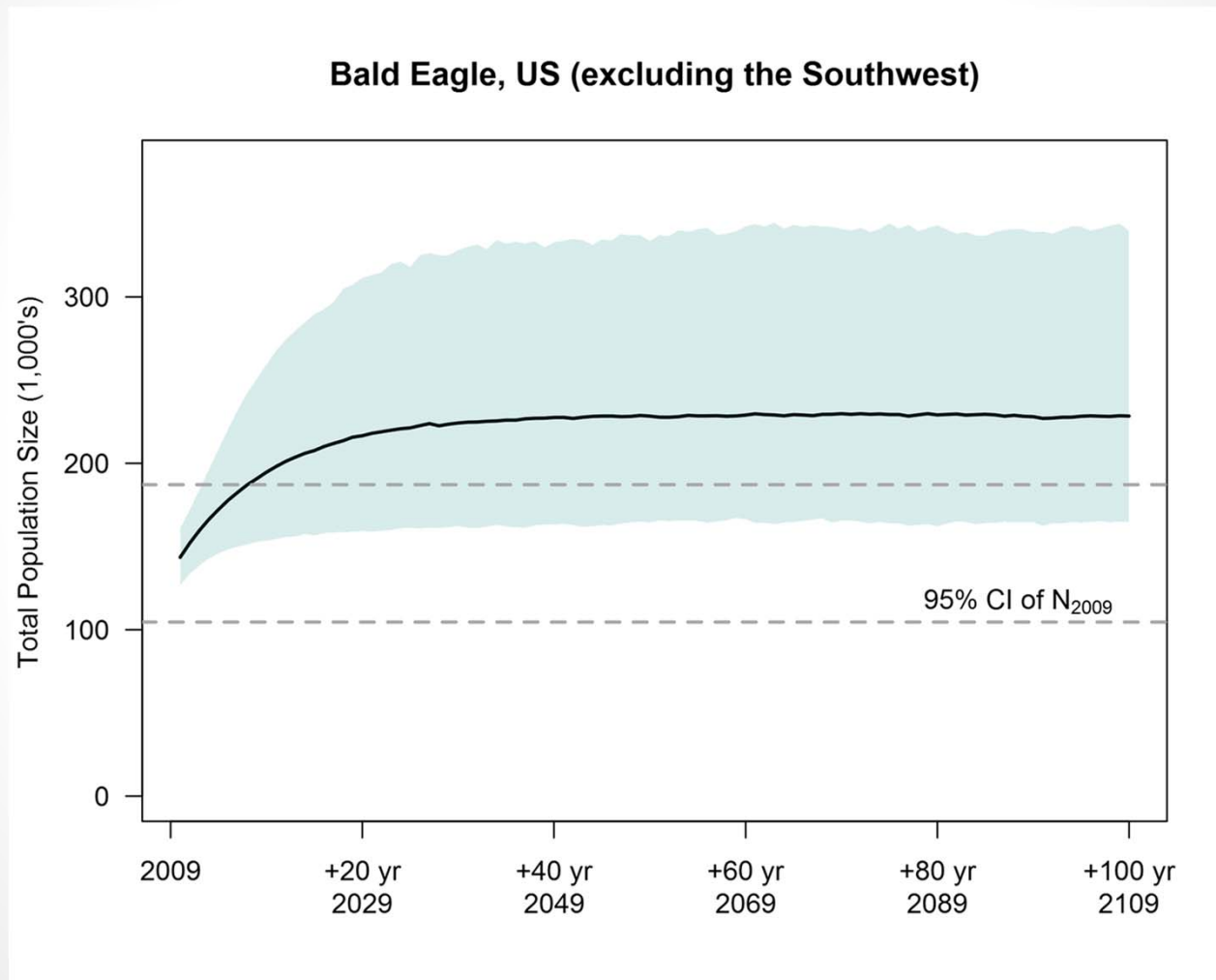


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Management Objectives

Status of the Bald Eagle





Management Objectives

Status of the Golden Eagle

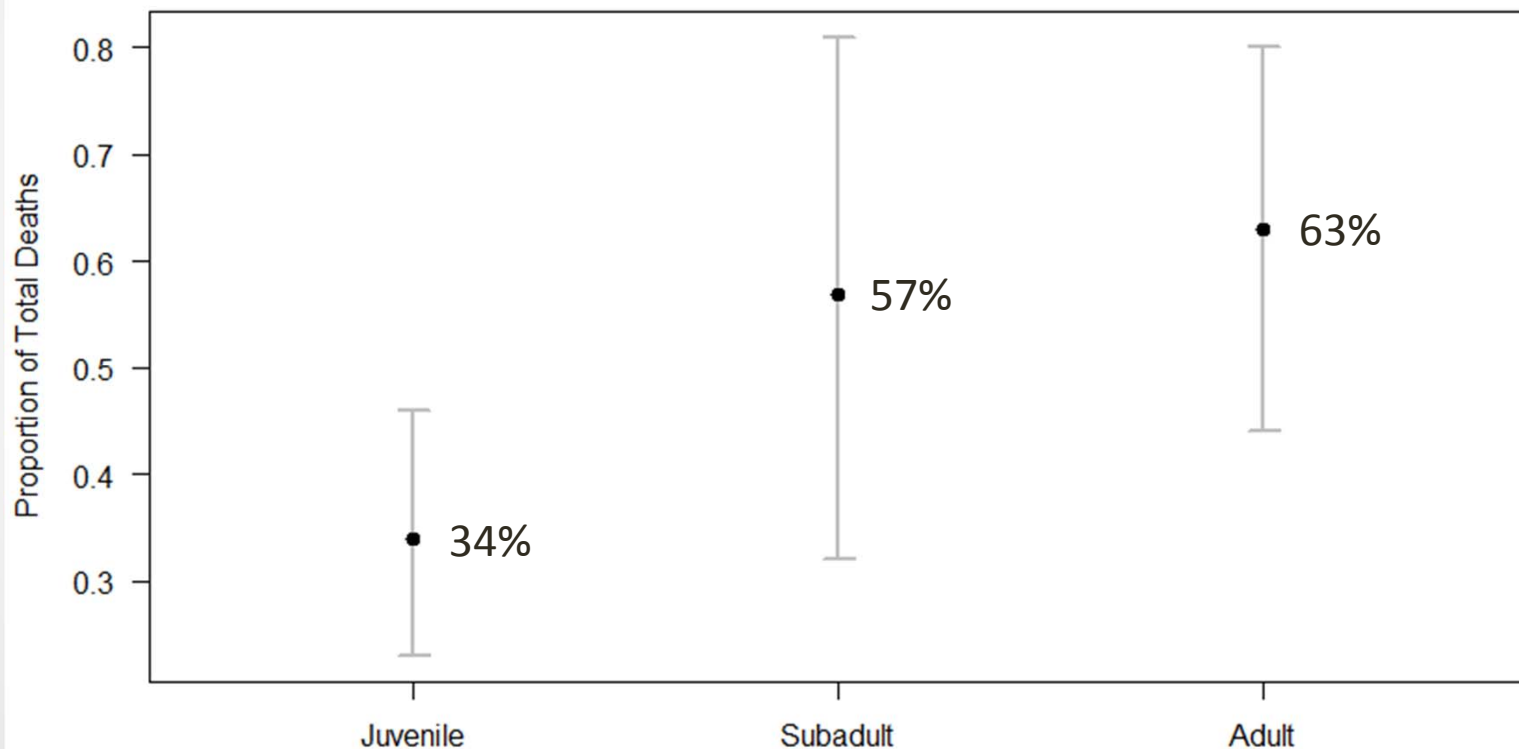




Management Objectives

Status of the Golden Eagle

Proportion of Mortality Caused by Humans

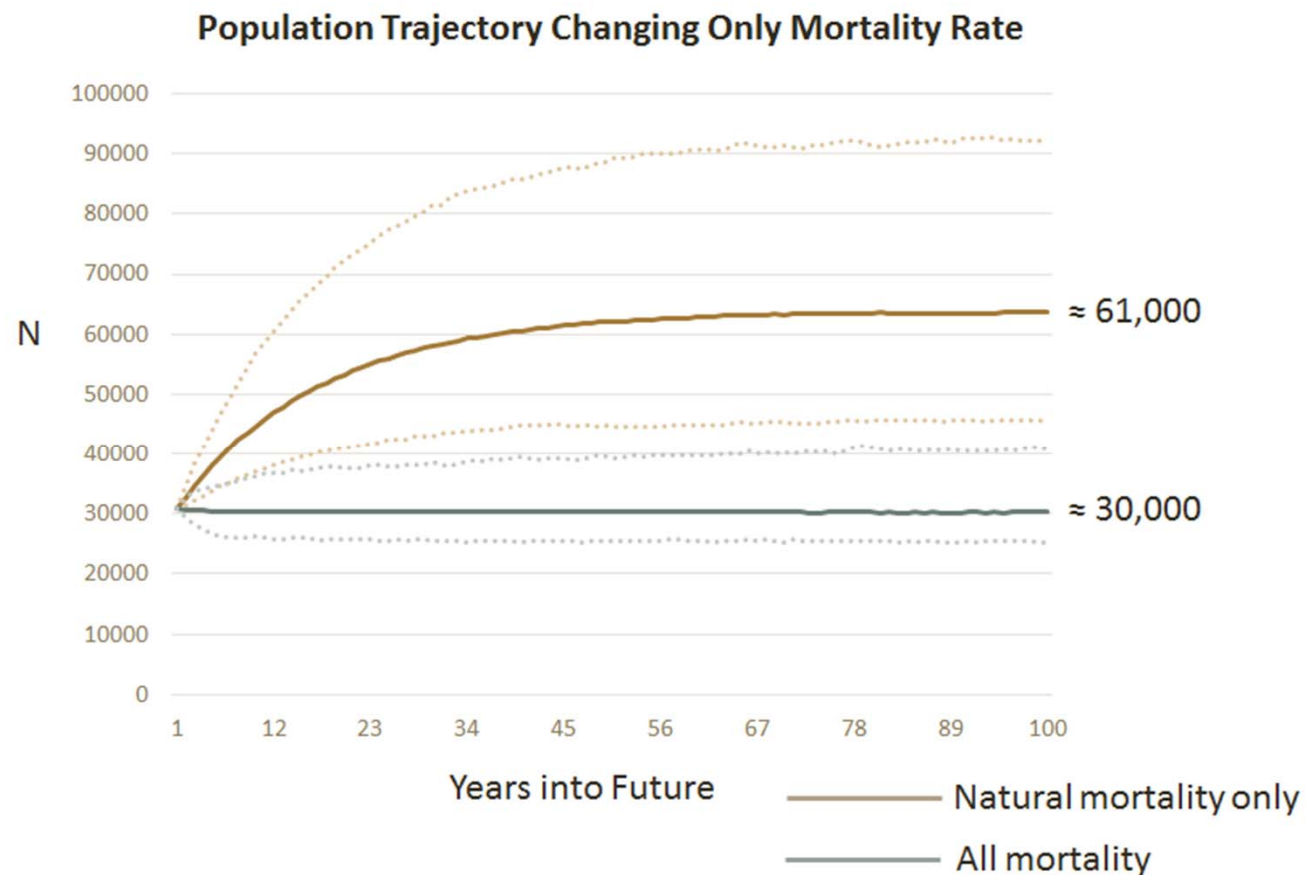




Management Objectives

Status of the Golden Eagle

Population Size With and Without Current Human Mortality



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Management Objectives

Current Management Objectives

Currently operating under these management objectives for bald and golden eagles:

- Maintain potential for stable or increasing breeding populations (2009 baseline)
- 100 year timeframe
- FWS regions as Eagle Management Units (EMUs) for bald eagles, BCRs for golden eagles



Management Objectives

Proposed Management Objectives

Under this proposed rule, management objectives would be:

- Maintain potential for stable or increasing breeding populations using the 2009 baseline (unchanged)
- Maintain the persistence of local populations throughout the geographic range (new)
- 100 year timeframe (unchanged)



Eagle Incidental Take Permits

Proposed Changes to Eagle Incidental Take Permit Regulations

- Maximum permit duration would be 30 years
- Compensatory mitigation for any take above take thresholds. Ratio of greater than one-to-one mitigation for golden eagle permits
- One permit type: eliminate “standard” versus “programmatic” permits



Eagle Incidental Take Permits

Proposed Changes to Eagle Incidental Take Permit Regulations

- Criteria for issuing permits (“practicable” vs. “unavoidable”)
- Local Area Population cumulative effects analysis
- Data standards for permit applications



Proposed Rule Revisions

Additional Proposed Regulation Changes

- Minor revisions to 22.27 — Nest Take Permits
- Revisions to eagle permit application processing fees
- Minor revisions to 22.25, Golden Eagle Nest Take Permits for Resource Development and Recovery (for consistency with 22.27 — Nest Take Permits)
- New and revised definitions



Proposed Rule Revisions

Proposed Regulation Changes

The Service is not proposing any changes to permits for Native American Religious Use in this rulemaking



Eagle Rule Revisions and PEIS

Public comments

- Published in the Federal Register on May 6, 2016 (81 FR 27934)
- 60-day comment period. Comments are due: Tuesday, July 5, 2016
- The proposed rule, DPEIS, and Status Report are available at:
 - *<http://www.fws.gov/birds/management/managed-species/eagle-management.php>* and
 - *Regulations.gov* – Docket: FWS–R9–MB–2011–0094

Thank you

Questions?

Eliza_Savage@fws.gov

DJ_Monette@fws.gov

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