

U.S. Fish & Wildlife Service

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News Release



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BALD EAGLE WILL RETAIN STRONG FEDERAL PROTECTIONS IF REMOVED FROM ENDANGERED SPECIES LIST

Service announces management changes designed to protect eagles upon delisting

The U.S. Fish and Wildlife Service announced today that the bald eagle will continue to be strongly protected by federal law under a series of actions designed to govern management of eagles should they be removed from Endangered Species Act protection.

The Service finalized modifications to a regulatory definition under the Bald and Golden Eagle Protection Act, the primary federal law that will be used to manage eagles if they are removed from the Federal List of Endangered and Threatened Wildlife and Plants. Also announced today are a set of National Bald Eagle Management Guidelines giving landowners and others guidance on how to ensure that actions they take on their property are consistent with the Eagle Act and the Migratory Bird Treaty Act, which both protect bald eagles by prohibiting killing, selling or otherwise harming eagles, their nests or eggs. In addition, the Service opened a public comment period on a proposal to establish a permit program under the Eagle Act that would allow a limited take of bald and golden eagles while ensuring that populations are not significantly affected.

“The bald eagle has rebounded from the brink of extinction to reach population levels that have not been seen since World War II. This success is the result of a lot of hard work on the part of federal and state agencies, conservation organizations and individuals across the nation,” said Service Director H. Dale Hall. “Our overriding concern has been to ensure that bald eagles continue to thrive once they no longer need the protection of the Endangered Species Act and the actions we take will meet that goal.”

The modifications to implementing regulations for the Eagle Act establish a regulatory definition of “disturb,” a term specifically prohibited as “take” by the Eagle Act. The final definition defines “disturb” as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” This

definition will provide clarity to the public while continuing protection for bald eagles, which will help ensure an almost seamless transition from ESA protection to that under the Eagle Act.

The National Bald Eagle Management Guidelines published today provide a roadmap for landowners and others seeking to protect eagles. The guidelines are intended to help landowners and others avoid violating the Eagle Act by disturbing bald eagles. For example, the guidelines recommend buffers around nests to screen nesting eagles from noise and visual distractions caused by human activities.

The Service also opened a 90-day public comment period on its proposal to create a permit that would authorize a limited “take” of bald and golden eagles. This proposed permit is intended to be similar to an “incidental take permit” issued under the Endangered Species Act. It allows permittees agreeing to specific conservation measures to avoid liability if an eagle is unintentionally harmed in the course of an otherwise lawful activity. In addition, the proposed permit would establish provisions to remove eagle nests in rare cases where their location poses a risk to human safety or to the eagles themselves, for example, in close proximity to an airport runway. Such a permit program would be designed to ensure that any take occurs within limits that would not affect population levels.

The bald eagle once ranged throughout every state except Hawaii. By 1963, only 417 nesting pairs were found in the lower 48. Since the delisting proposal in 1999, recovery of the bald eagle has continued to progress at an impressive rate. In 2000, a national bald eagle census resulted in an estimate of 6,471 nesting pairs of bald eagles. Today this number has risen to 9,789 nesting pairs, due to cooperative recovery efforts by the Service, other federal agencies, tribes, state and local governments, conservation organizations, universities, corporations and thousands of individual Americans.

The bald eagle first gained federal protection in 1940 when Congress passed the Bald Eagle Protection Act. It was later amended to include golden eagles and renamed the Bald and Golden Eagle Protection Act. The eagle was later given protection under the Migratory Bird Treaty Act as well. The original Eagle Act established protection for the bald eagle and raised public awareness. Soon after enactment, populations stabilized or increased in most areas of the country. However, the eagle population fell into steep decline in later decades, due primarily to widespread use of the pesticide DDT, which accumulated in eagles and caused them to lay eggs with weakened shells. Concerns about the bald eagle resulted in its protection in 1967 under the predecessor to the current Endangered Species Act. The eagle was one of the original species protected by the ESA when it was enacted in 1973.

The legal protections given the species, along with a crucial decision by the Environmental Protection Agency to ban the use of DDT in 1972, provided the springboard for the Service and its partners to accelerate recovery through captive breeding programs, reintroductions, law enforcement efforts, protection of habitat around

nest sites and land purchase and preservation activities, leading to the robust population levels seen today.

The Service reclassified the eagle from endangered to threatened in 1995 in recognition of these improvements and later proposed to remove the bald eagle from the list of threatened and endangered species. Under the terms of a settlement agreement, the Service has agreed to make a final decision on its delisting proposal by June 29, 2007.

Comments on the proposed managed take permit must be received by September 4, 2007. Comments may be sent by mail to the Division of Migratory Bird Management, Attn: RIN 1018-AV11, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MBSP-4107, Arlington, Virginia 22203. Comments may also be transmitted electronically to <EaglePermitRegulation@fws.gov>, or by following the instructions at the Federal eRulemaking Portal: <<http://www.regulations.gov>>. All comments should refer to RIN 1018-AV11.

More information about the bald eagle and today's announcement is available on the Service's bald eagle website at <http://www.fws.gov/migratorybirds/baldeagle.htm>.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 97-million-acre National Wildlife Refuge System, which encompasses 547 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

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