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**U.S. Fish and Wildlife Service Releases Draft Environmental Assessment
for the Definition of Disturb
under the Bald and Golden Eagle Protection Act**

The U.S. Fish and Wildlife Service published a draft environmental assessment of the definition of “disturb” under the Bald and Golden Eagle Protection Act in today’s *Federal Register*, opening a 30 day public comment period. The Eagle Protection Act and this definition, if approved, will be used to manage the bald eagle if it is removed from the Federal list of threatened and endangered species.

The draft environmental assessment made available today contains as its preferred alternative a definition of disturb similar to what was proposed in February. It has been revised for purposes of clarity. The revised definition reads as follows: “Disturb means to agitate or bother a bald or golden eagle to the degree that causes injury or death to an eagle (including chicks or eggs) due to interference with normal breeding, feeding, or sheltering behavior, or nest abandonment. Injury would be defined as “a wound or other physical harm, including a loss of biological fitness significant enough to pose a discernible risk to an eagle’s survival or productivity.”

"The recovery of the bald eagle and possible removal from the Endangered Species List is a great national success story," said H. Dale Hall, Director of the U.S. Fish and Wildlife Service. "As we prepare to manage bald eagles under the Bald and Golden Eagle Protection Act, the modified definition of disturb reemphasizes the management efforts that have proven so successful in recovering eagle populations. If the eagle is delisted, we plan to have a smooth transition in the management and protection under the Eagle Protection Act.”

If removed from the list of threatened and endangered species, bald eagles will continue to be protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (MBTA). Both acts protect bald eagles by prohibiting killing, selling or otherwise harming eagles, their nests or eggs.

Last February, the Service proposed a regulation to clarify the term "disturb" under the Bald and Golden Eagle Protection Act and opened a public comment period on the proposal. In accordance with the National Environmental Policy Act, the Service has prepared a draft environmental assessment (EA) on the proposed regulation and the proposed definition of “disturb.”

The draft EA is open for the public to comment for thirty days, and the comment period on the proposed definition is also re-opened for thirty days. To see the draft EA, visit the Service’s bald eagle website at <http://migratorybirds.fws.gov/BaldEagle.html>.

After public comment, the Service will publish the final definition of “disturb” and Bald Eagle Management Guidelines and intends to propose a rulemaking to establish criteria for issuance of a permit to authorize activities that would "take" bald eagles under the Eagle Protection Act. The Service will consider addressing the existing Endangered Species Act authorizations in that rulemaking, which if finalized may extend comparable authorizations under the Eagle Act.

Comments on the draft environmental assessment on the definition of “disturb” under the Bald and Golden Eagle Protection Act must be received by (30 days after Federal Register publication). Comments should be sent to Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MBSP-4107, Arlington, Virginia 22203. Comments on the draft environmental assessment may also be transmitted electronically at <baldeagle_proposedrule@fws.gov>.

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 95-million-acre National Wildlife Refuge System, which encompasses 545 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. Visit the Service’s website at <http://www.fws.gov>.

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**Editors note: Press materials are available on the Services new bald eagle website at <http://www.fws.gov/migratorybirds/baldeagle.htm>. B-roll and still photographs of bald eagles are available.