



United States Department of the Interior

FISH AND WILDLIFE SERVICE



IN REPLY REFER TO
FWS/R6/OLE

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Dear Tribal Leader:

The U.S. Fish and Wildlife Service (Service) manages and operates the National Eagle Repository (Repository), a facility in Colorado that distributes eagles, their feathers and parts, to members of Federally Recognized Tribes for religious purposes. The Service recognizes the importance of eagles in the cultural and religious pursuits of many Tribal members, and is committed to facilitating those pursuits through the fair and efficient distribution of eagles and their parts by the Repository.

Applications received by the Repository are processed on a first-come, first-served basis, and thousands of eagle orders are filled each year. The wait times for different eagle parts vary widely, from one month for certain eagle parts to upwards of four and a half years for a whole immature golden eagle. This is because the number of orders exceeds the number of eagles in the Repository. The wait times are correlated to the species being requested such as golden eagles, especially immature golden eagles with black and white tail feathers, is the longest wait due to the high demand for those feathers.

The Repository realized the need to change its distribution processes in an attempt to decrease current wait times for eagles, their parts and feathers. As these changes may impact Federally Recognized Tribes and their members, the Service conducted government-to-government consultations in 2012 and 2013 to solicit ideas from Tribes on how to best accomplish any changes. The ideas, discussions and written comments from those consultations helped shape and inform our decisions about how to make the Repository more effective. After careful consideration of all comments received, the Service intends to implement the following changes.

REPOSITORY CHANGES

The Repository will implement the following changes to orders received on or after June 1, 2014, and will monitor the changes for two years to determine whether they have the desired effect of decreasing wait times. All orders received prior to that date will be filled following the current distribution procedures, and all order requests received after June 1, 2014 will follow the new distribution processes.

- The Service will limit the number of orders filled for inmates to **one order** only, either feathers or parts, up to one whole eagle, until they are released from incarceration or the facility's maximum feather possession amount per individual increases. We will only distribute to inmates the maximum allowed by one person at their correctional facility, up to

the maximum amount the Repository will distribute to non-incarcerated individual applicants. This “one order” limit will alleviate the high number of back-to-back reorders received from some inmates, and thus maximize the ability of all Native Americans to receive at least some of the feathers needed for their ceremonial, cultural and religious activities.

- The Service will process replacement orders (not reorders) from inmates whose longtime use of feathers has caused them to need replacement. This will typically apply only to inmates who are incarcerated for very long periods of time. The Service will work with the applicant and where necessary make contact with prison authorities to ensure circumvention of the *one order* per inmate limit does not occur.
- The Service will continue the process of updating the [Repository’s website](#) to provide readily accessible information on wait times, order category descriptions with pictures and ordering information.
- The Service will diligently pursue a system for online reordering, in an effort to decrease the administrative burden on both applicants and the Repository.
- The Service will update our application form to more clearly advise applicants that they are not required to order the maximum amount of feathers allowed per order, they have the option of ordering a lesser amount if the maximum is not needed. We will also request applicants consider ordering loose feathers and other parts instead of whole birds, unless a whole bird is necessary to fulfill their religious need. Lastly, the application form will include a comment block, where applicants may list specific requests for their order.
- The Service will not require Tribal certification of the religious need for applicants requesting a whole eagle. In the future the Service might explore such an option, but only in a situation where a Tribe enacts a law requiring Tribal certification from its’ designated Tribal officials, notifies the Service of that law, and provides a copy of that law to a designated Service employee at the National Eagle Repository.

We hope these changes will have the desired effect of decreasing wait times and ensuring high levels of customer service to our applicants. If you or any member of your Tribe has questions about this matter, more detailed information is available on our website at <http://www.fws.gov/le/national-eagle-repository.html>, or the National Eagle Repository can be reached at (303) 287-2110.

Sincerely,

Steve Oberholtzer
Special Agent in Charge
Mountain Prairie Region