

Recent media reports have suggested that a bald eagle nest along Weld County Road 1 and East County Line Road is delaying reconstruction of a bridge damaged by last year's flooding during September 11-18, 2013. Although it was noted that officials were trying to comply with federal regulations under the Endangered Species Act (ESA), the eagle is no longer listed under ESA yet is protected under the Bald and Golden Eagle Protection Act (BGEPA) passed by Congress, which protects both species of eagles as well as their nests. However, in 2009, the U.S. Fish and Wildlife Service implemented regulations that allow the agency to issue permits authorizing projects to move ahead in a legal manner in certain circumstances despite having the potential to impact eagles. In this particular situation involving the bald eagle nest along Weld County Road 1 and East County Line Road, the permit would pertain to disturbance and not the take of the nest. Often times these permits can be issued quickly to prevent delays in the project. In fact, in January the Service issued such a permit in four days for the same eagle nest that is alleged to be delaying the bridge construction project to the Left Hand Water District. This allowed them to move forward with emergency water line replacement to restore community water supply and fire protection in the county that had been impacted during the Colorado flooding last fall. To date, we have not received a permit request from Boulder or Weld Counties but stand ready to work with them in an expeditious manner if such a request is made.