



EAGLE SUMMIT IV

March 18, 2015 - Denver, Colorado

*U.S. Fish and Wildlife Service – Mountain Prairie Region
Co-hosted with the Native American Fish and Wildlife Society*

Eagle Summit IV



Facilitator and National Native American Liaison: Scott Aikin

Goal: Eagle Summit IV is designed to improve communication and build knowledge around eagles between Native Americans and the Mountain-Prairie Region of the U.S. Fish and Wildlife Service. Discussions will center on eagle conservation, and identifying opportunities for Tribal members and the Service to collaborate on reducing threats to eagles.

Eagle Summit IV: Panelists

- **Brian Milsap**
National Raptor Coordinator
U.S. Fish and Wildlife Service

William Voelker
Founder – Director
Sia- The Comanche Nation Ethno-Ornithological Initiative
- **Clint Riley**
Assistant Regional Director for Migratory Birds and State Programs
- **Steve Oberholtzer**
*Special Agent in Charge of Law Enforcement and
National Eagle Repository*

Looking Back

Eagle Summit 1



When: March 18, 2010

Where: U.S. Fish and Wildlife Service, Mountain-Prairie Regional Office, Lakewood, Colorado. The Colorado Commission of Indian Affairs served as a co-Host.

Participation: Members of 12 Tribes from the Mountain Prairie Region participated; 4 Tribes from other regions; and 1 Canadian Tribe. In total, 59 Tribal members participated of which 13 were Tribal Council members.

Themes Discussed: Eagle permits and eagle population management; distribution processes and wait times at the Eagle Repository; and laws and regulations governing eagles.

Looking Back

Eagle Summit 2



When: May 2, 2011

Where: Rapid City, South Dakota
Co-hosted by: Oglala Sioux Tribe

Participation: Over 100 Tribal Council members, Fish and Game Directors, Cultural Resource Directors and Tribal Historic Preservation Officers from 29 Tribes as well staff members of other Federal agencies.

Themes Discussed: Actions taken since Eagle Summit I, a variety of law enforcement issues, draft eagle take guidelines for wind energy, non-eagle feather repositories, eagle aviaries, and other eagle discussions.

Looking Back

Eagle Summit 3



When: March 20, 2014

Where: Commerce City, CO

Co-hosted by: Native American Fish and Wildlife Society

Participation: Over 55 Tribal Council members, Fish and Game Directors, Cultural Resource Directors and Tribal Historic Preservation Officers from 30 Tribes as well 6 senior leadership employees in the FWS.

Themes Discussed: Actions taken since Eagle Summit II, a variety of law enforcement issues, eagle take guidelines for wind energy, the National Eagle Repository



FWS Office of Law Enforcement (OLE) Goals

Through outreach, education, and the deterrence that enforcement generates, OLE strives to gain voluntary compliance with wildlife protection laws.

The OLE respects the cultural and religious importance that Native Americans have for eagles, and will continue to facilitate their lawful use while curtailing the unlawful take and trafficking of eagles.

Summary of Federal Laws Protecting Eagles



The Bald and Golden Eagle Protection Act (BGEPA) and 50 CFR 22.12 Prohibits the take, possess, transport, sale, purchase, barter, trade, or offer for sale, purchase, barter, or trade, export or import of eagles.



The BGEPA allows Native Americans to obtain a permit for the taking, possession, and transportation of lawfully acquired bald or golden eagles, or their parts, nests or eggs for religious use.



The Migratory Bird Treaty Act (MBTA) prohibits take, capture, kill, possess, sell, barter, purchase, ship, export, or import of any migratory bird listed in 50 CFR 10, or any part, nest or egg.

Secretary Morton, FWS, and DOJ Policy Regarding Possession

The FWS will not seek or institute legal action against:



Members of federally recognized Tribes who possess, carry, use, wear, give, loan, or exchange among other Native Americans, without compensation, all federally protected birds and their parts or feathers.



Members of federally recognized Tribes who acquire from the wild naturally molted or fallen feathers of migratory birds, without molesting or disturbing such birds or their nests.



Members who wish to transfer feathers or parts to Tribal craftsmen for creation of religious or cultural articles may do so, and craftsmen may be compensated for their work, but the trading of feathers or parts for their work is viewed as bartering and is not allowed.



National Eagle Repository (NER) Changes



In May, 2012, the Service sent a letter to all Tribes announcing its intent to make changes to the NER's distribution processes, and encouraged Consultation with all Tribes having an interest in these changes.



Five Consultation meetings were held around the country, phone consultations were conducted, and written comments were accepted.



National Eagle Repository Changes

An additional 90-day comment period was requested and granted at the NCAI convention, to allow comment on proposed changes.



After careful consideration of all comments received, the FWS implemented the following changes to decrease wait times at the NER, starting June 1, 2014.



Limit number of orders for Native American inmates to one order, up to the maximum amount their facility allows.



National Eagle Repository Changes

The FWS will allow a replacement order, not re-order, for inmates whose longtime use of feathers has caused a need for replacement.



The FWS is developing an online re-order application.



The FWS updated the NER's website to provide more easily accessible information on current wait times, feather order category descriptions with pictures and ordering information.

National Eagle Repository Changes



The FWS updated the application form to more clearly advise applicants that they may order less than the maximum amount of feathers allowed, and consider ordering feathers instead of a whole bird unless a whole bird is necessary to fulfill their religious need.



The FWS **will not** require Tribal certification of the applicant's religious need for a whole bird, unless a Tribe passes a law to that effect and provides a copy of that law to the NER.



What can I order and how long does it take?

- Whole immature golden eagle - 5 yrs, 9 months
- Whole adult golden eagle - 2 yrs
- Whole adult or immature bald eagle – 16 months
- Whole tail only - same as whole bird
- Pair of wings only - GE - 2 years; BE- 1 year
- 10 quality loose feathers (8w, 2T) - IGE - 2 years; AGE - 10 months; BE - 6 months
- 20 Misc. lower quality loose feathers- 3 mons
- Trunks, head and talons only - within 30 days



Eagle Transport Permits

Members of federally recognized Tribes may obtain a permit to transport lawfully acquired eagle feathers or parts into or out of our country for religious purposes.

These permits are valid for 6 months and are issued by the FWS office in Arlington, VA. They normally take 2-4 weeks for issuance.

Tribal members may forego obtaining a permit for travel between the U.S. and Canada or Mexico. Tribal members must show their Tribal card or 1st Nations card at the border if no permit is obtained.

All wildlife, including eagle parts, must be declared at the border. No commercialization or transfer (buy/sell/barter/trade/gift) of eagle parts is allowed.

Eagle Concerns Raised by Tribes

During Prior Eagle Summits

Concern

The number of eagles that come to the Repository from each state, some states are supplying a lot of the eagles while other states are getting the most orders filled.



Decision

These statistics are posted on the Repository's website. The FWS has increased outreach to state and federal wildlife authorities regarding the requirement to send eagles to the Repository. Compliance with this requirement is thought to be very good, but outreach will continue.



NER Shipments and Receipts

BY REGION SINCE 01/01/2010

REGION	WHOLE EAGLES RECEIVED	EAGLE PARTS RECEIVED	WHOLE EAGLE ORDERS FILLED	EAGLE FEATHER & PARTS ORDERS FILLED
1	1213	168	850	2037
2	291	37	2792	5882
3	2640	399	858	2022
4	1212	297	171	534
5	937	233	153	622
6	2258	332	1005	2499
7	1012	178	27	103
8	510	120	377	1140
TOTALS	10073	1764	6233	14839

Eagle Concerns Raised by Tribes

During Prior Eagle Summits

Concern

Federal employees and non-Indians possessing eagle feathers.



Decision

Factsheet on eagle feather possession is available on Repository website. The FWS will continue to enforce violations of the BGEPA, including non-Indians illegally possessing feathers.



Eagle Concerns Raised by Tribes

During Prior Eagle Summits

Concern

Tribes want more interaction and notification when law enforcement agencies work cases on Tribal lands. Tribes would prefer to work cases together with federal agents. They desire the FWS to have a better understanding of jurisdictional and sovereignty issues, and encourage the use of Tribal courts and traditional systems to try and sentence Tribal offenders.

Decision

When it won't affect the integrity of an investigation, Service special agents in Region 6 will coordinate investigations on Tribal lands with Tribal LEOs. When appropriate, we will also recommend restitution to the Tribes for wildlife illegally taken from Tribal lands. The decision to prosecute Tribal members in federal court or refer back to the Tribal court rests with DOJ.

Eagle Concerns Raised by Tribes

During Prior Eagle Summits

Concern

Eagle feathers are restricted to enrolled members of federally recognized Tribes, yet many children on reservations no longer meet the blood quantum required for enrollment.



Decision

No single federal or Tribal criterion establishes a person's identity as an Indian, and government agencies and Tribes have varying eligibility criteria for membership. Membership in a federally recognized Tribe will continue to be the requirement for receipt of an eagle or feathers from the Repository. To deviate from that could allow all non-members to acquire feathers from the Repository, which would exacerbate wait times.

Eagle Concerns Raised by Tribes

During Prior Eagle Summits

Concern

Federal government interference with possession of feathers by veterans and transport to wherever they are serving their country.



Decision

Region 6 OLE has proposed a solution to this problem to FWS Headquarters, a formal policy exempting active duty military members from permit requirements when importing lawfully acquired feathers for non-commercial personal use. Region 6 has also instructed its wildlife inspectors to not take enforcement action on Native American military members returning from deployment with personal use feathers.

Eagle Concerns Raised by Tribes

During Prior Eagle Summits

Concern

Tribes have asked about running eagle repositories, stating Tribes could do it in a culturally-sensitive manner.



Decision

No Tribal repositories will be authorized by the FWS, as it would circumvent the fair and equitable first-come first-served process the National Eagle Repository employs, and would decrease the numbers of eagles the NER has to distribute to applicants, which would lengthen wait times for those Tribes not having a Repository.

Eagle Concerns Raised by Tribes

During Prior Eagle Summits

Concern

Native Americans need access to non-eagle migratory birds and feathers for cultural and religious use.



SIA, the Comanche Nation non-eagle repository director, Bill Voelker with Temma, the Augur Buzzard.

Decision

Department of Justice and the FWS developed a formal policy to allow FRT members to collect naturally molten or fallen feathers. There are also two non-eagle repositories that have received authorization to distribute migratory bird feathers to FRT members.

Threats

Commonly Investigated Violations Involving Eagles



**Electrocution on
power lines and
transformers**



**Intentional and
unintentional
poisoning**



**Shooting, various
motivations**



**Illegal sale, purchase,
import, export**



**Other industrial hazards
(ex. Windpower, wire strikes
etc.)**

OLE Investigations Involving Golden Eagles from 2002 - 2011



347 separate investigations

1,391 golden eagle carcasses seized as a result of unlawful take (poison, shooting, electrocution, etc)

1,030 carcasses seized as a result of unlawful possession

1,655 carcasses and feathers (combined) seized as a result of unlawful sale/purchase

268 feathers and/carcasses unlawfully imported



Disclaimer

It should be noted that the preceding numbers represent seized property that was entered by agents into LEMIS. It is expected that the numbers of eagles seized as evidence represent a fraction of the amount of golden eagles that are unlawfully killed and/or sold.

These numbers do not include any of the eagles that were killed but not investigated by the FWS, nor do they include those deaths which were investigated but no carcasses seized as evidence.

Altamont eagles are not reflected in these numbers.



Electrocutions





U.S. vs Pacificorp

Raptor Electrocutions



Eagle investigation in Wyoming

Three-phase pole
+ neutral wire



Electrocuted (and not reported)
between 2007-2009

232 golden
eagles

193 other
migratory
birds

50 owls,

46 hawks



U.S. vs Pacificorp outcomes



Bird-Safe Power Equipment leads to **PREVENTION** of bird mortality



Bird Safe Pole



Single Phase Pole

Retrofit Actions, in order of preference

- 1) Configuration (spacing)*
- 2) Cover-up material*
- 3) Perch deterrents*