

Information & Comments

While we wait to begin, please note this information

For more information, visit: www.fws.gov/regulations/eagle

Two ways to comment:

1. Electronically - <http://www.regulations.gov>

Search for FWS-HQ-MB-2020-0023

2. Hard-Copy - Mail to:

Public Comments Processing

Attn: FWS-HQ-MB-2020-0023

U.S. Fish and Wildlife Service

MS: PRB/3W, 5275 Leesburg Pike

Falls Church, VA 22041-3803

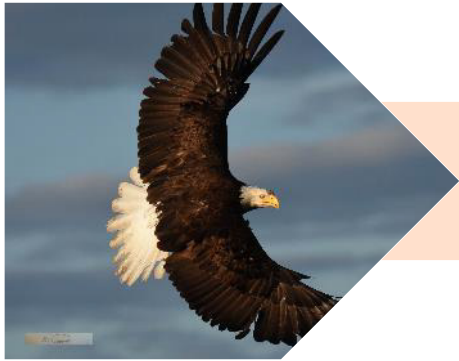


Eagle Proposed Rule Fall 2022

U.S. Fish and Wildlife Service
Migratory Birds Program
Oct/Nov 2022



Historical and Current Timeline



2007 Bald
Eagle
Delisted



2009 First
Eagle
Permitting
Regs



2016 Revised
Eagle Regs



2022
Proposed
Revised Regs



2023 Final
Revised Regs



Goals of the Rulemaking

The purpose of these revisions is to:

- Increase the conservation benefit for eagles
- Increase the efficiency and effectiveness of permitting
- Facilitate and improve compliance



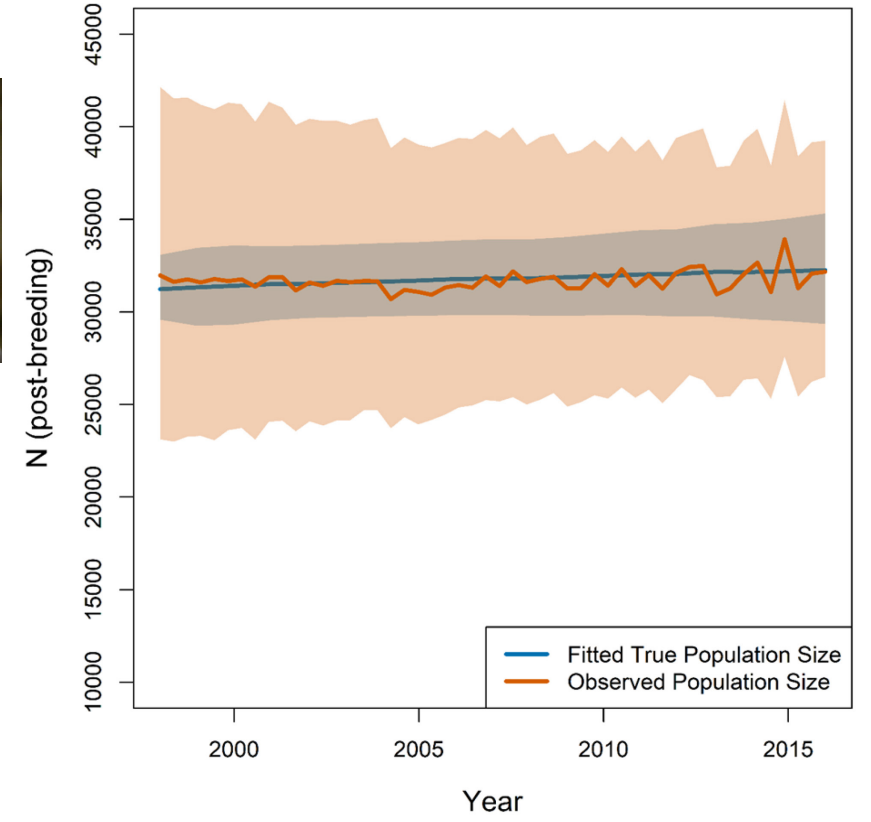
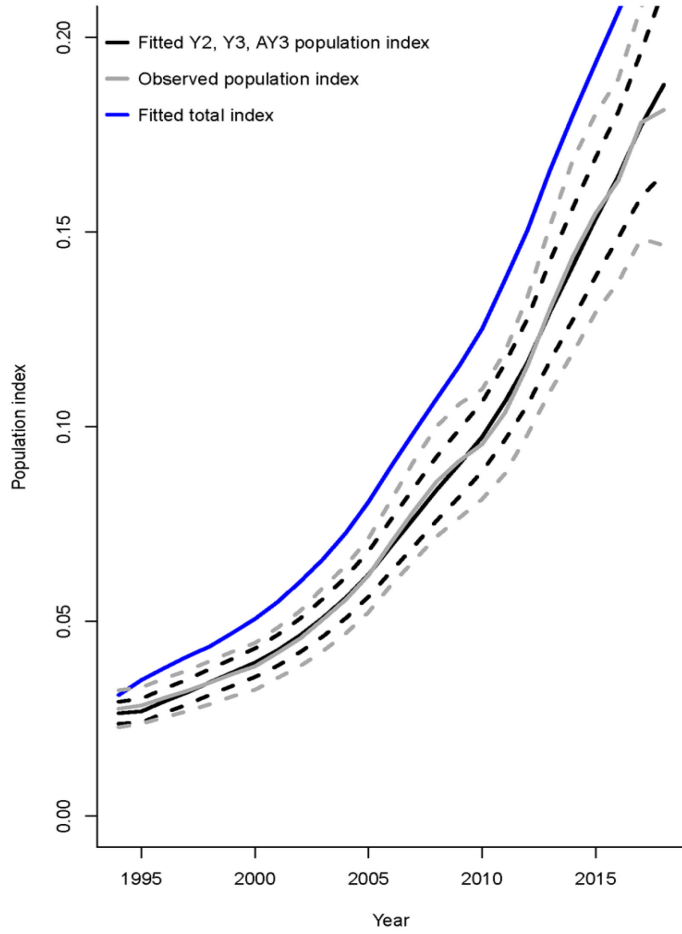
Bald and Golden Eagle Protection Act

“Whenever, after investigation, the Secretary of the Interior shall determine that it is compatible with the preservation of the bald eagle or the golden eagle to permit the taking... he may authorize the taking of such eagles pursuant to regulations...”

“Consistent with the goal of maintaining stable or increasing breeding populations in all eagle management units, and the persistence of local populations throughout the geographic range of each species”



Tale of Two Eagles



What We're NOT Changing

- Eagle Preservation Standard
- Eagle Management Unit (EMU) boundaries and method for setting take limits
- Commitment to preserve eagles at the Local Area Population (LAP) scale
- Maximum specific permit tenure of 30 years
- Ability to customize conditions for specific permits



Proposed Changes

- **Current system: Specific Permits**
 - Applicant prepares application; Service reviews; customized permit conditions
 - Propose to continue use of specific permits for situations that have high or uncertain risks
- **New system: Add General Permits**
 - Propose alternative for certain activities that meet eligibility criteria
 - Simplify and expedite permitting for lower-risk activities with well-established measures
- **Goals:**
 1. Increase conservation benefits to eagles by increased participation in permits
 2. Focus Service resources toward projects with the greatest risk to eagles



General Permits



Four General Permits proposed:

- Wind energy facilities
- Electric utilities
- Common activities that may disturb eagles
- Nest take

Anyone eligible for a General Permit must agree to abide by General Permit conditions, standardized for each type of General Permit.





Current Regulation:

Specific Permits available for 4 purposes:

- Emergency
- Health and Safety
- On Human-engineered Structure
- Other purposes (with net-benefit to eagles)

Proposed:

- ADD: Protection of a T&E species

Nest Take



Purpose	Bald Eagle Nest Take	Golden Eagle Nest Take
Emergency	General Permit	Specific Permit
Health and Safety	General Permit	Specific Permit
Human-Engineered Structure	General Permit	Specific Permit
Other Purposes (net benefit to eagles)	Specific Permit *General Permit for Alaska Only	Specific Permit
T&E Species Protection	Specific Permit	Specific Permit





Current Regulation:

- Specific Permits
- Bald Eagle Management Guidelines

Proposed:

- General Permits:
 - Bald Eagles Only
 - 8 Activities described in Bald Eagle Management Guidelines
- Specific Permits:
 - All Golden Eagle disturbance
 - Bald Eagles disturbance – Other Activities



General Permits for Disturbance: Bald Eagles Only

(within 660' of in-use nest or 330' of any nest unless noted)

1. Building construction and maintenance
2. Linear infrastructure construction and maintenance
3. Alteration of shorelines and water bodies
4. Alteration of vegetation
5. Motorized recreation [in-use nests only]
6. Nonmotorized recreation [in-use nests only]
7. Aircraft operation within 1,000 feet of an in-use bald eagle nest.
8. Loud, intermittent noises (e.g., blasting) within one-half-mile of an in-use bald eagle nest



Current:

- Eligible for long-term, specific permits
- Requires third-party monitoring and compensatory mitigation

Proposed:

- All power lines eligible for general permit
- Administration Fee required per-state



General Permits for Power Lines:

1. New poles electrocution-safe
2. Reactive retrofit strategy
 - 11 poles in response to discovered electrocution
3. Proactive retrofit strategy
 - 1/10th of poles converted every 5 years
4. Collision response strategy
 - Identify, assess, and respond to collisions
5. Shooting response strategy
 - Identify and respond
6. Consider eagles in siting and design
 - New construction and reconstruction
7. Report discovered eagles
 - Train personnel to scan and report



Current:

- Only long-term, specific permits available

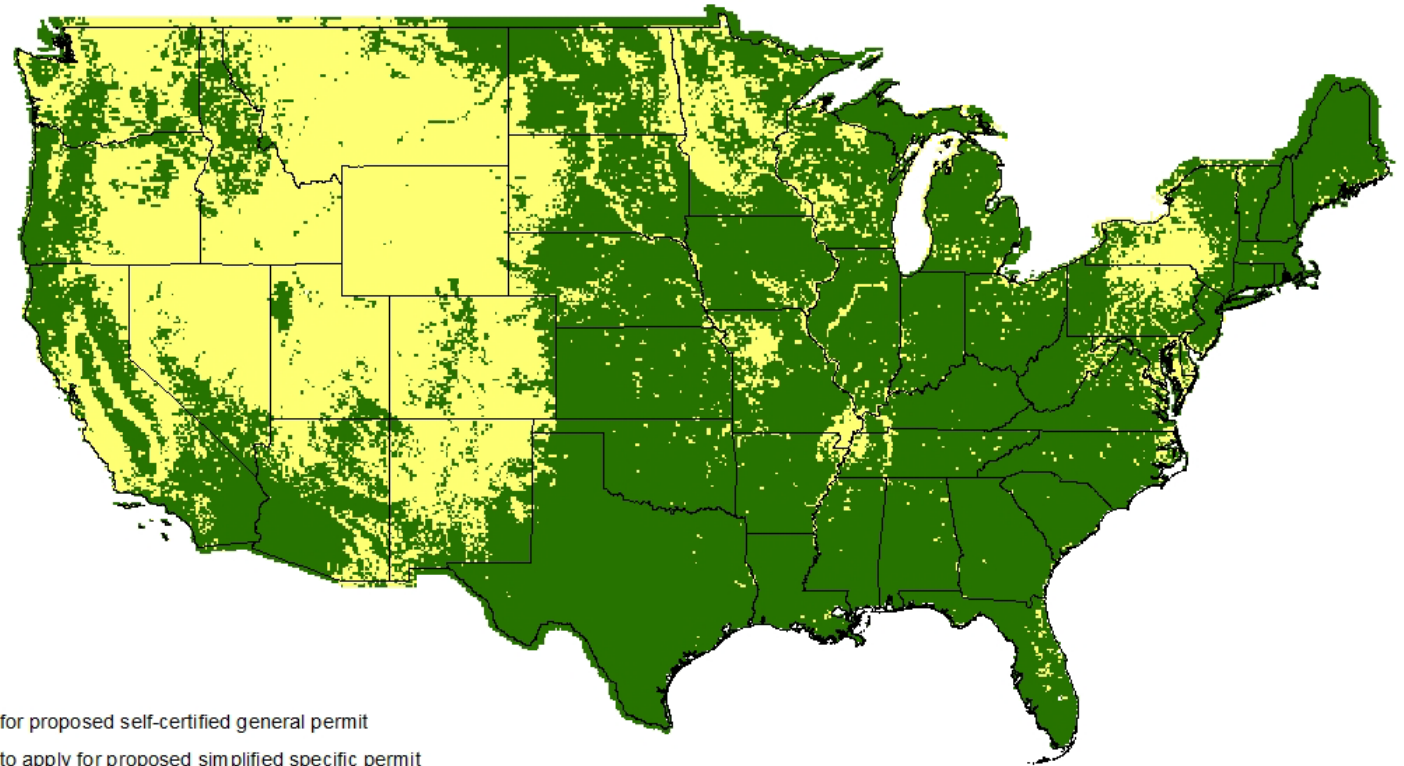
Proposed:

- Specific Permits: greater likelihood of take
- General Permits: lower likelihood of take
- Eligibility based on:
 - Relative Eagle abundance
 - Proximity to nests



General Permit Eligibility

- Based on eBird eagle relative abundance models and eagle nests
- Projects located in green are eligible for a General Permit – covers 78% of existing turbines



Legend

- Eligible for proposed self-certified general permit
- Eligible to apply for proposed simplified specific permit
- U.S. State boundaries



General Permit for Wind:

- Discovered Eagle Provisions
 - 3 Discovered Eagles: Report and implement adaptive management measures
 - 4 Discovered Eagles: Report, implement adaptive management measures, and not eligible for general permit after expiration of current permit

Additional Provisions

- Avoid anthropogenetic hazardous attractants
- Minimize collision and electrocution risks
- Monitoring: Per-turbine Administration Fee
- Compensatory Mitigation
 - Service-approved in-lieu fee program or conservation bank
 - Eagle credits based on hazardous volume of project

Other Changes



- Removed third-party monitoring requirement
- Replaced 5-year reviews with conditional reviews
- Revised definitions:
 - Eagle Nest
 - In-Use Nest



Opportunities for Engagement

- Proposed Rule Public Comment Period
 - 60-day comment period (November 29, 2022)
- Public Webinars (Oct 20 & Nov 3)



- For more information, visit: <https://fws.gov/regulations/eagle>



Questions?

