

## Finding of No Significant Impact

### Issuance of a Bald and Golden Eagle Protection Act Permit to Take Golden Eagles by the Hopi Tribe for Native American Religious Purposes in 2013

The Southwest Region of the U.S. Fish and Wildlife Service (Service) has received an application for a permit that will authorize the Hopi Tribe to take up to 40 nestling golden eagles for use in religious ceremonies in 2013. The Hopi take these nestlings from specific nests in northeastern Arizona. They have been collecting nestling golden eagles from these same nests for centuries. The Service has issued a permit to the Hopi since 1986 that authorized the them to take nestling golden eagles for use in religious ceremonies.

Before acting on the application and issuing a permit to the Hopi Tribe for this purpose, the Service first determined that such a permit would be compatible with the preservation of the golden eagle. This included determining what the direct or indirect effects this permit would likely have upon the human environment, including the wild populations of golden eagles. In order to answer these questions, the Southwest Region prepared an Environmental Assessment under the National Environmental Policy Act to analyze alternatives for issuing this permit. In the Environmental Assessment, we investigated three possible permit alternatives.

Under Alternative A – the No Action Alternative, we would issue the permit the same as we did in 2012 without change. The 2012 permit authorized the Hopi to take up to 40 nestling golden eagles. The environmental effects of this take were analyzed in 2009 in the *Final Environmental Assessment: Proposal to Permit Take as Provided Under the Bald and Golden Eagle Protection Act* (USFWS 2009) and found not to be significant and compatible with the preservation of the golden eagle.

Under Alternative B, we would issue a permit to take up to 40 nestling golden eagles. The difference between this alternative and Alternative A is the use of a 2012 technical assessment that incorporated all data, including some that has become available since the 2009 assessment. The analysis found that issuing a permit allowing this amount of take in the collection area is compatible with the preservation of the golden eagle and direct and indirect effects are negligible.

Alternative C is the preferred alternative. Under this alternative, we would issue the permit for a take of 40 nestling golden eagles, but would limit to five those coming from Navajo lands. A technical assessment, conducted in 2012, of all available data on golden eagles in the collection area indicates this level of take is sustainable throughout the collection area and compatible with the preservation of the golden eagle. The direct and indirect effects are negligible.

Though the take associated with this permit was found to be compatible with the preservation of the golden eagle and the direct and indirect biological effects negligible, each alternative presents differing cultural impacts on the Hopi Tribe and Navajo Nation. The Navajo and Hopi have separate and different cultural and religious beliefs regarding golden eagles. Consequently, they have differing views on how the golden eagle should be managed. The Navajo believe that productivity and survival of golden eagles, on Navajo lands, should be self-sustaining, in other words high enough that no immigration of eagles from surrounding landscapes is needed to keep

the population there stable. This requires management of golden eagles at a local scale. The Hopi, on the other hand, consider immigration as integral to productivity and survival and believe management of golden eagles should be at the population scale. Under Alternative C, each Tribe would manage golden eagles on their respective portions of the collection area according to their particular management scheme. Alternative C strikes a balance between the Tribes' wishes.

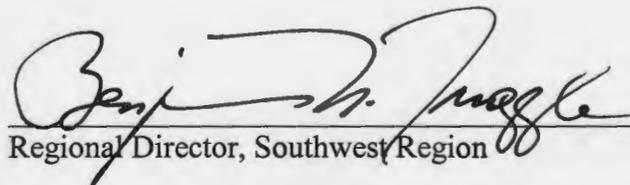
The Service acknowledges the current and historical importance to the Hopi and Navajo of the issuance of this permit to the Hopi. We have consulted with both Tribes regarding these Alternatives and have discussed their potential effects with them. Alternative C results in a change to previous permits issued by the Service. However, it is important to acknowledge that the total number of golden eagles that may be taken, which is 40, has not changed. The number of golden eagles that may be taken on Navajo lands has changed. This has been done in order to strike a balance between the competing cultural and religious interests of the Tribes. Choosing Alternative C, thus decreasing the number of golden eagles that may be taken on Navajo lands, is not significant for the following reasons:

1. The impacts are no more beneficial than they are adverse.
2. Alternative C does not affect public health or safety.
3. While there are unique characteristics in the geographic area, such as historic and cultural resources, Alternative C has no direct or indirect effects on those resources.
4. The effects on the quality of the human environment are likely to be controversial to some, but not all, people affected by this decision. Alternative C strikes a balance that we believe will not be highly controversial compared to the other alternatives.
5. The possible effects on the human environment are not highly uncertain nor do they involve unique or unknown risks because of the history of issuing this permit and the information used to reach this decision, particularly the 2012 Technical Assessment.
6. Choosing Alternative C neither establishes a precedent for future actions with significant effects, and does not represent a decision in principle about a future consideration. The Service will likely be asked to issue a permit to the Hopi to take golden eagles in 2014. Using the best available information, the Service will analyze the issuance of that permit and the details of that permit could be different from the permit issued in 2013.
7. Choosing Alternative C is not related to other actions with individually insignificant but cumulatively significant impacts. Issuing this permit is a final, not temporary, action. It has not been broken down into smaller component parts in order to decrease its significance.
8. Choosing Alternative C does not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources.

9. Choosing Alternative C will not adversely affect an endangered or threatened species or their habitat.
10. Choosing Alternative C does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

I have reviewed the Environmental Assessment and other supporting documentation. Alternative C is compatible with the preservation of the golden eagle and has negligible direct and indirect effects on the golden eagle population. Because of the differing philosophies of the Hopi and Navajo on management of golden eagles on their respective lands, and reflecting their differing cultural and religious beliefs and requirements, the preferred alternative, Alternative C, best balances the desires of each Tribe. Furthermore, though Alternative C will have negative cultural and religious impacts on the Hopi Tribe and its members during the 2013 eagle gathering season, the impact is not significant for the reasons presented above. Take of five golden eagles on Navajo lands will result in minor negative impacts to Navajo culture and religion as well, but they are not significant.

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that issuing the permit under Alternative C will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

  
Regional Director, Southwest Region

4/9/2013  
Date