



December 19, 2008

INFORMATION MEMORANDUM FOR THE SECRETARY

FROM: H. Dale Hall, Director, U.S. Fish and Wildlife Service

PHONE: 202-208-4717

TITLE: Bald and Golden Eagle Management Program/Permits

I. SUMMARY

The U.S. Fish and Wildlife Service (Service) is writing regulations for a permit program to authorize “take” permits under the Bald and Golden Eagle Protection Act (Eagle Act). The Eagle Act generally prohibits the “take,” including disturbance, of bald eagles and golden eagles. Without these regulations the only permitted take of bald eagles would be through previously issued permits under the Endangered Species Act (ESA). The new regulations would authorize take only if it is clear that the take will not undermine the health and stability of eagle populations.

II. DISCUSSION

Bald eagle populations have recovered sufficiently that they were removed from the endangered species list in June 2007. However, the protections under the Eagle Act continue to apply. When the eagle was delisted, the Service proposed regulations to create a permit program to authorize limited take of bald and golden eagles where take is associated with, not for the purpose of, otherwise lawful activities. The proposed permit would establish provisions to remove eagle nests in rare cases when their location poses a risk to human safety or to themselves, for example in close proximity to an airport runway.

The Service finalized regulations in May 2008 confirming that take permits issued under the ESA would still be valid under the Eagle Act. In August 2008, the Service asked for public comments on a Draft Environmental Analysis of the proposed Eagle Act permit program and reopened the comment period on regulations proposed in 2007.

Population information for both eagle species will guide the Service in determining how many permits may be issued in any locality. Priority will be given to Native American requests for take for cultural and religious purposes if the take is necessary for traditional ceremonies. Because the population of either species may be small in some regions, permits for take may not be available in all locations. After publication of the final rule, the Service will publish guidelines detailing the process for applying for a permit and determining which requests will be granted.

PREPARED BY: Paul Schmidt, AD, Migratory Birds **DATE:** December 19, 2008