

Bald and Golden Eagle Conservation Regulatory Framework



Species Protection



- ❖ Federal Laws:

- Bald and Golden Eagle Protection Act
- Migratory Bird Treaty Act

- ❖ State of California

- Fish and Game Code – Fully Protected





Threats

- Poisoning (lead, pesticides)
- Collisions
 - cars
 - turbine blades
 - wires
 - fences
- Electrocution
- Loss of habitat
- Declining prey base
- Human disturbance





Population Status of Golden

Eagles

- The status of the population in the western US is unclear. Few published data on golden eagle abundance and population trend are available for CA.
- Of the data that is available (published and unpublished) a declining population in some portions western North America was noted.

Background on the Eagle Act:

Take Definitions



- **Take** - pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest or disturb
- **Disturb** - to agitate or bother a Bald or Golden eagle to a degree that causes, or likely to cause, based on best scientific information
 - injury to an eagle
 - decrease in productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior
 - nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior

Conservation Perspectives of the Eagle Act and Rule



- Eagle Act - take will be authorized only where it is “compatible with the preservation of the eagle”
 - Rule defined as “consistent with the goal of increasing or stable breeding populations”
- Higher conservation standard than Endangered Species Act permitting .

Two New Permit Types Established

- **Intentional take of eagle nests:**
 - Primarily to deal with safety hazard to people or eagles
 - Only inactive nests allowed to be taken except in safety emergencies
- **Incidental take of eagles**
 - Limited permits available
 - Only when take cannot practicably be avoided

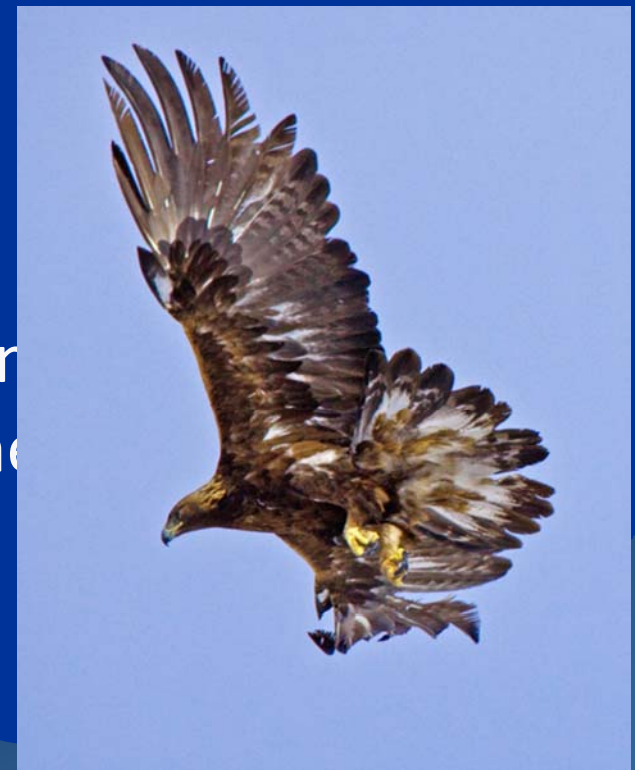


Decision for Golden Eagle



NEPA on the Rule recognized broad uncertainties

- Until additional data show populations of Golden Eagles can withstand additional take, permits will be considered **only** for:
 - safety emergencies
 - programmatic permits
 - other permits that reduce ongoing take or result in no net loss to the breeding population



Programmatic Permits



- Programmatic take - take that is recurring and not in a specific, identifiable timeframe and/or location
- Wind Energy Facilities
- Power Tower Solar Facilities
- Utility Lines



Programmatic Permit Measures



- Authorizations will be based on implementation of “advanced conservation practices”
- “Advanced Conservation Practices” (ACPs) are **scientifically supportable** measures approved by the Service
- Represent the **best available techniques** to reduce eagle take to a level where remaining take is **unavoidable**

Site-Specific NEPA Analyses for Programmatic Permits

- Should include at least the following:
 - Nest inventory & territory delineation
 - Available occupancy & productivity data
 - Migration corridors
 - Winter use areas
 - Line-of-site evaluation
 - Eagle use patterns (breeding and non-breeding)
 - Known foraging areas
 - Potential mitigation
 - Cumulative effects

Mitigation



- Sequential approach to mitigation
 - Avoid
 - Minimize
 - Rectify
 - Reduce or eliminate over time
 - Compensate - is last!



Golden Eagle Permitting Challenges



- Declining populations and limited data in CA and NV
- Few proven avoidance measures for wind
- Limited data to support that compensation measures are effective to offset impacts to the species
- Current financial incentives are driving the timelines
- Limited Service staff and funding to implement program
- Cumulative Impacts may be individually minor, but collectively significant over time.

Cumulative Impacts



- May be individually minor, but collectively significant over time.
- Multiple Wind Resource Areas
 - Little mortality data available



Data Gaps and Outstanding Questions

- Territory size and use in xeric (dry) habitats
- Survival and causes of mortality
- Population size and trend
- Seasonal movements
- Habitat use patterns
- Migration patterns
- Genetic structure



FWS Siting and Permitting Tools



FWS Wind Energy Guidelines

- Based on recommendations from the Federal Advisory Committee
- Revised document expected in early 2012

Eagle Conservation Plan Guidance

- Under development since May 2011
- Version 2 out in early 2012 for public comment

Region 8 ABPP template

CA/NV Golden Eagle Working Group

Collaboration with other Federal and State agencies
permitting projects

Summary



- ❖ Incidental Take Permits are available
- ❖ Permitting standards are difficult to meet
- ❖ Lack of acceptable compensation measures is frustrating the industry

