

GOLDEN EAGLE ALLOCATION PROCEDURE

Created For:

National Flyway Council

By:

**Atlantic Flyway Council
Mississippi Flyway Council
Central Flyway Council
Pacific Flyway Council**

and

U.S. Fish and Wildlife Service, Migratory Bird Office

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INTRODUCTION

The Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668-668d) allows the U.S. Fish and Wildlife Service (Service) to authorize the take, possession, and transportation of golden eagles for falconry. In the past, falconers primarily obtained golden eagles from the wild when eagles were taken because of depredation on livestock or wildlife. In a 2009 Final Environmental Assessment (74 FR 46838) and its associated permitting regulation (50 CFR Part 22), the Service determined golden eagle populations were likely declining and limited authorized take of wild golden eagles to the level that occurred prior to the promulgation of the regulation (74 FR 46838), unless that take would be offset by compensatory mitigation. The 2016 Final Programmatic Environmental Impact Statement (81 FR 91494) affirmed this analysis and decision. The Service determined that the take of golden eagles from the wild for falconry can occur through permits for eagle depredation of livestock or wildlife (50 CFR 22.24(b)) or from releasable rehabilitated eagles. Because falconers had taken an average of six golden eagles annually prior to 2009, the Service determined that the take of up to six golden eagles for falconry purposes each year is compatible with the preservation of the species.

In a letter dated February 8, 2018, the Service requested that the four flyway councils (Atlantic, Mississippi, Central, and Pacific) establish and manage an allocation procedure for placing golden eagles with falconers. Since January 2014, state, tribal, and territory wildlife agencies (hereafter wildlife agencies with jurisdiction) have been responsible for managing falconry permitting and maintaining data on falconers.

The flyway councils recommend the following procedure for allocating take and placing golden eagles with falconers. There are two components of this procedure:

1. Identification of golden eagles available for transfer to falconry.
2. Development of an equitable procedure to allocate and transfer golden eagles to qualified falconers.

Wildlife agencies with jurisdiction, and federal regulations, will determine if a falconer is eligible to obtain a golden eagle permit. It is the falconer's responsibility to adhere to importation and permit requirements for each applicable wildlife agency with jurisdiction. This document summarizes the recommendations of the Atlantic, Mississippi, Central, and Pacific flyways to the Service on the proposed distribution of golden eagles for use in falconry. This procedure does not supersede applicable laws and regulations of the wildlife agencies with jurisdiction regarding transfer or possession of golden eagles, nor does it require participation by wildlife agencies with jurisdiction, landowners in depredation areas, or rehabilitation facilities.

AVAILABILITY OF GOLDEN EAGLES FOR FALCONRY

DEPREDATION AREAS

A federal Eagle Depredation Permit issued by the Service is required to intentionally take golden eagles determined to be injurious to wildlife, agriculture, or other interest or to pose a risk to human or eagle health and safety (50 CFR 22.23). Falconry regulations limit the situations when eagles may be transferred to falconers from livestock or wildlife depredation areas (50 CFR 22.24(b)). As part of the Eagle Depredation Permit application (Form 3-200-16), applicants (e.g., landowners and/or lessees) must contact the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS) to obtain an APHIS-WS Permit Review Form (Form 37). During the Form 37 review process, APHIS-WS staff discuss available alternatives with the applicant. When appropriate to resolve a livestock or wildlife depredation problem, APHIS-WS staff can include “trap-and-place” with a falconer as a recommendation. Under this recommendation, APHIS-WS staff will complete the “Location” block on Form 37 to recommend an area (including a map if appropriate) where trapping and removal is likely to relieve the depredation problem and the recommended dates within which golden eagles should be taken. The depredation permit applicant must include the completed Form 37 and confirm on their Eagle Depredation Permit application form they will allow:

1. A legally permitted and selected falconer(s) (see allocation procedure below) to access the depredation location to remove target golden eagle(s) in accordance with any existing landowner/lessee agreement(s);
2. Removal of golden eagle(s) by an authorized agency and placement of the golden eagle with the selected falconer(s); or
3. A combination of the two approaches.

When the Service’s Migratory Bird Permit Office issues an Eagle Depredation Permit to the depredation permit applicant with authorization to “trap-and-place” with a falconer, the Service will also issue a Letter of Authorization to the selected falconer(s) and/or identify an authorized agency as a sub-permittee, granting authority to the falconer(s) and/or agency to operate under the Eagle Depredation Permit. If a depredation permit applicant chooses not to request falconry as an option on their Eagle Depredation Permit, it will not be possible to trap-and-place golden eagles with falconer(s) to remedy the depredation problem.

Once the Service has issued an Eagle Depredation Permit that includes trap-and-place for falconry as an approved alternative, the Migratory Bird Permit Office will notify the wildlife agency with jurisdiction, the Service’s National Raptor Coordinator, and any agency authorized as a sub-permittee, such as APHIS-WS, with respect to:

1. The number of golden eagle(s) authorized for take;
2. The date(s) authorized for take;
3. The legal location(s) of the trapping authorization (including a map);
4. Limitations on access for falconers, or their authorized agent, imposed by the Eagle Depredation Permit holder;

5. Restrictions from the wildlife agency with jurisdiction where eagle(s) are being trapped with regards to eagles taken under the permit; and
6. Contact information for the Eagle Depredation Permit holder.

A Designated State Wildlife Agency (defined below) will assist the Service by administering a random drawing of qualified applicants to distribute available Eagle Depredation Permits to falconers according to the allocation procedure described below.

REHABILITATION

A permitted migratory bird rehabilitation facility (rehabilitator) may, if allowed by the wildlife agency with jurisdiction, voluntarily transfer a rehabilitated wild raptor to a holder of the appropriate falconry permit as provided by federal law (50 CFR 21.31(e)(4)(ii)). The Service will notify all rehabilitators of the option to permanently transfer releasable golden eagles to falconers and will remind rehabilitators of this option, if allowed by the laws and regulations of the wildlife agency with jurisdiction, on a case-by-case basis when the rehabilitator notifies the Service of a potentially suitable golden eagle under their care. If a rehabilitator deems a releasable golden eagle appropriate for transfer, the rehabilitator may submit an Acquisition and Transfer Request Form (Form 3-202-12) to the appropriate regional Service Migratory Bird Permit Office for approval. In the recipient box of the request form, the rehabilitator should state "Golden Eagle Allocation Procedure," select the "State Falconry" box, and leave the remainder blank. If the Service approves the request, the Migratory Bird Permit Office will contact the rehabilitator's wildlife agency with jurisdiction for concurrence. Once all agencies with jurisdiction concur on the transfer, the Migratory Bird Permit Office will provide the signed form to the rehabilitator and notify the Service's National Raptor Coordinator. The National Raptor Coordinator will contact the falconer according to the allocation procedure described below.

Falconers may continue to act as sub-permittees under a rehabilitation permit and temporarily possess golden eagles for conditioning and evaluation purposes prior to release according to 50 CFR 21.31 (e)(3). Falconers participating in the rehabilitation or conditioning of an eagle may only be authorized to add that eagle to their falconry permit (i.e., permanent transfer for falconry purposes) according to the allocation procedure described below. This allocation process does not apply to eagles determined to be non-releasable.

ALLOCATION PROCEDURE

The National Flyway Council will identify, through a voluntary or draw process as determined by the Council, a Designated State Wildlife Agency, which will have responsibility for implementing the golden eagle allocation procedure for falconry.

Opportunities to obtain a golden eagle will be distributed by the Service using an annual random drawing conducted by the Designated State Wildlife Agency starting January 1 of each calendar year. These opportunities will come from depredation permits and through rehabilitation transfers until the annual allocation of six golden eagles is reached, per the 2016 Final Programmatic Environmental Impact Statement (81 FR 91494). No opportunities will be allocated to specific

flyways, states, tribal, or territory wildlife agencies; instead the annual random drawing will establish a nationwide allocation for distribution of golden eagles for falconry.

ANNUAL POOL OF APPLICANTS

Falconers with valid authorizations for falconry and possession of golden eagles, may apply to their wildlife agency of jurisdiction to be included in the annual golden eagle allocation drawing. Each wildlife agency is individually responsible for evaluating applications they receive from falconers residing in their jurisdiction and certifying the list of valid applications (i.e., Master Eagle Falconers) to the Designated State Wildlife Agency by November 1 annually. If a wildlife agency chooses not to participate in this procedure, or fails to submit the list of eligible applicants to the Designated State Wildlife Agency by the deadline, their applications will not be included in that year's drawing.

Applications will be accepted from all wildlife agencies that elect to participate in this procedure and whose certified falconry regulations permit golden eagle acquisition and possession for falconry. Agencies must include the name, address, email address (optional), and phone number for each certified falconer applicant. The Designated State Wildlife Agency will compile applications from each participating agency, generate a nation-wide application list, and submit that list to a random drawing.

DRAW SYSTEM

The Designated State Wildlife Agency will conduct a random draw according to its state laws and processes to establish a drawing order from the applicant list. This drawing order will be finalized and delivered by December 31 annually to the Service's National Raptor Coordinator. The Service will notify the first 10 falconers, and their respective wildlife agency with jurisdiction, of their position in the drawing order. The Service's advance notification does not guarantee an opportunity, rather it allows the falconers to prepare for the possibility of trapping a golden eagle or traveling to accept a rehabilitated golden eagle that year. The drawing order established for one year terminates upon the finalization of the next year's drawing order.

The Service will offer the first eagle opportunity to the first falconer in the drawing. This falconer will have five business days to accept the eagle opportunity after receiving notice of its availability. If the falconer does not respond within five business days, cannot be contacted, or declines, the eagle opportunity will be offered to the next falconer in the drawing order. The process, including additional advanced notification as needed, will be repeated until a falconer agrees to accept the eagle opportunity or all names are exhausted. A falconer's name is only removed from the drawing list for that calendar year when they accept an eagle opportunity for that calendar year, or they request to have their name removed from the list.

FALCONER ACQUISITION OF THE GOLDEN EAGLE

Take from Golden Eagle Depredation Areas

After accepting the opportunity, a falconer will be provided with the contact information and time-frame for trapping. The falconer will be responsible for coordinating with the Eagle Depredation Permit holder. A selected falconer may designate one agent (either an authorized agency or another falconer) to obtain the eagle on their behalf. This agent must have the necessary wildlife agency with jurisdiction authorization to obtain the eagle as an agent. Federal authorization will be conveyed in the Letter of Authorization sent to the selected falconer. The wildlife agency with jurisdiction will provide authorization to the selected falconer according to state laws and processes, and can assist the selected falconer or sub-permitted agent or agency as a local point of contact to answer falconry-related questions and facilitate transfer of the bird to the selected falconer.

The falconer or authorized agent or agency must carry their written authorization(s) from the Service (Letter of Authorization and copy of the Eagle Depredation Permit) and the wildlife agency with jurisdiction on their person while conducting all eagle trapping and transportation activities. The Eagle Depredation Permit holder is not required to cover any costs incurred by the falconer/authorized agent.

Transfer to Falconry from Rehabilitation

When a Transfer Form for a golden eagle is approved by both the Service and the wildlife agency with jurisdiction, the Service's National Raptor Coordinator will notify the first falconer on the drawing list of the eagle opportunity per the allocation procedure and deadlines above. If the falconer chooses to accept the eagle opportunity, the falconer will be provided with the rehabilitator's contact information to coordinate the transfer. The falconer must take possession of the eagle within 15 business days after receiving notice of availability, or request and receive approval for an extension from the Service and the rehabilitation facility to delay transfer. The falconer is responsible for any costs associated with the transfer.

AMENDMENTS

Amendments to this procedure will be coordinated by the National Flyway Council. Any of the four National Flyway Council representatives can request an amendment to the National Flyway Council Chair, which will include details of the amendment and justification. The National Flyway Council Chair will distribute the requested amendment to remaining representatives and allow 30 days for comments. The National Flyway Council Chair can call for a vote on the amendment any time after the 30 days has expired.

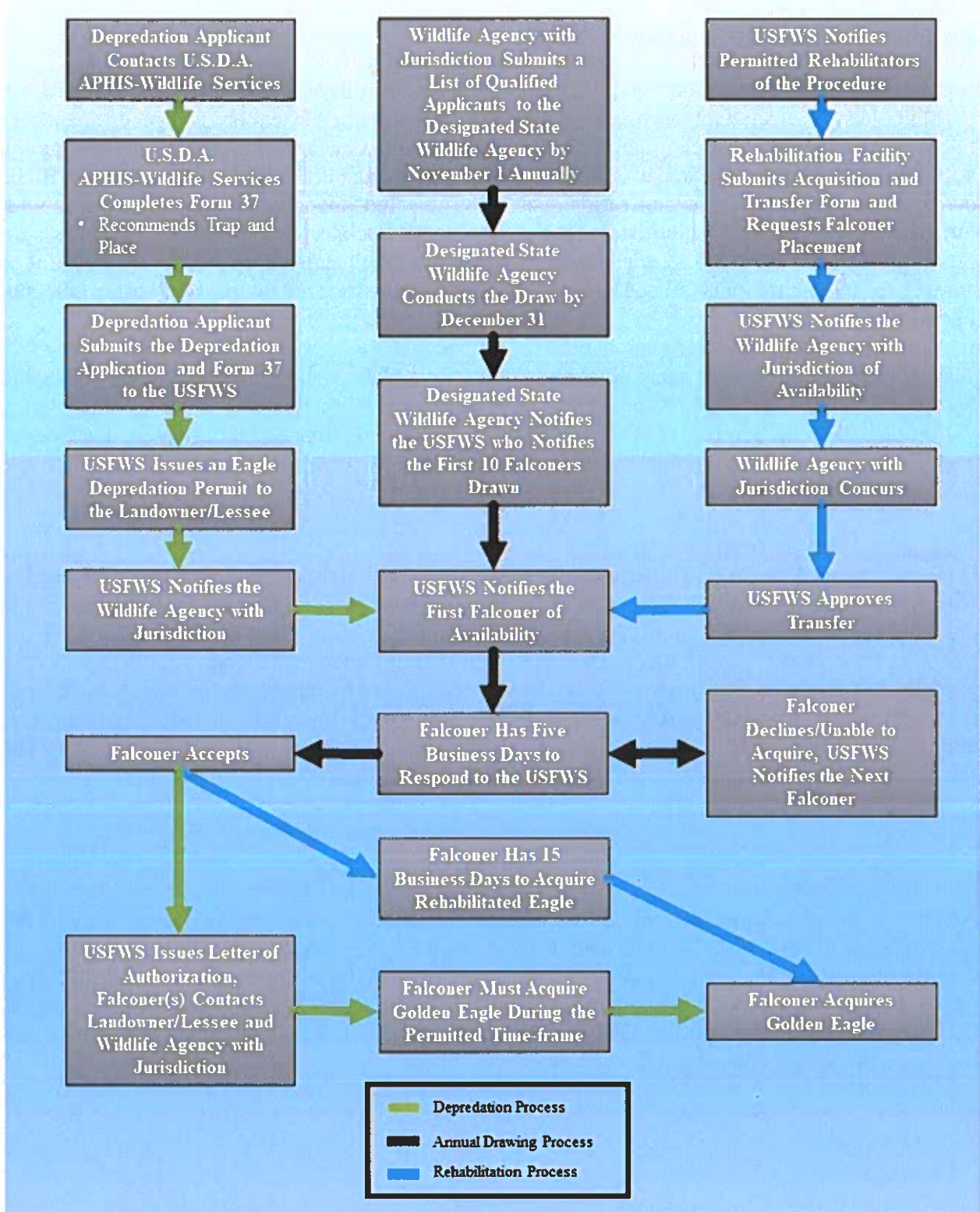
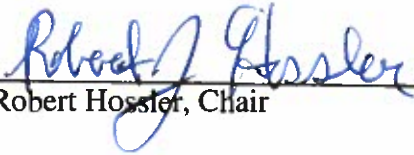


Figure 1. Golden eagle allocation procedure.

Adoption

Atlantic Flyway Council



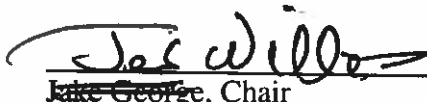
Robert Hossler, Chair

Mississippi Flyway Council

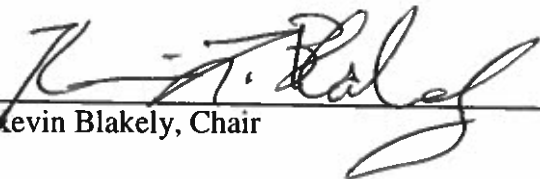


Russ Walsh, Chair

Central Flyway Council



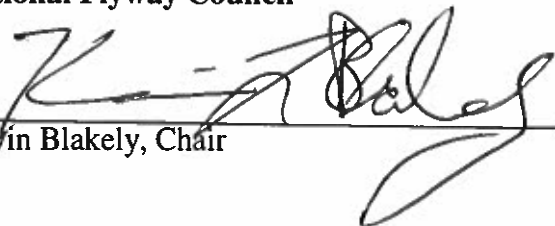
~~Jake George, Chair~~
Jeb Williams
Pacific Flyway Council



Kevin Blakely, Chair

Adoption

National Flyway Council



Kevin Blakely, Chair

