



**PROPOSAL TO THE CONGRESS OF THE UNITED STATES TO
MODIFY THE BALD AND GOLDEN EAGLE PROTECTION ACT
16 U.S.C. 668-668c as amended**

General:

This proposal seeks a modification of 16 U.S.C. 668a by the Congress of the United States, by striking a portion of one sentence. That portion to be stricken is “...*except that only golden eagles which would be taken because of depredations on livestock or wildlife may be taken for purposes of falconry.*” This proposal also seeks modification of the title of 16 U.S.C. 668a to include “*and falconry*”. The requested modifications are highlighted in red on Page 2 of this proposal.

Qualified falconers are already allowed live possession of golden eagles, by permit, but only under the exception stated above. This proposal submits that this minor modification would no longer restrict qualified falconers from removing young eagles from the wild that may be in harm’s way from areas that include wind energy generators or other potential hazards. Wind generators, electrocution from unprotected power lines and secondary poisoning from lead and other toxins are leading causes of death for golden eagles. The United States Fish and Wildlife Service is constrained by the Bald and Golden Eagle Protection Act (Act) in that it cannot permit the removal of young eagles from harm’s way, except in a declared depredation area by falconers. When the Act was written there was no generation of electricity from wind power, vehicular traffic was minimal and there were far fewer unprotected high voltage power lines.

Falconry is defined for the purpose of this proposal as the pursuit and or taking of wild quarry by a trained bird of prey. Falconers are allowed to capture, train and hunt with birds of prey under rigid regulations established by the US Fish and Wildlife Service. These birds are then cared for, flown in their natural state and become the falconer’s hunting partner that may someday be returned to the wild.

Falconry was declared an Intangible Cultural Heritage by the United Nations Educational Scientific and Cultural Organization (UNESCO) on November 16, 2010.

Costs Associated with this Proposal:

Other than the costs normally associated with a bill and subsequent codification and agency costs, there would be no additional cost to the American people.

Safe Guards, Current Laws and Regulations:

This proposal is narrowly focused on the golden eagle (*Aquila chrysaetos*) and in no manner requests modification of the Bald and Golden Eagle Protection Act regarding the bald eagle (*Haliaeetus leucocephalus*).

Both the bald and golden eagle in the United States receive additional protections under the Migratory Bird Treaty Act (16 U.S.C. 703-712 as amended). Neither bird is considered endangered or threatened at this time under the provisions of the Endangered Species Act (16 U.S.C. 1531-1544 as amended), however if these or any species meet criteria under 16 U.S.C. 1531-1544 as amended and they are included at any point in the future, they would be afforded the protections of this Act as well. At no time has the golden eagle been listed or proposed for listing under the Endangered Species Act.

The United States Fish and Wildlife Service (USFWS) under authority granted by Congress to the Secretary of the Department of Interior, developed regulations through the provisions of the Migratory Bird Treaty Act governing falconers and the practice of falconry. Contained in 50 CFR 21.29, these regulations specify the requirements falconers must meet to take, house, maintain and care for golden eagles. These regulations were developed largely by input from falconry stakeholders. Additional stakeholders that made comments on these regulations and provided input were the public, state wildlife agencies, Native American tribes, corporate entities, and other federal agencies. These regulations are very strict and narrowly define the qualifications of falconers desiring to take and then train golden eagles. A specific permit, in addition to other stringent regulations, is required. This proposal does not seek modification of these regulations. Falconry stakeholders feel these are safeguards to ensure that only highly qualified individuals may take, possess, transport, train and hunt with golden eagles.

The USFWS conducted, as required and prior to implementation of the most recent regulatory changes found in 50 CFR 21.29, an environmental assessment (EA). Upon conclusion of this assessment the Director of the USFWS issued a Finding of No Significant Impact (FONSI) regarding falconry.

Currently, there are fewer than one hundred (100) persons qualified and permitted to take, possess, transport, train and fly golden eagles for the purposes of falconry.

The provision we ask Congress to re-dress and request modification for is:

§ 16 U.S.C. 668a. Taking and using of the bald and golden eagle for scientific, exhibition, religious and falconry purposes

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, possession, and transportation of specimens thereof for the scientific or exhibition purposes of public museums, scientific societies, and zoological parks, or for the religious purposes of Indian tribes, or falconry, or that it is necessary to permit the taking of such eagles for the protection of wildlife or of agricultural or other interests in any particular locality, he shall authorize the taking of such eagles pursuant to regulations which he is hereby authorized to prescribe: Provided, That on request of the Governor of any State, the Secretary of the Interior shall authorize the taking of golden eagles for the purpose of seasonally protecting domesticated flocks and herds in such State, in accordance with regulations established under the provisions of this section, in such part or parts of such State and for such periods as the Secretary determines to be necessary to protect such interests: Provided further, That bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior: Provided further, That the Secretary of the Interior, pursuant to such regulations as he may prescribe, shall permit the taking, possession, and transportation of golden eagles for the purposes of falconry. ~~except that only golden eagles which would be taken because of depredations on livestock or wildlife may be taken for purposes of falconry:~~ Provided further, That the Secretary of the Interior, pursuant to such regulations as he may prescribe, shall permit the taking of golden eagle nests which interfere with resource development or recovery operations.

Anticipated Objections to this Proposal:

Because falconry employs birds of prey some objection may be expected from persons objecting to the keeping of raptors for hunting purposes. Falconry involves hunting and some objections may be expected on the grounds that all hunting is bad.

Anticipated Benefits of this Proposal:

As stated, by making this minor modification, the Department of the Interior, through the USFWS would be allowed additional flexibility and additional opportunities could be afforded to falconers to take golden eagles from the wild that may be at risk and place those eagles with falconers who provide care, housing and feeding at no cost other than to themselves. It may save a birds life.

It would eliminate the restriction to only be able to take these birds from declared depredation areas. Currently this section of the Act does not allow falconers to take birds from areas of risk such as wind power generation “farms” or areas that are attempting to reduce populations of eagles.

General Background Information:

- Biologically, there is no measurable impact of take of golden eagles from the wild by falconers.¹
- Only young, non breeding birds are ever taken for use by falconers.²
- There is natural mortality of immature golden eagles (those that will die anyway from disease, starvation, electrocution or other injury).³
- Sufficient regulations and laws exist to provide adequate protection and ensure that only highly qualified persons are involved.⁴
- Although very limited, take of golden eagles from the wild for use by falconers is already allowed by law.⁵
- The golden eagle has never been listed as either a threatened or endangered species.⁶
- There is no anticipation or current projection by federal agencies that the golden eagle will be listed as a threatened or endangered species in the immediate future. The golden eagle, along with more than one hundred other species is considered by the USFWS as a bird of conservation concern, but only in one region of its continent wide distribution.⁷
- Golden eagles are being killed as a consequence of operating some wind energy generators.⁸

Therefore the North American Falconers' Association respectfully requests you introduce legislation that would amend or otherwise modify the Bald and Golden Eagle Protection Act as noted on page 2.

Sincerely,



Wm. L. "Larry" Dickerson, President
North American Falconers' Association
695 Garden Valley Road
Statesville, N.C. 28625
704-546-2703
www.n-a-f-a.com

¹ US Fish and Wildlife Service – Finding of No Significant Impact – 2008 – Kenneth Stansell, Acting Director

² Code of Federal Regulations – 50 CFR 21.29

³ Journal of Wildlife Management – 2006 – Volume 70, Issue 3

⁴ Code of Federal Regulations – 50 CFR 21.29

⁵ 16 USC 668-668d

⁶ US Fish and Wildlife Service – Species Profile – March 13, 2012

⁷ US Fish and Wildlife Service – Birds of Conservation Concern - 2008

⁸ Wall Street Journal – March 7, 2012