



Current Bald Eagle Protection on Forest Land in Washington State

April 12, 2012

Regulatory authority for protecting bald eagle habitat recently changed in Washington State, and eagle protection now resides solely with the U.S. Fish and Wildlife Service (USFWS). Responding to the recovery of the bald eagle, the Washington Fish and Wildlife Commission and the Forest Practices Board have modified their respective habitat protection rules. Bald and golden eagles remain protected under the Federal Bald and Golden Eagle Protection Act, and forest practices applicants need to be aware of the steps necessary to protect bald eagles and be in compliance with this federal law.

Federal Bald Eagle Protection

To avoid impacting eagles, landowners and managers must comply with the **Federal Bald and Golden Eagle Protection Act** at

www.fws.gov/migratorybirds/mbpermits/regulation/s/BGEPA.PDF

Prior to submitting forest practices applications (FPAs) to the Washington State Department of Natural Resources (DNR), landowners and managers who wish to carry out forest practices activities (timber harvest, road construction, etc.) within 660 feet of a nest or roost site need to consult the **Federal management guidelines for bald eagles** to determine if they can self-certify or whether a Federal permit may be required (www.fws.gov/pacific/eagle/guidelines/disturbnestingbaea1.html).

These guidelines describe timing and distance recommendations to avoid take (disturbance) of nesting and roosting bald eagles from forest practices activities. If you cannot self-certify that the activity will avoid disturbance and/or take by following the guidelines, contact the USFWS. Contact Mark Miller, 360-543-9347, mark_miller@fws.gov

The USFWS requests applicants submit self-certification forms to the USFWS along with a copy of the FPA (see contacts above).



IMPORTANT!

Are you proposing to conduct any forest practices activities within 660 feet of a bald eagle nest or communal roost site? Are you planning to use explosives within one mile of a communal roost site? If so, you should review the recommended Federal distance and timing restrictions for forest practices activities at www.fws.gov/pacific/eagle/guidelines/disturbnestingbaea1.html

If you would like to report information about an eagle nest or breeding territory, WDFW is interested in the following types of information:

- The location of a new eagle nest or breeding territory,
- A new nest location within a known territory,
- A more accurate location for an existing nest structure,
- Loss of a nest structure or a nest tree,
- Information about occupancy of the site by eagles between January and August, and
- The number of young eagles observed in a nest.

Before submitting information to WDFW please consult '**PHS on the Web**' (<http://wdfw.wa.gov/mapping/phs/>) to determine the location and name of the bald eagle territory in question, and then visit our **Bald Eagle Territory History** database (http://wdfw.wa.gov/conservation/bald_eagle/territory/) to determine whether the nest tree location or particular territory history information is already in our database. To share your information with WDFW, please contact Gretchen Blatz at 360-902-2484; Gretchen.Blatz@dfw.wa.gov

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Bald Eagle Recovery

Until recently, bald eagles in Washington have been protected under the Federal Endangered Species Act and the Washington State threatened species list. From a low of 104 breeding bald eagle pairs in 1980, Washington's eagle population has increased dramatically, due in part to the protection of nesting and roosting habitat. By 2005, an estimated 840 occupied territories were documented throughout the state. In 2007, the bald eagle was removed from the Federal Endangered Species list, and was down-listed in Washington State from Threatened to Sensitive. They remain under the protection of the Federal Bald and Golden Eagle Protection Act.

State Regulatory Changes

In 2011, the Washington Fish and Wildlife Commission amended the Washington Department of Fish and Wildlife (WDFW) bald eagle habitat protection rules to remove the need for Bald Eagle Management Plans. However, nest trees and the eagles themselves remain protected by state (and Federal) law.

Effective March 18, 2012, the Washington Forest Practices Board removed the Forest Practices Rules that required environmental review (SEPA) for forest practices activities near bald eagle nests and roosts, as well as the need for a Bald Eagle Management Plan as part of a complete forest practices application (FPA). **Landowners conducting forest practices activities still need to ensure that they meet Federal requirements for the protection of eagles.**

Current Bald Eagle Protection Process and Information

State Forest Practices Application Process

Through the state Forest Practice Application (FPA) process, DNR, WDFW and USFWS can assist forest landowners in following the federal bald eagle protection process:

- DNR will screen FPAs to determine whether proposed activities are within 660 feet of a bald eagle site. If the FPA is within 660 feet, DNR will indicate that on the FPA Office Checklist, which gets scanned into the Forest Practices Application Review System (FPARS). Notifications of these FPAs are emailed to individuals with an FPARS profile for that geographic area.
- WDFW will notify the applicant and USFWS of these FPAs, and will refer applicants to the **USFWS bald eagle protection website** at www.fws.gov/pacific/eagle/guidelines/disturbnestingbaea1.html.
- USFWS requests applicants submit self-certification forms to the USFWS with a copy of the FPA (see contacts above). If the applicants cannot self-certify, the USFWS will work with them to seek appropriate alternatives or apply for a bald eagle take permit. USFWS will contact applicants operating within 660 feet of a nest or roost, whose forest practices activities have the potential to disturb nesting or roosting bald eagles if:
 - Applicants have not submitted a Self-Certification, or
 - Applicants have not contacted USFWS if their project cannot meet the Self-Certification recommendations for avoiding disturbance.
- DNR will mail this bald eagle fact sheet to the applicant with the FPA Decision sheet.

Available Bald Eagle Location Data

- To determine if proposed forest practices activities are within 660 feet of a bald eagle nest or roost site, consult WDFW's interactive mapping tool found at 'PHS on the Web' at <http://wdfw.wa.gov/mapping/phs>.
- Landowners, tribes, agencies, or the public may request wildlife location information for their use in making planning and land use decisions. For ordering information please go to WDFW's Priority Habitats and Species web site at www.wdfw.wa.gov/conservation/phs. If you have questions, please call (360) 902-2543 or e-mail phsproducts@dfw.wa.gov. Please allow a minimum of two weeks for data request processing time.
- To help access information, the DNR Forest Practices website at www.dnr.wa.gov/BusinessPermits/ForestPractices/Pages/Home.aspx contains links to the **USFWS Bald Eagle protection website**, as well as WDFW's **PHS on the Web**.