



## Current Bald Eagle Protection on Forest Land in Washington State

### Federal Bald Eagle Protection

To avoid impacting eagles, landowners and managers must comply with the federal Bald and Golden Eagle Protection Act at <https://www.fws.gov/law/bald-and-golden-eagle-protection-act>

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 whether a federal permit is required. Guidelines can be found at <https://www.fws.gov/media/national-bald-eagle-management-guidelines>

These guidelines describe timing and distance recommendations to avoid take of nesting and roosting bald eagles from forest practices activities. If you believe the activity will not avoid take<sup>1</sup> by following the guidelines, you may need to apply for an incidental take permit. Visit <https://www.fws.gov/story/do-i-need-eagle-take-permit> for guidance on whether you need to apply for a permit. If you have more questions on the permitting process, email [WAeagleinfo@fws.gov](mailto:WAeagleinfo@fws.gov) or call 360-534-9304.

### Washington State FPA Processing

In the past, DNR office staff would review forest practice applications for vicinity of proposed plans to a known eagle nest. Due to the de-listing of bald eagles, known nesting locations are no longer mapped. If you are aware of a bald eagle's nest near your proposed harvest, include your steps taken to avoid disturbance or your take permit information in Question 28 of the FPA.

If a Forest Practices Forester finds a bald eagle nest during their field review of a proposed harvest, they may require amending the FPA to comply with USFWS guidance. If you have questions regarding bald eagles while planning a forest practices activity, you should contact your local DNR Forest Practices office. Contact information can be found at <https://www.dnr.wa.gov/programs-and-services/forest-practices>.



### 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 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.

### Bald Eagle Recovery

The bald eagle was removed from the federal Endangered Species List in 2007, then from Washington State's list as a sensitive species in 2017.

If you wish to view the document which reviews the recovery of bald eagle populations and includes the recommendation to remove the bald eagle from Washington State's Endangered Species List, you can view WDFW's Periodic Status Review for the Bald Eagle at <https://wdfw.wa.gov/publications/01825>.

<sup>1</sup>Take is defined in the Act as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb<sup>2</sup>.

<sup>2</sup>Disturb is defined in the Act as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior"