



Bald and Golden Eagle Protection Act

The bald eagle (*Haliaeetus leucocephalus*), became the national bird of the United States in 1782 when an estimated 100,000 nesting birds inhabited the continental U.S. By the mid-1900s, bald eagle populations plummeted throughout much of the nation. This led Congress to pass the Bald Eagle Protection Act in 1940 to protect this “symbol of American ideals of freedom” from extinction. The Act was later amended to The Bald and Golden Eagle Protection Act (Eagle Act) in 1962 to address diminishing populations of the golden eagle (*Aquila chrysaetos*) as well as to protect bald eagles that were being killed by people mistaking them for golden eagles—bald eagles do not develop their distinctive white head until they reach about four years of age.¹



Methods

The Eagle Act—enforced through regulations written by the U.S. Fish and Wildlife Service (USFWS)—prohibits the “taking” of bald and golden eagles, including their parts, nests, or eggs.¹ To take is defined as to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb” any bald or golden eagle, whether “alive or dead...unless authorized by permit.”¹ USFWS may issue permits for scientific, educational, Native American religious purposes, falconry (golden eagles only), and some non-purposeful (incidental) take of eagles. The USFWS Office of Law Enforcement also operates the National Eagle Repository, a facility that receives confiscated bald and golden eagles, parts, and feathers for evaluation, storage, and/or distribution to Native Americans who are enrolled members of federally recognized tribes.²

Under the Eagle Act, USFWS may enter into cooperative agreements with state fish and wildlife agencies to enforce provisions of the Act. USFWS also issues annual bald and golden eagle status reports, compiling information from the most current research. These reports document estimated national and regional population sizes, demographic rates, population trajectories, and the effects of anthropogenic take.³

Results

Provisions in the Eagle Act, Migratory Bird Treaty Act (MBTA), and Endangered Species Act (ESA) have enabled the bald eagle population to rebound in the lower 48 states from 487 nesting pairs in 1963 (Figure 1) to at least 9,789 pairs in 2007.⁴

Golden eagles also now maintain a stable population. USFWS estimates that there are now over 30,000 golden eagles in the western U.S.⁵

Discussion

After nearly vanishing from the contiguous U.S., and being listed as an endangered species throughout much of their range in 1978, the bald eagle has made a remarkable recovery that has resulted in their removal from ESA on June 28, 2007.⁴ Despite being delisted from ESA, the bald eagle (and golden eagle) continue to receive protection through the Eagle Act and MBTA. Though the Eagle Act was largely modelled after MBTA, there are several differences between the two statutes. The Eagle Act utilizes a broader definition of take and has more severe penalties than MBTA, but unlike the Eagle Act, MBTA can be applied through strict liability to actions committed without intent.

Implications for Wildlife Professionals

The annual development of the USFWS bald and golden eagle status report—which utilizes the monitoring efforts of both state and federal wildlife professionals—aids in the development of regulations and informs eagle management decisions. This empowers and enables wildlife professionals to cultivate conditions, based in science, that aid in the conservation of these species throughout their historic range.

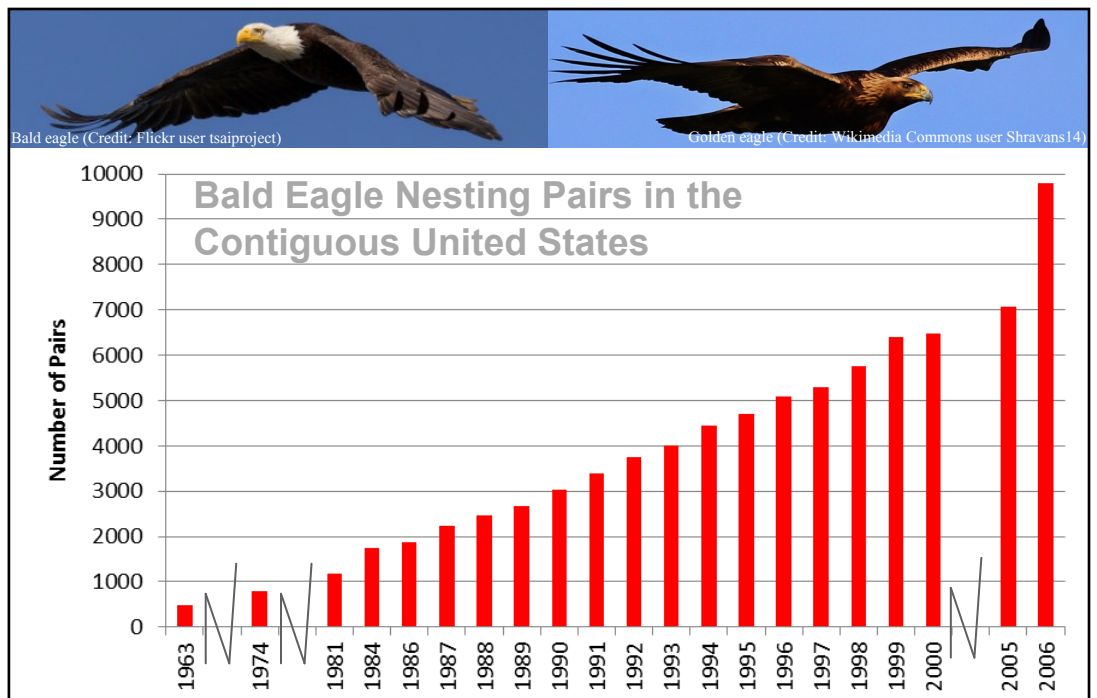
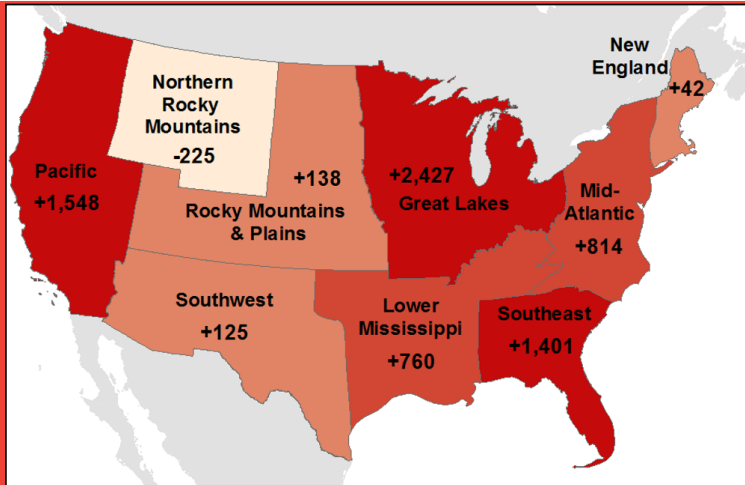


Figure 1. The number of nesting pairs of Bald Eagles in the lower 48 states from 1963 to 2006. After 2000, most states stopped conducting annual surveys of bald eagle numbers as the surveys were no longer deemed necessary. (Source: USFWS)

Bald and Golden Eagle Protection Act: Features



Eagle Management Units^{3,6}

Eagle management units (EMUs) are defined as “a geographically bounded region within which permitted take is regulated to meet the management goal of maintaining stable or increasing breeding populations of bald or golden eagles.” EMUs are a functional way for USFWS to track and manage eagle populations. In 2016 EMUs were realigned to better reflect regional populations and migratory patterns for both species. Bald eagles now have 6 EMUs across the Atlantic, Mississippi, Central, and Pacific flyways: with the Pacific flyway split into three management units. Golden eagles now have three EMUs located in the Pacific, Central, and combined Mississippi/Atlantic flyways.

Changes in nesting pair estimates in former bald eagle EMUs from 2007 to 2009 (Credit: USFWS)

Eagle Permit Regulations^{3,6}

In 2016, USFWS revised regulations under the Eagle Act for the first time since 2009. USFWS hopes the new Eagle Rule will provide greater clarity and improved implementation of eagle permits as a way to increase compliance and accountability regarding eagle take. Under the new rule, “nonpurposeful take permits” are now called “incidental take permits” and the maximum permit length has been extended from 5 years to 30 years. The 30-year cap is not an automatic designation, but allows for lengthier projects to maintain permits for the duration of the activity. USFWS requires that permitted projects consult with the Service every five years to ensure compliance with the permit and all eagle management requirements. Permits may be revoked if a project is found to be out of compliance.



Bald Eagle (Credit: Kent and Nyetta, Flickr)



Golden eagle (Credit: Tony Hisgett, Flickr)

Operation Rolling Thunder⁷

Operation Rolling Thunder was a two-year covert investigation by USFWS agents into unlawful trafficking of migratory birds in Montana and South Dakota. The investigation documented 43 transactions of protected migratory birds, primarily bald and golden eagles, in violation of the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and the Lacey Act from 2008 to 2011. The unlawful transactions included the purchase of multiple whole carcass bald and golden eagles in interstate commerce. In total, the operation was able to purchase feathers, other bird parts like wings and claws, and complete birds, which involved at least 80 eagles. Ten of the eleven defendants from the operation were sentenced for violating the Eagle Act; the other defendant was found in violation of MBTA.

1. USFWS. 2012. The Bald and Golden Eagle Protection Act. <<http://www.fws.gov/midwest/MidwestBird/EaglePermits/bagepa.html>> Accessed 28 Aug 2014.
2. USFWS. 2014. National Eagle Repository – About Us. <<http://www.fws.gov/eaglerepository/about.php>> Accessed 2 Sept 2014.
3. USFWS. 2016. Eagle Management. <<https://www.fws.gov/birds/management/managed-species/eagle-management.php>> Accessed 13 April 2017.
4. USFWS. 2007. Bald Eagle Fact Sheet. <<https://www.fws.gov/migratorybirds/pdf/management/bald-eagle-fact-sheet.pdf>>
5. USFWS. 2011. Golden Eagles Status Fact Sheet. <<https://www.fws.gov/migratorybirds/pdf/management/golden-eagle-fact-sheet.pdf>>
6. USFWS. 2016. Final Rule: Eagle Permits; Revisions to Regulations for Eagle Incidental Take and Take of Eagle Nests <<https://www.gpo.gov/fdsys/pkg/FR-2016-12-16/pdf/2016-29908.pdf>> Accessed 13 April 2017.
7. United States District Attorney’s Office, District of South Dakota. 2013. <<http://www.justice.gov/usao/sd/pressreleases/SF-2013-02-11-Oprollingthunder1.html>>. Accessed 14 Oct 2014.

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