

TECHNICAL NOTES

U.S. DEPARTMENT OF AGRICULTURE STATE OF COLORADO NATURAL RESOURCES CONSERVATION SERVICE

BIOLOGY TECHNICAL NOTE NO. 45

August 2021

To: All Field and Area Offices

From: Krystal Phillips, State Biologist

Background: The US Fish and Wildlife Service (Service) posted the final rule on removing the bald eagle from the threatened and endangered species list in the July 9, 2007 Federal Register. This rule became effective August 8, 2007.

Although the Bald Eagle is no longer listed under the Endangered Species Act, protections provided by the Bald and Golden Eagle Protection Act (Eagle Act) and the Migratory Bird Treaty Act (MBTA) continue to remain in place after the delisting. As of the date of this Technical Guide Notice, the Bald Eagle is still listed as a State Threatened species in Colorado.

When writing conservation plans in areas where eagles may be affected, planners should use the following guide sheet, [Federal management guidelines](#), and [State management recommendations](#) to determine what effects the planned project may have. This information is documented on the Environmental Evaluation (CPA-52) under the Special Environmental Concerns section-Migratory Birds. For assistance with implementing these protections, contact the appropriate Field, Area, or State Biologist.

For additional information on the Bald Eagle, see:
<http://www.fws.gov/migratorybirds/BaldEagle.htm>

MIGRATORY BIRDS

This guide sheet is for addressing migratory bird concerns relating to both the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Both sections must be completed if eagles are identified as a concern.

BALD AND GOLDEN EAGLE PROTECTION ACT

STEP 1. Will the proposed action result in the take, possession, sale, purchase, barter, or offer to sell, purchase, or barter, export or import " of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit. "Take" is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" a bald or golden eagle. The term "disturb" under the this Act means 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.

NO [] YES []

- a. If your answer is "No," additional evaluation is not needed. Document the finding on the Environmental Evaluation form NRCS-CPA-52 or equivalent and proceed with planning.
- b. If your answer is "Yes," go to step 2.

STEP 2. Can the proposed action be modified to avoid the adverse effect? See [National Bald Eagle Management Guidelines](#) for more information.

YES[] NO []

- a. If your answer is "Yes," modify the alternative and repeat step 2.
- b. If your answer is "No," document the finding, including the reasons, on the Environmental Evaluation form NRCS-CPA-52 or equivalent. Contact the NRCS State Biologist or appropriate NRCS official about working with the client and USFWS to permit the action or finding another alternative action to avoid adverse effects prior to providing final designs or implementing the proposed action. No permit authorizes the sale, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in and 50 CFR part 22 ([Eagle Permits](#)).

MIGRATORY BIRD TREATY ACT

Address as you previously have and be sure to consider bald and golden eagles on your migratory birds list.