Wyoming Department of Agriculture

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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

Dave Freudenthal, *Governor*
John Etchepare, *Director*

May 16, 2006

Michelle Morgan
Chief Branch of Recovery and Delisting
Endangered Species Program
US Fish and Wildlife Service, Headquarters Office
4401 N. Fairfax Dr. Rm. 420
Arlington, Virginia 22203
Attn: RIN 1018-AF21

Dear Ms. Morgan:

Following are comments from the Wyoming Department of Agriculture (WDA) on the proposal to remove the Bald Eagle in the Lower 48 States from the List of Endangered and Threatened Wildlife, Draft National Bald Eagle Management Guidelines (Guidelines), and the definition of "disturb" in 50 CFR 22.3.

We commend the United States Fish and Wildlife Service (Service) for their endeavors to delist the bald eagle from the List of Endangered Species. This delisting is long overdue given the Service's estimated 462 percent increase between 1974 and 1994. The percentage is bound to be substantially higher with an additional 12 years of data gathered. The Service admits bald eagle populations are likely larger than the numbers available. Therefore, we strongly urge the Service to move forward with the delisting of the bald eagle. We offer the following information and comments to support the delisting and improve the Guidelines.

Incorporate Global Position Systems (GPS) into Future Surveys

The Wyoming Game and Fish Department, along with hundreds of volunteers are the primary surveyors for bald and golden eagles in Wyoming. The Bureau of Land Management and Audubon Society also survey in our state. There is a need to use GPS when surveying occurs in the future to meet the recommended guidelines for "disturbance" with development, including residential and industrial. GPS plots of nesting sites and winter roosting sites can assist in appropriate development without additional on-site surveying or disturbing. Additionally, GPS plots can assist in finding trends of food source, habitat locations, and more.

Revise the Guidelines

We have reviewed the Guidelines from February 2006. We understand the guidelines are for the entire United States, excluding Hawaii, but we have some doubt of the actual use of the Guidelines on a local level to continue bald eagle recovery goals. The Guidelines simply lack the "user friendly" approach needed to convey the information recommended. We recommend each state's Service office create educational materials specifically related to different clientele

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including, private, state, and federal land managers, the mining industry, major construction companies, and other who may have contact with eagles. A brochure specific to each of the aforementioned clientele will have a greater impact than the Guidelines alone.

The Guidelines lack "how" someone can avoid disturbance. According to the Guidelines, they are intended to:

1) *Publicize the provisions of the Bald Eagle and Golden Eagle Protection Act (BGEPA) that continue to protect bald eagle, in order to reduce the possibility that people will violate the law,*
2) *Advise landowners, land managers and the general public of the potential for various human activities to disturb bald eagles, and*
3) *Encourage land management practices that benefit bald eagles and their habitat.*

An example the Service provided that we can relate to is "*a pair of eagles may begin nesting in an area and subsequently be disturbed by activities associated with a county fair, even though the county fair has been held annually at the same location. In such situations, human activity should be adjusted or relocated to minimize potential impacts on the nesting pair.*"

This example provides a scenario where relocation will not happen simply due to the creation or inhabitation of an eagle nest nearby. The location will not change, and neither will the timing due to the tradition of county fairs in many states being held during the summer months, which is also when eagles are also producing young. In this instance or any other, the Guidelines lack "how" to realistically work with the eagles, without compromising economics and livelihoods.

The Guidelines provide related literature to eagle research in the appendices, but they should cite specific scientific references to each recommendation. If a landowner or industry company were interested in reading the related research, they should not have to search a literature review. Without the specific scientific references, we will question the Services recommendations on distances and tolerances to disturbances. One research documentation is not enough to justify the distances of 660 feet, 330 feet, ½ mile, etc.. We need to see how multiple trends can prove your recommendations.

The Guideline addressed wind turbines and high voltage transmission power lines to avoid collisions. Specific recommendations to "bury utility lines along forested shorelines and roadways in new development projects" is not inclusive of Wyoming's current oil and gas industry. We recommend an inclusion of burying the oil and gas industry's utility lines to reduce collision by eagles and other birds like sage grouse.

Surveys throughout Wyoming indicate an upward trend of bald eagles. We support eagles inhabiting our state, but the Service must understand the economy of the state is an important component to consider when managing for multiple uses. We believe the eagle can and will adapt to change, given a continued food source. We thank you for the opportunity to comment and look forward to the delisting of the bald eagle in the Lower 48 states.

Sincerely,

John Etchepare
Director

JE/jw

Cc: Governor's Planning Office
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Rocky Mountain Farmers Union
Wyoming Association of Conservation Districts
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Game and Fish Department
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