



State of Washington

DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

DETERMINATION OF NONSIGNIFICANCE (DNS)

Name of Proposal: BALD EAGLE PROTECTION RULE RELAXATION, UNLESS LISTED AS THREATENED OR ENDANGERED. AMENDMENT TO WAC 232 -12-292.

Description of Proposal:

This amendment would delete the requirement for a Bald Eagle Management Plan unless the bald eagle is listed as endangered or threatened in Washington State. Responsibility for bald eagle management would be shifted to the U.S. Fish and Wildlife Service (USFWS).

The bald eagle protection rule was established by the Fish and Wildlife Commission in 1986 to ensure habitat protection for bald eagles. Currently this rule requires agencies (e.g. DNR, local governments) that issue permits for timber harvest, building or land development to review a database of bald eagle nest and communal roost locations before issuing a permit. If a nest or communal roost is determined to be on the property proposed for development, then a Bald Eagle Management Plan between WDFW and the landowner is developed to help ensure minimal impact on bald eagles. In 2007, the bald eagle was removed from the federal endangered species list. Following the federal delisting, the state status for bald eagle was down-listed from endangered to sensitive in Washington. The proposed action would shift bald eagle management to the USFWS, which has continuing authority and obligation to manage this species under the Bald and Golden Eagle Protection Act. Landowners who currently have a Bald Eagle Management Plan would need to review their activities with USFWS to determine if a federal permit would be required; any landowners who need a new or revised permit would be referred directly to the USFWS.

Reasons supporting proposal:

WDFW recognizes that bald eagle recovery has occurred and that for this reason emphasis on site-specific bald eagle habitat management should be reduced. The substantial reduction in bald eagle management efforts has been identified as an opportunity for Wildlife and Habitat programs to shift focus to more pressing issues.

Statutory authority for adoption: RCW 77.12.047, 77.12.650, 77.12.655

Proponent/Applicant:

Nate Pamplin
Washington Department of Fish and Wildlife
600 N Capitol Way
Olympia, WA 98501

Location of Proposal, including street, if any: Statewide, Washington, ALL Counties;

Lead Agency: Washington Department of Fish and Wildlife (WDFW)

WDFW has determined that this proposal will likely not have a significant adverse impact on the environment. Therefore, state law¹ does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us.

We issued this DNS according to state rules.² We will **not act on this proposal for 21 days** from the date we issued the DNS. Agencies, affected tribes, and members of the public are invited to comment on this proposal or DNS. We must receive your comments within 21 days of the date of this letter. This means we must receive your comments by **March 22, 2011**

Method of Comment:

The following procedures shall govern the method to comment on agency SEPA proposals. Comments received through these procedures are part of the official SEPA record for this proposal.

You can submit your comments any one of the following ways:

- Email to SEPAdesk2@dfw.wa.gov
- Online at the WDFW SEPA website comment link at: <http://wdfw.wa.gov/licensing/sepa/>
- Fax to (360) 902-2946;
- Mail to the address below.

Responsible Official: Teresa A. Eturaspe

Position/Title: SEPA/NEPA Coordinator, WDFW Regulatory Services Section

Address: 600 Capitol Way North, Olympia, WA 98501-1091

After the comment period closes, applicants may view the updated status of this proposal on the WDFW SEPA website: <http://wdfw.wa.gov/licensing/sepa/> Once the status is posted as final, applicants and permittees may take action on the proposal. When a proposal is modified or withdrawn, notice will be given in accordance with state law.¹

If you have questions about this DNS or the details of the proposal, contact Teresa Eturaspe at the address, e-mail, or fax number above; you can also call her at (360) 902-2575.

DATE OF ISSUE: March 1, 2011 **SIGNATURE:** 

Footnotes

1. RCW 43.21C.030(2)(c)
2. WAC 197-11-340(2).

SEPA Log Number: 11 -007. dns