



DEPARTMENT OF FORESTRY BALD EAGLE RULEMAKING



Proposed rule language for bald eagle
specified resource sites



Timeline to Date



- 2007 & 2012--eagle removed from federal and state T&E lists
- July 2014 BOF Meeting (Canyonville)
 - Initiate rule analysis
- April 2016 BOF Meeting (Tillamook)
 - Project update: information item
 - Presented Bald Eagle Technical Report

Timeline to Date



- July 2016 BOF Meeting (Salem)
 - Presentation from USFWS on Eagle Act
 - BOF Decision on bald eagle rule changes

July 2016 BOF Decision



- Rescind FPA rules for Bald Eagle Roosting Sites (OAR 629-665-0230)
- Rescind FPA rules for Bald Eagle Foraging Perches (OAR 629-665-0240)

July 2016 BOF Decision



- Continue protection for bald eagle nesting sites under OAR 629-665-0100 (Species using sensitive bird nesting, roosting, and watering sites)
- Use Regional Forest Practices committees in an advisory role for rulemaking process

July 2016 BOF Decision



- New Bald Eagle Nesting Rules
 - Maintain 330 foot habitat buffer
 - Protect sites from disturbance
 - Restrict operations within 660 feet of nest
 - Restrict use of aircraft within 1000 feet of nest



July 2016 BOF Decision

- Allow for abandonment of nesting sites (5 yrs)
- Allow for FPA exceptions if operator holds a take permit under the Bald and Golden Eagle Protection Act



Proposed Rule Language Changes

- Will review proposed rule language
 - Focus on modified/ new language
 - Use Attachment 1 to see rule changes

Proposed Rule Language Changes



- Housekeeping Edits
 - Spotted Owl Rule
 - italicize scientific name
 - Great Blue Heron
 - change one sentence to remove acronyms and references to position titles

Proposed Rule Language Changes



- Definition Section
 - Redact all definitions only used in roost and perch rules

 - No new definitions

Proposed Rule Language Changes



- Threatened and Endangered Species Section (OAR 629-665-0200)
 - Redact all existing rules for bald eagles
 - OAR 629-665-0220 through OAR 629-665-0240

Proposed Rule Language Changes



- Bald Eagle Nest Rules (OAR 629-665-0130)
 - Attachment 1 shows rule changes in language from existing to proposed new rule
 - Proposed rule retains much of the base language from original T&E eagle rule



Proposed Eagle Rules (OAR 629-665-0130)

- (1)(a) Changes definition of resource site to a nest tree that has been used in the past five years
 - allows for site abandonment
- (1)(b) Applies the same 5-year definition to the existing rule regarding site protection after a nest tree falls down
- (1)(c) No changes



Proposed Eagle Rules (OAR 629-665-0130)

- (2)(a) through (2)(c): No changes
- (2)(d)(A): modifies distances for restrictions
 - 660 feet for operations
 - 1000 feet for use of aircraft
- No other changes to (2)(d)



Proposed Eagle Rules (OAR 629-665-0130)

- (3) Allows for exceptions to FPA rules if operator has an applicable take permit under the Bald and Golden Eagle Protection Act



Proposed Eagle Rules (OAR 629-665-0130)

–(4) New clause that is information only.

Gives information relating to the Bald and Golden Eagle Protection Act and indicates that compliance with the FPA does not ensure compliance with this federal law



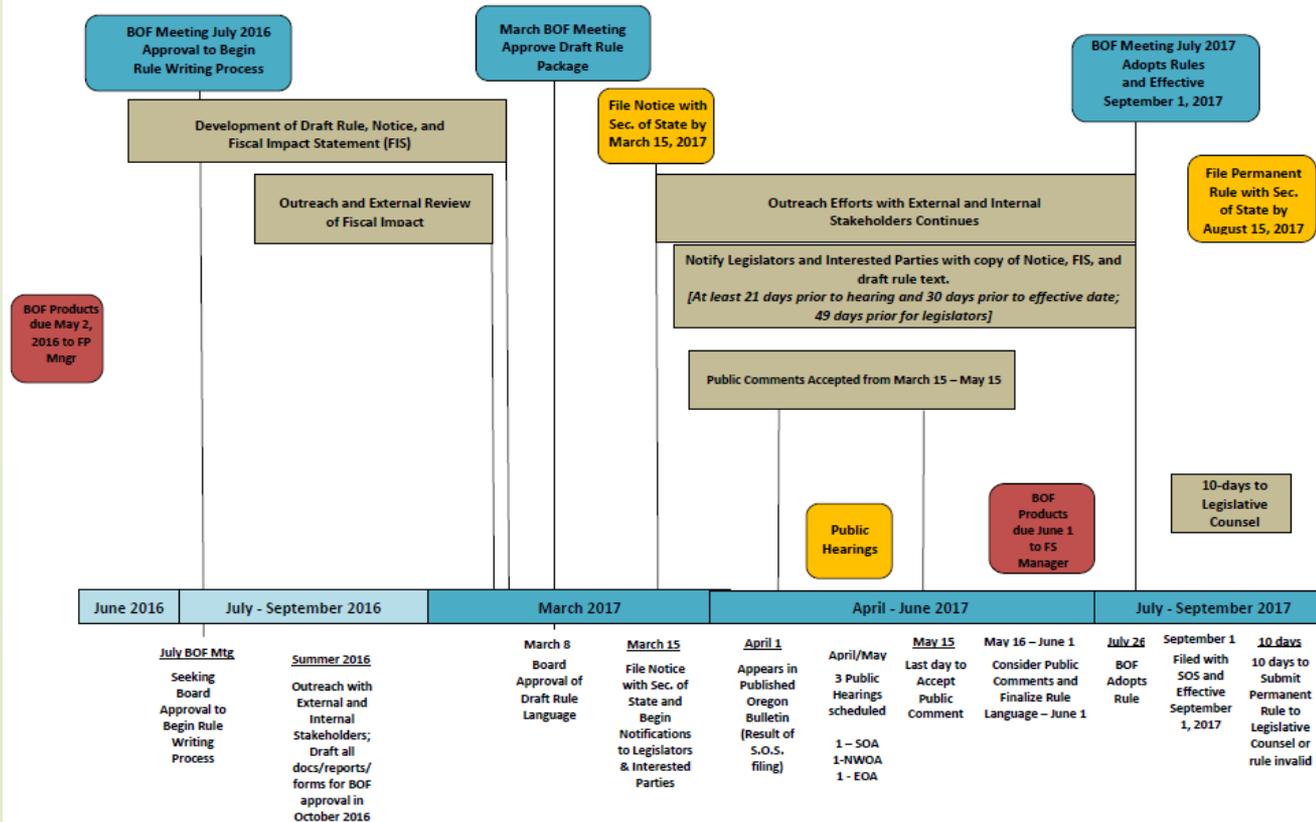
Regional Forest Practices Committee

- Reviewed proposed rule language with all three of the RFPC's
- All three committees voted to support the proposed rule language and changes



Next Steps—Attachment 3

OAR Schedule – Bald Eagle Rulemaking
 Proposed Notice, Fiscal Impact Statement and Draft Rule Text Filed with the Sec. of State in March 2017
 Final Rule Adopted by the Board of Forestry in July 2017





Next Steps

- File with Secretary of State
- Public comment period (March 15-May 15)
- Public Hearings—three planned
- July 2017—Board Adoption of Rules
- September 2017—New rules effective



Recommendation

Approve proposed rule language and initiate formal administrative rule-making process

