



## Flathead Audubon Society

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U.S. Fish and Wildlife Service  
Division of Migratory Bird Management  
Attention: Eagle Conservation Plan Guidance  
Draft Eagle Conservation Plan Guidance

May 13, 2011

Dear Sirs:

The Flathead Audubon Society is a local, active group of people interested in sound stewardship and management of natural resources. We have reviewed the Draft Eagle Conservation Plan Guidance and submit the following comments.

It is good that these eagle guidelines are much more specific than the Wind Energy Guidelines and that is apparently due to the regulatory requirements of the Bald and Golden Eagle Protection Act (BGEPA). The eagle guides make it clear that it is very favorable for any developers to follow these guidelines so they can comply with the BGEPA.

An "Eagle Conservation Plan" or ECP is "recommended" (page 12) to be prepared by a developer before a programmatic take permit will be issued for a project. Page 27 has a template for an ECP and appears to adequately address necessary components. The 5 stages to develop the ECP's appear to be satisfactory.

On page 29 a discussion begins on calculating an annual predicted mortality rate for the project as determined by the use of an annual exposure rate from Stage 2 and Excel based models. These calculations are very involved and detailed and raise the question of how useful they are and how often they can be successfully used when they are so complex.

On page 31 begins a discussion of "Resource Equivalency Analysis" or REA which appears to be a method to quantify the loss of eagles from a project and assign mitigation values required to offset losses. Power pole retrofitting appears to be the major compensatory mitigation to be used (page 32). Appendix F (page 70) has an example of using the REA to calculate compensatory mitigation and it shows the extensive calculations required. It appears this is the FWS attempt at assigning values to eagles and their habitats and gives them a way to base mitigation requirements but it seems very complex and somewhat contrived at first glance.

Appendix E, Advanced Conservation Practices, provides a good list of examples to be applied to projects. Conservation Practices are the things that need to be stressed for use and regularly updated as new science becomes available.

In summary, overall the Eagle guidelines are pretty good because they include considerable specific direction and there is much more reason for potential developers to use these as written because of the Bald and Golden Eagle Protection Act. The Resource Equivalency Analysis portion of the guidelines appears to be overly complex.

Thank you for considering our comments.

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