

**From:** [Steve Bergh](#)  
**To:** [Tibbles, Kristy R \(DFG\)](#)  
**Cc:** [Carter Wilford](#); "[lorrying@mosquitonet.com](mailto:lorrying@mosquitonet.com)"  
**Subject:** FW: Request for a Letter of Support for the Taking and Use of Golden Eagles for Falconry  
**Date:** Monday, October 23, 2017 10:12:28 AM

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Dear Alaska Board of Game,

My name is Steve Bergh and I am sourdough Alaskan masterclass falconer who has a golden eagle I use in the sport of falconry. For the last 10 plus years I have been attempting to trap a female golden eagle for my use in falconry with no success. The USFWS has essentially shut down eagle falconry since 2011. No permits for trapping wild birds have been provided since this time and essentially few birds have been allowed to be trapped for years prior to this. I am a active committee member of the North American Falconry Associations (NAFA) Eagle Committee and we are in the process of solicitation to the USFWS changes to the ,rules and regulations that govern the use of golden eagles for falconry. We believe we have seen a great change in attitude toward the falconry community under this new administration and we are going to attempt to push forward in trying to change the Bald and Golden Eagle Act. The USFWS have had 2 meetings with our chairman of this committee and the VP of NAFA in regards to this issue already and are seeing some great progress.

I am requesting a support letter from the Alaska BOG in support of our effort to help influence the USFWS and members of the legislature in both congress and the senate to support these changes. A simple letter like the example below would be of great help to our cause:

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Dear NAFA Eagle Committee or Steve Bergh NAFA Eagle Committee member

The Alaska Board of Game is supportive of the use of golden eagles in falconry. We support more access to permitted and certified falconers to gain access to golden eagles when the populations are deemed capable of sustained take.

Sincerely

Alaska Board of Game

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Something as simple as this would be or great help in advancing eagle falconry here in Alaska

Thank you for your time and efforts of support in this area

Steve Bergh  
Master Class, Eagle Falconer  
NAFA Eagle Committee member  
18727 Old Glenn Hwy  
Chugiak, AK. 99567

(907) 830-1979



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Fish and Game**

DIVISION OF WILDLIFE CONSERVATION  
Interior/Northeast Alaska Region

1300 College Road  
Fairbanks, Alaska 99701-1551  
Main: 907.459.7213  
Fax: 907.459.7332

February 9, 2017

Mr. Steve Bergh  
18727 Old Glenn Hwy  
Chugiak, Ak 99567

Dear Mr. Bergh,

Thank you for your inquiry regarding the North American Falconer's Association's proposal to revise the Bald and Golden Eagle Protection Act to provide for more opportunity to take golden eagles from the wild for falconry. We understand current federal regulations functionally prohibit the take of golden eagles for falconry in Alaska.

A limited, well-managed take of immature golden eagles for falconry in Alaska would not pose a conservation concern. Golden Eagles are abundant in Alaska with a statewide population likely greater than 5,000 individuals. The population appears to be healthy, and a small harvest of nestling or sub-adult birds is likely to be sustainable. Alaska falconry regulations allow for the take of golden eagles in Alaska for falconry purposes, if and where federal regulations allow for such take. The Alaska Board of Game is the appropriate body from which to seek support for your proposal.

Sincerely,

A handwritten signature in blue ink that reads "Travis L. Booms".

Travis Booms, Ph.D.

Wildlife Biologist III  
Region III and V Falconry Representative

Cc: Bruce Dale, Lem Butler, Kristy Tibbles



**PROPOSAL TO THE CONGRESS OF THE UNITED STATES  
TO MODIFY THE BALD AND GOLDEN EAGLE PROTECTION  
ACT 16 U.S.C. 668-668c as amended**

**General:**

This North American Falconers Association (NAFA) proposal seeks a modification of 16 U.S.C. 668 by the Congress of the United States. NAFA's proposal seeks modification of 16 U.S.C. 668a to include "*propagation and falconry*". The requested modifications are highlighted in red on Page 2 of this proposal.

Qualified falconers are currently allowed possession of golden eagles, by various States' permits, but only under exception because of depredation. These minor modifications would no longer prohibit qualified falconers from removing young eagles from the wild that may be in harm's way in areas that include wind energy generators or other potential hazards. Wind generators, electrocution from unprotected power lines, collisions with vehicles, and secondary poisoning from lead and other toxins are among the leading causes of death for golden eagles. The United States Fish and Wildlife Service (USFWS) is constrained by the Bald and Golden Eagle Protection Act (Act) in that it cannot permit falconers the ability to remove young eagles from harm's way, except because of depredation. When the Act was written there was little, if any, generation of electricity from wind power, vehicular traffic was less substantial, and there were fewer unprotected high voltage power lines.

Falconry is defined for the purpose of this proposal as the pursuit and taking of wild quarry by a trained bird of prey. Falconers are allowed to capture, train and hunt with birds of prey under rigid regulations approved by the USFWS and managed by the various States. Falconers' birds are cared for, flown in their natural state, and become the falconer's hunting partner. In many cases, these raptors are returned to the wild or placed in a breeding program.

Falconry with Golden Eagles has endured for several thousand years. In 2010, Falconry was placed among the Representative List of the Intangible Cultural Heritage of Humanity by the United Nations Educational Scientific and Cultural Organization (UNESCO).

**Costs Associated with this Proposal:**

Other than the costs normally associated with amending a Bill and subsequent codification and agency costs, there would be no additional cost to the American people.

**Safe Guards, Current Laws and Regulations:**

This proposal is narrowly focused on the golden eagle (*Aquila chrysaetos*) and in no manner requests modification of the Bald and Golden Eagle Protection Act regarding the bald eagle (*Haliaeetus leucocephalus*).

Both the bald and golden eagle in the United States receive additional protections under the Migratory Bird Treaty Act (16 U.S.C. 703-712 as amended). Neither eagle species is considered endangered or threatened at this time under the provisions of the Endangered Species Act (16 U.S.C. 1531-1544 as amended), however if these eagle species meet criteria under 16 U.S.C. 1531-1544 as amended and they are included at any point in the future, they

would be afforded the protections of this Act as well. At no time has the golden eagle been listed or proposed for listing under the Endangered Species Act.

The USFWS, under authority granted by Congress to the Secretary of the Department of Interior, developed regulations governing falconers and the practice of falconry. Contained in 50 CFR 21.29, these regulations specify the requirements falconers must meet to take, house, maintain and care for golden eagles. These regulations were developed largely by input from falconry stakeholders. Additional stakeholders who made comments on these regulations and provided input were the general public, state wildlife agencies, Native American tribes, corporate entities, and other federal agencies. These regulations are very strict and narrowly define the qualifications of falconers who wish to take, train, and hunt with golden eagles. A specific State permit, in addition to other stringent regulations, is required. This proposal does not seek substantive modification of these regulations, except for addressing the “degradation” qualifier. Falconry stakeholders feel these are safeguards to ensure that only highly qualified individuals may take, possess, transport, train and hunt with golden eagles. Historically, an average of six golden eagles were annually obtained by falconers, almost entirely in the State of Wyoming.

The USFWS conducted, as required and prior to implementation of the most recent regulatory changes found in 50 CFR 21.29, an environmental assessment (EA). Upon conclusion of this assessment the Director of the USFWS issued a Finding of No Significant Impact (FONSI) regarding falconry. Currently, there are fewer than one hundred (100) persons in the United States qualified and permitted to take, possess, transport, train and fly golden eagles for falconry. We do not expect the number of golden eagles obtained by falconers to noticeably increase due to this legislative proposal.

The provision we ask Congress to re-dress and request modification for is:

§ 16 U.S.C. 668a. *Taking, importing, exporting, and using of the bald and golden eagle for scientific, exhibition, religious, propagation, and falconry purposes*

*Whenever, after investigation, the Secretary of the Interior shall determine that it is compatible with the preservation of the bald eagle or the golden eagle to permit the taking, possession, import, export, and transportation of specimens thereof for the scientific or exhibition purposes of public museums, scientific societies, and zoological parks, or for the religious purposes of Indian tribes, or for propagation, or for falconry, or that it is necessary to permit the taking of such eagles for the protection of wildlife, including the protection of bald and golden eagles themselves, or of agricultural or other interests in any particular locality, he may shall authorize the taking of such eagles pursuant to regulations which he is hereby authorized to prescribe: Provided, That on request of the Governor of any State, the Secretary of the Interior shall authorize the taking of golden eagles for the purpose of seasonally protecting wildlife and domesticated flocks and herds in such State, in accordance with regulations established under the provisions of this section, in such part or parts of such State and for such periods as the Secretary determines to be necessary to protect such interests: Provided further, That bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior: Provided further, That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may shall permit the taking, possession, propagation, and transportation of golden eagles for the purposes of falconry and to allow such to be administered by the States and except that only golden eagles which would be taken because of depredations on livestock or wildlife, or for the protection of eagles themselves, may also be taken and utilized for purposes of falconry: Provided further, That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may permit the taking of golden eagle nests which interfere with resource development or recovery operations.*

#### **Anticipated Objections to this Proposal:**

Because falconry employs birds of prey some objection may come from persons objecting to the keeping of raptors in captivity. Some objections may be expected on the grounds that hunting is unpalatable.

**Anticipated Benefits of this Proposal:**

By making this minor modification, the Department of the Interior, through the USFWS would be allowed additional flexibility and additional opportunities could be afforded to falconers to take golden eagles from the wild that may be at risk and place those eagles with falconers who provide care, housing and feeding at no cost other than to themselves. It may save eagles' lives.

It would eliminate the restriction to only be able to take these birds because of depredation. Currently this section of the Act does not allow falconers to take birds from areas of risk such as wind power generation "farms" or other areas that pose a threat to eagles.

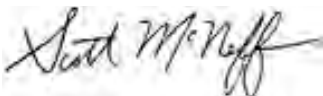
Falconers and falconry generate conservation benefits for raptors. Falconry use of eagles and other raptors results in a positive influence on raptor conservation, and does not represent an unmitigated loss. Falconers share their birds to with students of all ages, to Scouting groups, and to meetings of conservation and outdoor clubs. Falconers give countless presentations on the value of raptors, the importance of wild habitat, and the rich cultural heritage of falconry. In the field, falconers foster public appreciation for raptors through contacts with other hunters and encounters with farmers, ranchers, and landowners. Using skills learned in training and flying birds, falconers rehabilitate and release injured or sick raptors back to the wild. Falconers first recognized the problems with some pesticides and developed captive breeding and release techniques that steered the peregrine falcon away from extinction and ushered in today's situation, where there is a healthy population of wild peregrines in North America.

**General Background Information:**

- Biologically, there is no measurable impact by granting falconers access to golden eagles from the wild.<sup>1</sup>
- Only young, non breeding birds are taken for use by falconers.<sup>2</sup>
- There is natural mortality of immature golden eagles (those that will die anyway from disease, starvation, electrocution or other injury).<sup>3</sup>
- Sufficient State and Federal regulations and laws exist to provide adequate protection and ensure that only highly qualified persons are involved.<sup>4</sup>
- Although not occurring, take of golden eagles from the wild for use by falconers is already allowed by law.<sup>5</sup>
- The golden eagle has never been listed as either a threatened or endangered species.<sup>6</sup>
- There is no anticipation or current projection by federal agencies that the golden eagle will be listed as a threatened or endangered species in the immediate future.
- Golden eagles are being killed as a consequence of operating some wind energy generators.<sup>7</sup>

Therefore the North American Falconers Association respectfully requests you introduce legislation that would amend the Bald and Golden Eagle Protection Act.

Sincerely,



Mr. Scott McNeff  
President, North American  
Falconers Association  
[www.n-a-f-a.com](http://www.n-a-f-a.com)

- 1 US Fish and Wildlife Service – Finding of No Significant Impact – 2008 – Kenneth Stansell, Acting Director
- 2 Code of Federal Regulations – 50 CFR 21.29
- 3 Journal of Wildlife Management – 2006 – Volume 70, Issue 3
- 4 Code of Federal Regulations – 50 CFR 21.29
- 5 16 USC 668-668d
- 6 US Fish and Wildlife Service – Species Profile – March 13, 2012
- 7 Wall Street Journal – March 7, 2012