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California Land Use & Development Law Report

U.S. Fish & Wildlife Service Adopts 30-Year Eagle Take Rule

As we [previously reported](#), in August 2015, a federal court nullified the U.S. Fish and Wildlife Service's rule increasing the length of programmatic permits to "take" bald and golden eagles to 30 years. The court held that the Service was required to prepare an Environmental Impact Statement or Environmental Assessment before adopting the rule. The Service subsequently prepared a draft programmatic EIS (available [here](#)) and has now formally approved the 30-year eagle take rule. The rule allows renewable energy companies and other large project developers to obtain a 30-year permit (as opposed to the previous five-year permit) for the incidental take of bald and golden eagles. In exchange, permittees must commit to detailed mitigation and conservation measures aimed at better understanding and reducing impacts to bald and golden eagles. See [81 Fed. Reg. 91,494 \(Dec. 16, 2016\)](#). Our full Update on the rule, by [Don Bauer](#), [Laura Godfrey Zagar](#) and [Anne Beaumont](#) is available [here](#). Bald eagle soars in the clouds

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