



WHAT YOU SHOULD KNOW ABOUT A FEDERAL PERMIT FOR EAGLE TAKE NECESSARY TO PROTECT AN INTEREST IN A PARTICULAR LOCALITY

A Federal permit for non-purposeful take of eagles authorizes disturbance or other take of eagles where the take is not the purpose of the activity and is necessary to protect an interest in a particular locality. You should review Title 50 Parts 10, 13, and 22.26 of the Code of Federal Regulations (CFR). **You are responsible for reviewing and understanding these regulations before you request and accept a permit.** These regulations can be found on our website at <http://www.fws.gov/permits/ltr/ltr.html>. Below are questions and answers regarding some of the fundamentals of an eagle non-purposeful take permit.

1. What is meant by “take” of eagles?

Under the Bald and Golden Eagle Protection Act, “take” is defined as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest or disturb.” Most take authorized under this permit will be in the form of disturbance. “Disturb” is defined in regulations as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

2. Can this permit be used for intentional take of eagles for any purposes?

No. This permit authorizes take only where the take cannot practicably be avoided in the course of an otherwise lawful activity.

3. What species of eagles can be disturbed or otherwise taken under this permit?

This permit may authorize take of either species of eagles protected by the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d): the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*).

4. Under what circumstances can eagles be taken under this type of permit?

The Eagle Act authorizes the Secretary to permit take of eagles “necessary for the protection of... other interests in any particular locality.” This statutory language accommodates a broad spectrum of public and private interests (such as utility infrastructure development and maintenance, road construction, operation of airports, commercial or residential construction, resource recovery, recreational use, etc.) that might “take” eagles as defined under the Eagle Act. However, in all cases, the take must be *necessary* to protect the interest, meaning that the interest cannot be protected without taking eagles despite implementation of all practicable measures to avoid and minimize the impact to eagles.

5. Is a person who follows the National Bald Eagle Management Guidelines exempt from the requirement to obtain this permit?

No. The Guidelines are basic recommendations the Service has provided to help minimize the potential for disturbing bald eagles. However, those recommendations are fairly generalized and do not address every type of activity. Furthermore, variable on-site conditions, the temperament of individual eagles, and other factors, make it impossible to predict outcomes with certainty. Each situation is different. An activity that is generally assessed as likely to disturb eagles will not always disturb them, and the presence of a number of variables may affect the likelihood that take will occur. Because the Eagle Act requires that a permit be issued in order for any Bald Eagle take to be authorized, the Service cannot “exempt” any

activity that meets the definition of a “take.” In addition, because the Management Guidelines were developed primarily to reduce disturbance, they contain few measures for avoiding or reducing injury or mortality.

6. Are post-activity monitoring and reporting required?

Depending on the magnitude of the anticipated disturbance, permittees may be required to provide basic post-activity monitoring by determining whether the nest site, communal roost, or important foraging area continues to be used by eagles for up to 3 years following completion of the activity for which the permit was issued. Unless the activity is covered by a management plan that contains separate, adequate monitoring protocols, permittees must submit an annual report containing all the information required by Service Form 3-202-15.

7. What will the Service do with information gathered from the permittee monitoring?

The Service can use the information to help assess whether future activities may result in loss of one or more eagles, a decrease in productivity of bald or golden eagles, and/or the permanent abandonment or loss of a nest site, communal roost site, or important foraging area. This information will allow the Service to refine recommendations in future versions of eagle management guidelines regarding buffer distances, timing of activities, and other practices that minimize take of eagles. The data also may enable the Service to adjust the number of annual permits available in a Service region.

8. What is a programmatic permit and when is it required?

Programmatic take is generally defined as take that is recurring and not in a specific, identifiable time frame and/or location. The specific regulatory definition is “take that (1) is recurring, but not caused solely by indirect effects, and (2) occurs over the long-term and/or in a location or locations that cannot be specifically identified.”

Programmatic take permits may be issued to entities, such as electric utilities or transportation providers, that may currently take eagles in the course of otherwise lawful activities but who can work with the Service to develop and implement additional, exceptionally comprehensive measures (“advanced conservation practices” or “ACPs”) to reduce take to the level where any remaining take is essentially unavoidable. A programmatic take permit may also be issued to State and Federal agencies that take eagles in the course of their routine operations if they adopt such advanced conservation measures. There is no requirement that a permit be programmatic; it is an option that is available in some circumstances. A programmatic permit can, and often will, cover other take in addition to programmatic take.

9. Will mitigation measures be required?

All permittees will be required to avoid and minimize the potential for take to the degree practicable, and for programmatic permits, to the point where take is unavoidable. Additional compensatory mitigation may be required for: (a) programmatic take and other multiple take authorizations; (b) disturbance associated with the permanent loss of a breeding territory or important traditional communal roost site; or (c) as necessary to off-set impacts to the local area population.

10. Does this permit authorize possession of eagles for any purpose?

No. This permit does not authorize collection of live or dead eagles. You must promptly notify the Service of any eagle(s) found injured or dead at the activity site, regardless of whether the injury or death resulted from your activity. The Service will determine the disposition of such eagles.

11. Do I need additional authorization to take eagles from my State or tribal government?

State, tribal and local governments may have their own regulations protecting eagles. Your federal permit is not valid unless you obtain and comply with all permits, licenses, or other authorizations required by these jurisdictions that apply to your activity with respect to eagles.

12. How long does it take to get a permit for non-purposeful take of eagles?

The time needed by the Service to process a permit application depends on the complexity and scope of the activity and associated take, whether tribal consultation is warranted, what other environmental analyses may be required and other factors. In general, applicants may expect the following approximate permit processing times from the time we receive a complete application:

Standard permit	90 days
Standard or programmatic permit requiring an environmental assessment	4 to 6 months
Standard or programmatic permit with EIS	18 to 24 months

13. How do I renew my permit?

Except for programmatic permits, this type of permit should not typically be subject to renewal considerations, because, in general, standard permits issued under these regulations authorize a limited amount of take, resulting from a specific activity that occurs in an identifiable time-frame. However, a renewal letter or form and annual report form will be sent to you at least 60 days prior to the expiration of your permit (partially as a reminder that your permit is due to expire). If you wish to renew your permit, you must return the completed renewal to your Regional Migratory Bird Permit Office at least 30 days prior to the expiration of your permit and include copies of any other permits required by your State, tribe, or other jurisdiction. If we receive your renewal request at least 30 days prior to the expiration of your permit, your permit will remain valid beyond the expiration date for the activity authorized on your permit until a decision on your renewal is made. If we receive your renewal request fewer than 30 days prior to expiration of your permit and we are unable to process your request before the expiration date, your permit will expire and you will no longer be covered for your activity. If you allow your permit to expire before requesting renewal, you may be required to submit a new application. (See 50 CFR 13.22 and 13.11(c)).



Federal Fish and Wildlife Permit Application Form

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: Eagle Take to Protect an Interest in a Particular Locality

New Application

Requesting Renewal or Amendment of Permit #

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details. See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

Section A: Complete if applying as an individual. Fields include: 1.a. Last name, 1.b. First name, 1.c. Middle name or initial, 1.d. Suffix, 2. Date of birth, 3. Social Security No., 4. Occupation, 5. Affiliation, 6.a. Telephone number, 6.b. Alternate telephone number, 6.c. Fax number, 6.d. E-mail address.

Section B: Complete if applying on behalf of a business, corporation, public agency, tribe, or institution. Fields include: 1.a. Name of business, 1.b. Doing business as (dba), 2. Tax identification no., 3. Description of business, 4.a. Principal officer Last name, 4.b. Principal officer First name, 4.c. Principal officer Middle name/initial, 4.d. Suffix, 5. Principal officer title, 6. Primary contact, 7.a. Business telephone number, 7.b. Alternate telephone number, 7.c. Business fax number, 7.d. Business e-mail address.

Section C: All applicants complete address information. Fields include: 1.a. Physical address, 1.b. City, 1.c. State, 1.d. Zip code/Postal code, 1.e. County/Province, 1.f. Country, 2.a. Mailing Address, 2.b. City, 2.c. State, 2.d. Zip code/Postal code, 2.e. County/Province, 2.f. Country.

Section D: All applicants MUST complete. Includes questions about fee payment, current permits, and a certification statement regarding the accuracy of the application information.

Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures)

Date of signature (mm/dd/yyyy)

Please continue to next page

**E. Eagle Take to Protect an Interest in a Particular Locality (Eagle Non-Purposeful Take)
(Bald and Golden Eagle Protection Act, 50 CFR 22.26)**

Note: A Federal eagle non-purposeful take permit authorizes the disturbance or other take of eagles where the take results from but is not the purpose of an otherwise lawful activity. Permits are available to individuals, agencies, businesses, and other organizations. This permit does not authorize possession of any eagle, eagle parts, or eagle nests. Please read “What You Should Know About A Federal Permit for Non-Purposeful Eagle Take” and the pertinent regulations at 50 CFR 22.26 before you sign and submit your application.

Please provide the following information numbered accordingly to the questions below on a separate sheet of paper. You should be as specific as possible in your responses. Please do not send pages that are over 8.5” x 11”, videotapes, or DVDs. Although you may send supplemental documents that contain some of this information, you must respond to all the specific application requirements in a single attachment that includes all and only the information required in this application form. We strongly recommend that you submit your application at least 60 days prior to the date you need your permit, as required by 50 CFR 13.11(c).

1. A description of your proposed activity that will likely disturb or otherwise take eagles, including:
 - (a) A detailed description of the activity that will likely cause the disturbance or other take of eagles;
 - (b) The species and number of eagles that are likely to be taken and the likely form of that take (e.g., disturbance, other take);
 - (c) Maps, digital photographs, county/city information and latitude/longitude geographic coordinates including any nest tree site(s) that depict the locations of the proposed activity, including the area where eagles are likely to be taken;
 - (d) For activities that are likely to disturb eagles (versus other non-purposeful take):
 - (1) Maps and digital photographs of the eagle nests, foraging areas, and concentration sites where eagles are likely to be disturbed by the proposed activity (including the latitude/longitude geographic coordinates of the activity area and important eagle-use area(s) and the distance(s) between those areas);
 - (2) Whether or not the eagle use area is visible from the activity area, or if screening vegetation or topography blocks the view;
 - (3) The nature and extent of existing activities in the vicinity similar in nature, size and use to that being proposed, and the distance between those activities and the important eagle use area(s);
 - (e) The dates the activity will start and is projected to end;
 - (f) An explanation of what interests(s) in a particular locality will be protected by the take, including any anticipated benefits to the applicant or to the public;
 - (g) An explanation of why avoiding the take is not practicable, or for programmatic take, why it is unavoidable; including a detailed description of the avoidance and minimization measures you have incorporated.
 - (h) A description of measures including avoidance, minimization, and compensatory mitigation you will implement to offset the detrimental impact of the proposed activity on the regional eagle population.
2. You must retain records relating to the activities conducted under your permit for at least 5 years from the date of expiration of the permit. Please provide the address where these records will be kept.
3. Any permit issued as a result of this application is not valid unless you also have any required State or tribal permits associated with the activity. Have you obtained all required State or tribal permits or approvals to conduct this activity?

Yes If “yes”, attach a copy of the approval(s). Have applied (**Send copy when issued**) None required

PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to an application for a U.S. Fish and Wildlife Service or CITES permit. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all blocks/lines/questions in Sections A or B, and C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application in [blue](#) ink. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or if applicable on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed. Some applications may take longer than 90 days to process. (50 CFR 13.11)**
- Applications are processed in the order they are received.
- Additional forms and instructions are available from <http://permits.fws.gov/>.

COMPLETE EITHER SECTION A OR SECTION B:

Section A. Complete if applying as an individual:

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. ***Fax and e-mail are not required if not available.***
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation/ Doing business as (dba):** business, agency, organizational, or institutional affiliation *directly* related to the activity requested in the application (e.g., a taxidermist is an individual whose business can *directly* relate to the requested activity). The Division of Management Authority (DMA) will **not** accept *doing business as* affiliations for individuals.

Section B. Complete if applying as a business, corporation, public agency, tribe, or institution:

- Enter the complete name of the business, agency, tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, tribe, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the Division of Management Authority (DMA) a physical U.S. address is **required**. Province and Country blocks are provided for those USFWS programs which use foreign addresses and are not required by DMA.
- **Mailing address** is address where communications from USFWS should be mailed if different than applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1 Application processing fee:

- An application processing fee is required at the time of application; unless exempted under 50 CFR 13.11(d)(3). The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit. Fees will not be refunded for applications that are approved, abandoned, or denied.** We may return fees for withdrawn applications prior to any significant processing occurring.
- **Documentation of fee exempt status is not required for Federal, tribal, State, or local government agencies; but must be supplied by those applicants acting on behalf of such agencies.** Those applicants acting on behalf of such agencies must submit a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2 Federal Fish and Wildlife permits:

- List the number(s) of your most current FWS or CITES permit or the number of the most recent permit if none are currently valid. If applying for re-issuance of a CITES permit, the original permit must be returned with this application.

Section D.3 CERTIFICATION:

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application in blue ink.** This signature binds the applicant to the statement of certification. This means that you certify that you have read and understand the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

ALL APPLICANTS COMPLETE SECTION E.

Please continue to next page

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50CFR 17;
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), 50 CFR 18;
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
 - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
 - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org/>, 50 CFR 23;
 - h. General Provisions, 50 CFR 10;
 - i. General Permit Procedures, 50 CFR 13; and
 - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to Federal, tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to Federal, tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate Federal, tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the General Accounting Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for an Eagle Take to Protect an Interest in a Particular Locality permit application is 452 hours for a programmatic permit application and 70 hours for a programmatic permit amendment. This burden estimate includes time for reviewing instructions, researching permit requirements, conducting surveys/studies, and completing the application form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Mail Stop 202-PDM, Arlington, Virginia 22203.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].



U.S. Fish & Wildlife Service

Migratory Bird Regional Permit Offices

FWS REGION	AREA OF RESPONSIBILITY	MAILING ADDRESS	CONTACT INFORMATION
Region 1	Hawaii, Idaho, Oregon, Washington	911 N.E. 11th Avenue Portland, OR 97232-4181	Tel. (503) 872-2715 Fax (503) 231-2019 Email permitsR1MB@fws.gov
Region 2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	Tel. (505) 248-7882 Fax (505) 248-7885 Email permitsR2MB@fws.gov
Region 3	Iowa, Illinois, Indiana, Minnesota, Missouri, Michigan, Ohio, Wisconsin	5600 America Blvd. West Suite 990 Bloomington, MN 55437-1458 (Effective 5/31/2011)	Tel. (612) 713-5436 Fax (612) 713-5393 Email permitsR3MB@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico	P.O. Box 49208 Atlanta, GA 30359	Tel. (404) 679-7070 Fax (404) 679-4180 Email permitsR4MB@fws.gov
Region 5	Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	Tel. (413) 253-8643 Fax (413) 253-8424 Email permitsR5MB@fws.gov
Region 6	Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	P.O. Box 25486 DFC(60154) Denver, CO 80225-0486	Tel. (303) 236-8171 Fax (303) 236-8017 Email permitsR6MB@fws.gov
Region 7	Alaska	1011 E. Tudor Road (MS-201) Anchorage, AK 99503	Tel. (907) 786-3693 Fax (907) 786-3641 Email permitsR7MB@fws.gov
Region 8	California, Nevada	2800 Cottage Way Sacramento, CA 95825	Tel. (916) 978-6183 Fax (916) 414-6486 Email permitsR8MB@fws.gov