



## WHAT YOU SHOULD KNOW ABOUT A FEDERAL PERMIT FOR EAGLE NEST REMOVAL

A Federal permit for take of an eagle nest authorizes take (removal and/or relocation) of a bald or golden eagle nest to protect human safety or eagles, and under other limited circumstances. You should review Title 50 Parts 10, 13, and 22.27 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 eagle nest take permits.

### **1. Under what circumstances may an eagle nest be removed?**

This permit may be used to authorize the removal of a bald or golden eagle nest where the removal is: (a) necessary to alleviate a safety emergency to people or eagles; (b) necessary to ensure public health and safety; (c) the nest prevents the use of a pre-existing human-engineered structure; or (d) the activity or mitigation for the activity will provide a net benefit to eagles. Only alternate nests may be taken, except in the case of safety emergencies. We define “alternate nest” as “one of potentially several nests within a nesting territory that is not an in-use nest at the current time.” When there is no in-use nest, all nests in the territory are “alternate nests..”

### **2. If one of the four situations described above applies, will the Service automatically issue a nest removal permit?**

No. Other criteria also must be met, including the following: the removal must be consistent with the goals of maintaining stable or increasing breeding populations in all eagle management units and the persistence of local populations throughout the geographic range of each species; there is no practicable alternative to removing the nest; and for take that is not necessary to alleviate an immediate threat to human safety or eagles, we additionally must find that suitable nesting and foraging habitat is available to the area nesting population of eagles to accommodate any eagles displaced by the nest removal.

### **3. Does the permit allow people to take nests that have eggs or nestlings in them?**

The only situation in which the permit may authorize removal of an in-use nest is in the case of a safety emergency, meaning a situation that necessitates immediate action to alleviate a threat of bodily harm to humans or eagles. Otherwise, only alternate nests may be removed with this permit. For purposes of this permit, we define an “in-use nest” as “a bald or golden eagle nest characterized by the presence of one or more eggs, dependent young, or adult eagles on the nest in the past 10 days during the breeding season. An “alternate nest” is “one of potentially several nests within a nesting territory that is not an in-use nest at the current time.” When there is no in-use nest, all nests in the territory are “alternate nests.”

### **4. If an emergency necessitates the removal of a nest with eggs or dependent young, what should the permittee do about the eggs or young eagles?**

Emergency nest-take permits may authorize the take of eggs or young if they are present. Any take of nestlings or eggs must be conducted by a Service-approved, qualified, agent, and nestlings and viable eggs must be immediately transported to foster/recipient nests or a rehabilitation facility permitted to care for eagles, as directed by the Service, unless the Service waives this requirement (if such transport is not feasible).

### **5. Can a permittee keep an eagle nest taken under this permit?**

No. A separate permit is required to possess an eagle nest and it can be issued only to specific types of organizations. The Bald and Golden Eagle Protection Act (16 U.S.C 668—668d) allows only public museums, public scientific societies, and public zoological parks to obtain permits to possess eagle nests for scientific or educational purposes.

### **6. Are post-activity monitoring and reporting required?**

Permittees may be required to monitor the area and report whether eagles attempt to build or occupy another nest at another site in the vicinity for the duration specified in the permit. Permittees must submit a report to the Regional Migratory Bird Permit Office within 30 days after the permitted nest removal (except for multiple nest permittees who

must report each nest removal within 10 days after the take and submit an annual report by January 31 of the calendar year). The report must include all the information required by Service Form 3-202-16.

**7. Will mitigation measures be required?**

You must comply with all avoidance, minimization, or other mitigation measures specified in the terms of your permit to mitigate for the detrimental effects on eagles, including indirect effects, of the permitted take. Where feasible, if suitable conditions are present, the permittee may be required to relocate the nest, construct an alternate nest, or improve conditions at alternate nest sites in the territory. Compensatory mitigation may be appropriate depending on the biological value of the nest and the type of circumstances necessitating its removal. In general, little or no compensatory mitigation will be required for emergency nest-take if the permittee could not foresee or prevent the eagles from nesting. A permit that covers multiple nest takes may require that the permittee complies with comprehensive measures developed in coordination with the Service to minimize the need to remove nests and specified as conditions of the permit.

**8. How long does it take to get a permit to remove an eagle nest?**

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 additional 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:

|                            |                 |               |
|----------------------------|-----------------|---------------|
| Emergency nest-take permit | 2 to 5 days     | 60 to 90 days |
| Single nest take permit    | 12 to 24 months |               |
| Multiple nest take permit  |                 |               |

**10. 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 and eagle nests. You are responsible for ensuring that the permitted activity is in compliance with all Federal, tribal, State, and local laws and regulations applicable to eagles.

**11. How do I renew my permit?**

In general, single nest take permits issued under these regulations authorize take of a specific nest in an identifiable time-frame and thus would not typically be subject to renewal considerations. 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). Some permits may authorize take of additional nests built or discovered over a longer period of time, and some of these permits are appropriate for renewal. 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)).