



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 <https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>. 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: (a) 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; and (b) 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.

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 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	2 to 5 days
Single Nest Take	60 to 180 days
Multiple Nest Take	90 days to 24 months

9. 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.

10. 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 considered for renewal. If you wish to renew your permit, you must submit a renewal application to your Regional Migratory Bird Permit Office at least 30 days prior to the expiration of your permit and include a copy of your current State permit, if one is required. 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 not able to process your request before the expiration date, your permit will expire and you will no longer be authorized to conduct your activity. If you allow your permit to expire before requesting renewal, you may be required to submit a new application. (See 50 CFR 13.11(c) and 13.22)



Federal Fish and Wildlife Permit Application Form

Click here for addresses.

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

Type of Activity: Eagle Nest Take

Empty rectangular box for address or contact information.

- Checkboxes for 'New Application' and '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 last name, first name, middle name, suffix, date of birth, occupation, affiliation, telephone numbers, fax number, and email address.

Section B: Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution. Fields include business name, tax ID, description, principal officer details, and contact information.

Section C: All applicants complete address information. Fields include physical and mailing addresses, city, state, zip code, county/province, and country.

Section D: All applicants MUST complete. Includes processing fee information, permit status questions, and a certification statement.

Please continue to next page

SECTION E. Eagle Nest Take
(Bald and Golden Eagle Protection Act, 50 CFR
22.27)

Note: A Federal eagle nest take permit authorizes the removal of bald eagle or golden eagle nests for human safety, the safety of eagles, or the public's welfare. Permits are available to individuals, agencies, businesses, and other organizations. This permit does not authorize possession of any eagle or eagle parts including nests or the lethal take of any eagle eggs. Please read "What You Should Know About a Federal Permit for Eagle Nest Removal" and the regulations at 50 CFR 21.27 before you sign and submit your application.

Please provide the information requested below on a separate sheet(s) of paper with your responses numbered according to the application questions. You should be as thorough and specific as possible in your responses. Incomplete applications will be returned, delayed or abandoned. Processing time depends on the complexity of the request and completeness of the application.

Although you may submit supplemental documents that contain the required information, you must respond to each application requirement below specifically in a single attachment that includes all and only the information required by the application.

Enumerate each response in accordance with the question numbers below. Please do not send pages that are over 8.5" x 11" or DVDs.

1. Provide the name and contact information for any U.S. Fish and Wildlife Service employee(s) who has provided technical assistance or worked with you on this project.
2. Describe the situation that necessitates removal of the eagle nest(s), including:
 - (a) The number of nests proposed to be taken.
 - (b) Whether the nest is a Bald Eagle or Golden Eagle nest.
 - (c) Whether the nest is in-use or alternate and how this was determined. (An in-use nest may only be taken to alleviate an immediate safety emergency. A "safety emergency" means "a situation that necessitates immediate action to alleviate a threat of bodily harm to humans or eagles." An alternate nest is one that is not currently in use by eagles as determined by the absence of any adult, egg, or dependent young at the nest during the 10 days before the nest is taken).
 - (d) When you propose to take the nest.
3. State whether the nest take is necessary to alleviate a safety emergency.
 - (a) If it is, provide the following:
 - (1) Describe the safety emergency and why the situation was not foreseeable.
 - (2) Explain why removal of the nest is necessary to alleviate it.
 - (b) If it is not, provide the following:
 - (1) An explanation of why removal of the nest(s) is necessary).
 - (2) A calculation of the bald eagle or golden eagle area nesting population, including an appropriately scaled map or plat showing the location of each eagle nest used to calculate the area nesting population unless the Service has sufficient data to independently calculate the area nesting population.
 - (3) A description of the avoidance, minimization, and mitigation measures you have used to reduce the need to take the nest, to offset the take, or in some situations (see 50 CFR 22.27(b)(7)) to provide a net benefit to eagles.
4. In addition, if the nest is built on a human-engineered structure, provide the following:
 - (a) a detailed description of the structure and how the nest renders the structure inoperable for its intended use.
 - (b) maps, digital photographs and detailed description of the situation.
5. Provide a description of the property, including maps and digital photographs that show the location of the nest in relation to buildings, infrastructure, and human activities.
6. Provide the location of the property, including city, county and latitude and longitude in decimal degrees.
7. If the nest will be removed, how will you prevent future nesting on the same structure/in the area?
8. Provide the length of time for which the permit is requested, including beginning and ending dates.
9. When an in-use nest must be removed under this permit, any take of nestlings or eggs must be conducted by a Service-approved, qualified, and permitted agent, and all 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 this requirement is waived. Provide a statement outlining how the eagle's nest will be removed, indicating the intended disposition of the nest, and if in-use a description of how the nestlings or eggs will be removed, including the recipient nest(s) or federally permitted rehabilitation facility that is authorized for the possession of live eagle(s) or eggs, and/or eagle nest(s).

10. If the nest will be removed or relocated (rather than destroyed in the course of an activity), provide the name, address, phone number, and e-mail address of the qualified party conducting the removal and/or relocation.

11. You must retain records legibly written or reproducible in English 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.

12. 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. Indicate whether you have obtained all required State or Tribal permits or approvals to conduct this activity.

If you have obtained all required approvals, answer "Yes" and attach a copy of the approval(s).

If you have applied for any required approvals, answer "Have applied" and send copy when issued.

If no State or Tribal permits or approvals are required, answer "None required."

13. Disqualification factor. A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Service Director in response to a written petition. (50 CFR 13.21(c))

Have you or any of the owners of the business, if applying as a business, been convicted, or entered a plea of guilty or nolo contendere, forfeited collateral, or are currently under charges for any violations of the laws mentioned above? Indicate "Yes" or "No."(you must provide an answer). If you answered "Yes" provide: a) the individual's name, b) date of charge, c) charge(s), d) location of incident, e) court, and f) action taken for each violation. (list all – use additional pages as necessary)

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, 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. 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 CFR13.11(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.** 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.

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT P

NOTICES

PRIVACY ACT STATEMENT

Authority: The information requested is authorized by the following: the Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22; the Endangered Species Act (16 U.S.C. 1531-1544), 50 CFR 17; the Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21; the Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15; the Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16; Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), 50 CFR 23; General Provisions, 50 CFR 10; General Permit Procedures, 50 CFR 13; and Wildlife Provisions (Import/export/transport), 50 CFR 14.

Purpose: The collection of contact information is to verify the individual has an eligible permit to conduct activities which affect protected species. The information the individual provides helps the FWS monitor and report on protected species and assesses the impact of permitted activities on the conservation and management of species and their habitats.

Routine Uses: The collected information may be used to verify an applicant's eligibility for a permit to conduct activities with protected wildlife; to provide the public and the permittees with permit related information; to monitor activities under a permit; to analyze data and produce reports to monitor the use of protected wildlife; to assess the impact of permitted activities on the conservation and management of protected species and their habitats; and to evaluate the effectiveness of the permit programs. More information about routine uses can be found in the System of Records Notice, Permits System, FWS-21.

Disclosure: The information requested in this form is voluntary. However, submission of requested information is required to process applications for permits authorized under the listed authorities. Failure to provide the requested information may be sufficient cause for the U.S. Fish & Wildlife Service to deny the request.

PAPERWORK REDUCTION ACT STATEMENT

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), the U.S. Fish and Wildlife Service collects information necessary to monitor take and disposition of migratory birds, under the applicable laws governing the requested activity, for which a permit is requested, and to respond to requests made under the Freedom of Information Act and the Privacy Act of 1974. 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. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this collection of information and assigned Control No. 1018-0022.

ESTIMATED BURDEN STATEMENT

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 this information collection, based on the activity performed, is as follows:

Application - Eagle Nest Take (Single Nest) is 16 hours
Application - Eagle Nest Take (Multiple Nests) is 40 hours
Amendment - Eagle Nest Take (Single Nest) is 20 hours
Amendment - Eagle Nest Take (Multiple Nests) is 70 hours

These burden estimates include time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, Fish and Wildlife Service, U.S. Department of the Interior, 5275 Leesburg Pike, MS: BPHC, Falls Church, VA 22041-3803. Please do not send your completed form to this address.

FREEDOM OF INFORMATION ACT

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 2.26 – 2.33].



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 Email permitsR1MB@fws.gov
Region 2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	Tel. (505) 248-7882 Email permitsR2MB@fws.gov
Region 3	Iowa, Illinois, Indiana, Minnesota, Missouri, Michigan, Ohio, Wisconsin	5600 American Blvd. West Suite 990 Bloomington, MN 55437-1458	Tel. (612) 713-5436 Email permitsR3MB@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico	1875 Century Blvd., NE Atlanta, GA 30345	Tel. (404) 679-7070 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	300 Westgate Center Drive Hadley, MA 01035-0779	Tel. (413) 253-8643 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 Email permitsR6MB@fws.gov
Region 7	Alaska	1011 E. Tudor Road (MS-201) Anchorage, AK 99503	Tel. (907) 786-3693 Email permitsR7MB@fws.gov
Region 8	California, Nevada	2800 Cottage Way Room W-2606 Sacramento, CA 95825	Tel. (916) 978-6183 Email permitsR8MB@fws.gov