



## FEDERAL PERMIT FOR TAKE OF AN EAGLE NEST Questions and Answers

### U.S. Fish and Wildlife Service



A Federal permit for take of an eagle nest authorizes take (removal, destruction and/or relocation) of a bald eagle or golden eagle nest in limited circumstances. You should review Title 50 Parts 10, 13, and 22 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>.

#### 1. *What species of eagles are protected?*

The Bald Eagle (*Haliaeetus leucocephalus*) and the Golden Eagle (*Aquila chrysaetos*) are protected by the Bald and Golden Eagle Protection Act (Eagle Act).

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

This permit may be used to authorize the removal of a bald eagle or golden eagle nest for the following purposes:

Purpose	Nest Type
To alleviate an existing or rapidly developing safety emergency for humans or eagles	Alternate nest; In-use nest
To ensure public health and safety	Alternate nest only
If built on a human-engineered structure and creates, or is likely to create, a functional hazard that renders the structure inoperable for its intended use	Alternate nest; In-use nest prior to egg-laying
If necessary to protect an interest in a particular locality and the activity necessitating the take or the mitigation for the take will, with reasonable certainty, provide a net benefit to eagles.	Alternate nest only

We define "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. 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. A safety emergency means a situation that necessitates immediate action to alleviate a threat of bodily harm to humans or eagles.

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

Permit issuance is not automatic; applications are carefully reviewed. Prior to issuing any nest take permit, the Service must consider multiple criteria, including (a) purpose for the take (b) if the removal is 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; (c) if there is a practicable alternative to removing the nest; and (d) if required, proposed mitigation.

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

Emergency nest-take permits may authorize the take of eggs or nestlings if they are present. Any take of nestlings or eggs must be conducted by Service-approved, qualified personnel. Your permit may require transporting nestlings and viable eggs to a foster nest or a rehabilitation facility permitted to care for eagles. The Service may waive this requirement (e.g., if there is a safety concern in obtaining nest contents or transport is not feasible).

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

Nest removal permits do not authorize possession of an eagle nest. A separate permit is required to possess an eagle nest. The Bald and Golden Eagle Protection Act (16 U.S.C 668—668d) limits eagle nest possession to public museums, public scientific societies, and public zoological parks for scientific or educational purposes.

## **6. Will avoidance, minimization and mitigation measures be required?**

Yes. 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 and with prior approval from the Service, 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 and in cases of nest take for human or eagle health and safety reasons. 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.

## **7. 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 following calendar year). The report must include all the information required by Service Eagle Nest Take Report Form 3-202-16.

## **8. Who can apply for an eagle nest take permit?**

The entity who (1) is protecting their interest, (2) is responsible for compliance with the permit, and (3) has authority to implement avoidance, minimization, and mitigation measures should apply for the permit. Applicants are most commonly the landowner or project proponent. Contractors and consultants may assist applicants in completing an application as well as conducting the work as a subpermittee, but may not apply for the eagle nest take permit.

## **9. Who are the personnel identified on the application form and what are they authorized to do?**

(a) **Principal Officer.** For permits issued to organizations, a Principal Officer is identified on the permit. The Principal Officer is the person in charge of the organization and is responsible for the application and any permitted activities.

(b) **Primary Contact.** The Primary Contact is the person in the organization who is available to answer questions about the application or permitted activities. This person may be the same or different than the Principal Officer. The Primary Contact is not listed on the permit unless the individual is also listed as a subpermittee.

(c) **Subpermittee.** A subpermittee is an individual authorized to conduct some or all of the permitted activities without the permittee present. You must identify any subpermittees in your application. Your subpermittees must have either a copy of your permit that identifies them as a subpermittee, or a copy of your permit and a letter from the Permittee (Principal Officer) listing activities (including location and duration) they are authorized to conduct. The permittee is responsible for ensuring subpermittees are trained and adhere to the conditions of your permit.

## **10. How long is an eagle nest take permit valid?**

The duration of each permit depends on the nature and duration of the activity that is being conducted. Permits can be issued for up to 5 years and the duration is specified on the face of the permit.

## **11. How much are permit application processing fees for this permit?**

For take of a single eagle nest, the application processing fee is \$500 for home-owners and other noncommercial entities and \$2,500 for commercial entities. The Service considers all applications commercial unless the applicant is an individual, a not-for-profit entity, or a government entity *and* is applying for activities involving their privately owned property. Documentation of not-for-profit or government status may be required. For take of multiple nests, the application processing fee is \$5,000.

## **12. 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

**13. Do I need additional authorization to take eagle nests?**

You are responsible for ensuring that the permitted activity is in compliance with all applicable federal, tribal, state, and local laws and regulations.

**14. 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 need 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 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)