

**SUPPORTING STATEMENT A FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**Eagle Take Permits and Fees, 50 CFR 10, 13, and 22
OMB Control Number 1018-0167**

Terms of Clearance: None. This is a simple renewal without change.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668-668d) prohibits the take of bald eagles and golden eagles except pursuant to Federal regulations. The Eagle Act regulations at Title 50, Part 22 of the Code of Federal Regulations (CFR), define the “take” of an eagle to include the following broad range of actions: “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb.” The Eagle Act allows the Secretary of the Interior to authorize certain otherwise prohibited activities through regulations and permits.

Regulations at 50 CFR Part 22 provide for permits to possess and/or take bald eagles and golden eagles or their parts for particular purposes provided for in the Eagle Act. Permit application forms gather information necessary for the U.S. Fish and Wildlife Service (Service) to evaluate whether the applicant meets Eagle Act criteria for taking or possessing eagles or their parts. Reporting requirements enable the Service to verify the permitted activity remains in compliance with permit terms and conditions, and that the permit program overall is compatible with the Eagle Act’s eagle preservation standard.

In 2016, the Service issued final regulations ([81 FR 91494](#); Dec 16, 2016) which, among other things:

- (1) extended the maximum tenure of permits for the incidental take of eagles from 5 to 30 years;
- (2) updated the boundaries to the Service’s Eagle Management Units (EMUs) to better reflect regional populations and migration patterns of both eagle species;
- (3) imposed requirements for preconstruction monitoring requirements for wind energy projects applying for incidental take permits;
- (4) amended the preservation standard (discussed below); and
- (5) imposed a new requirement to analyze cumulative-authorized and known-unauthorized take at local scales to ensure compliance with the preservation standard. This rulemaking was supported by a Programmatic Environmental Impact Statement (PEIS), and the Service’s final decision was described in a Record of Decision, both of which are available at <https://www.regulations.gov> in Docket No. [FWS-R9-MB-2011-0094](#).

On February 12, 2024, the Service published a final rule (RIN 1018-BE70, [89 FR 9920](#)) that updated the regulations authorizing eagle incidental take and eagle nest take permits to increase the efficiency and effectiveness of permitting, improve clarity for the regulated community, and increase the conservation benefit for eagles. With a higher demand for permitting the potential take of bald eagles, the previous permit framework increased the administrative burden on the public and the Service not commensurate with the conservation

status of bald eagles. We finalized these regulatory changes to provide several benefits to eagles while reducing the administrative burden on both applicants and the Service when obtaining and administering permits.

This rulemaking finalized two regulations governing the administration of:

- *Specific permits (§ 22.200)* – Incidental take permits issued for activities that do not meet eligibility criteria for general permits; characterized by application-specific review, avoidance and minimization measures, compensatory mitigation requirements, adaptive management measures, and monitoring and reporting requirements; and
- *General permits (§ 22.210)* – Incidental take permits issued for activities that we have determined require no application-specific review or analysis to comply with the Eagle Act's preservation standard. Such permits are characterized by standard permit conditions which must be accepted by the applicant in order for a permit to be issued.

Additionally, the final rule implemented eligibility criteria and permit conditions in four regulations based on activity and type of take:

- incidental take of eagles by wind energy projects (§ 22.250);
- incidental take of eagles by power lines (§ 22.260);
- disturbance take of eagles (§ 22.280); and
- take of eagle nests (§ 22.300).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

The information that we collect on applications and reports is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements for the particular activity and that any permit issued is consistent with the Service's population goals for bald and golden eagles. The Service's website for information related to the management of bald and golden eagles can be found at <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>.

Applications

Respondents submit application forms periodically, as necessary. All Service permit applications (generally in the 3-200 series of forms) are tailored to a specific activity based on the requirements for specific types of permits.

Standardizing general information common to the application forms makes filing of applications easier for the public as well as expedites our review of applications. In accordance with Federal regulations at 5 CFR 13.12, we collect standard identifier information for all permits, such as:

- Applicant's full name and address (street address, city, county, state, and zip code; and mailing address if different from street address); home and work telephone numbers; and, if available, a fax number and e-mail address, and;
 - If the applicant resides or is located outside the United States, an address in the United States, and, if conducting commercial activities, the name and address of his or her agent that is located in the United States; and

- If the applicant is an individual, the date of birth, occupation, and any business, agency, organizational, or institutional affiliation associated with the wildlife or plants to be covered by the license or permit; or
- If the applicant is a business, corporation, public agency, or institution, the tax identification number; description of the business type, corporation, agency, or institution; and the name and title of the person responsible for the permit (such as president, principal officer, or director);
- Location where the requested permitted activity is to occur or be conducted;
- Reference to the part(s) and section(s) of subchapter B as listed in paragraph (b) of 50 CFR 13 under which the application is made for a permit or permits, together with any additional justification, including supporting documentation as required by the referenced part(s) and section(s);
- If the requested permitted activity involves the import or re-export of wildlife or plants from or to any foreign country, and the country of origin, or the country of export or re-export restricts the taking, possession, transportation, exportation, or sale of wildlife or plants, documentation as indicated in § 14.52(c) of subchapter B;
- Certification containing the following language:
 - *I hereby certify that I have read and am familiar with the regulations contained in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, Code of Federal Regulations, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001.*
- Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;
- Date;
- Signature of the applicant; and
- Such other information as the Director determines relevant to the processing of the application, including, but not limited to, information on the environmental effects of the activity consistent with 40 CFR 1506.5 and Departmental procedures at 516 DM 6, Appendix 1.3A.

In addition to the general permitting requirements outlined in Federal regulations at 50 CFR 13.12, applications for any permit under 50 CFR 22 must contain:

- Species of eagle and number of such birds, nests, or eggs proposed to be taken, possessed, or transported;
- Specific locality in which taking is proposed, if any;
- Method of proposed take, if any;
- If not taken, the source of eagles and other circumstances surrounding the proposed acquisition or transportation;
- Name and address of the public museum, public scientific societies, or public zoological park for which they are intended;
- Complete explanation and justification of request, nature of project or study, number of specimens now at institution, reason these are inadequate, and other appropriate explanations.

The following FWS forms are used in conjunction with reporting requirements associated with eagles:

Form 3-200-14, “Eagle Exhibition” (50 CFR 22.50)

This form is used to apply for a permit to possess and use eagles and eagle specimens for educational purposes. A Federal Eagle Exhibition permit is required to possess and transport eagles for the purpose of educating the public about the biology, ecology, and conservation needs of eagles. Only zoological parks, scientific or educational institutions, and museums that meet the definition of “public” under 50 CFR 10.12 are eligible for this permit and must complete section B on page 1 of this application. A minimum of 12 public educational programs per year must be conducted under this permit. If eagles are on display in an exhibit for educational purposes, the facility must be open to the public for a minimum of 400 hours per year.

In addition to the standardized information required by 5 CFR 13.12, the form also requires the following information:

- Type of eagle(s) or eagle specimens and quantity being requested;
- Documentation verifying that you meet the definition of “public” in 50 CFR 10.12;
- If requesting to display live eagles, applicants must include a Migratory Bird and Eagle Acquisition and Transfer Request form (Form 3-202-12) for each bird they wish to acquire;
- Written recommendation from another Federal permittee with eagle handling experience; and
- Photographs and diagrams of your permanent facilities/enclosures for housing migratory birds (both indoor and outdoor)
- Description of the educational message you will deliver and to what type of audience which includes:
 - An outline of their program, including as much detail as possible, and any brochures or other materials prepared for distribution; and
 - Explanation concerning why live eagles are necessary for their program, including how they will be used and displayed during the presentation to meet this need.
- Experience of handlers –
 - For static display eagles: The Primary Caretaker must be at least 18 years of age and have a minimum of 300 hours of experience gained over the course of 2 years working with the eagle species they intend to acquire. This experience is to include training the species or similar species they intend to use in educational programs, the care and feeding of eagles, managing their exhibits (captive husbandry including perching, jessing, etc.) and medical management. A portion of the experience may be fulfilled by participation in migratory bird/raptor handling seminars and courses.
 - For using glove-trained eagles in educational programs: In addition to the above requirements, we recommend that the Primary Caretaker have a total of at least 500 hours of experience with the eagle species they intend to acquire gained over the course of 2 years, including presenting educational programs using glove-trained eagles. ALSO: They must also attach a letter of reference from an experience eagle exhibition permittee describing your qualifications for this permit.
 - For each live eagle they propose to use, they must describe in detail their experience handling and caring for those species.
 - Provide the name, address, and telephone number of the facility or facilities

where their experience was obtained.

- Describe their experience in presenting glove-trained programs, including the length of time they have been presenting programs and the types of audiences.
- Provide a list of the eagle(s) they will house in each enclosure, including the species, number of eagles, and flight status (flighted, non-flighted) of each eagle;
- If live eagles will be displayed outside of the enclosures described, provide a detailed description of:
 - How the eagles will be displayed, and
 - A description of the enclosures for transport of the eagles, including dimensions (length, width, and height) and the type and number of species that will be transported in each.
- For each live eagle possessed under this permit, the applicant must:
 - Describe the diet administer and indicate food source, and
 - Describe the types of daily enrichment provided for each eagle.
- If requesting to display eagle specimens, applicants must list the species and type(s) of specimen(s) and the source's name, address, and Federal permit number.
- Anyone responsible for the permitted activities or acting as their agent must either have their own Federal migratory bird permit for the activity or be identified by the applicant, in writing, as a sub-permittee under their permit. They may also require a State permit. Sub-permittees must be at least 18 years old. As the primary permittee, applicants are responsible for ensuring that their sub-permittees are properly trained and adhere to the terms of your permit. They must also provide the name of any sub-permittees who will be conducting activities under their permit. For anyone handling or caring for live birds, a brief description what they will be doing and their qualifications must also be included.
- Record retention requirements (records must legibly written or reproducible in English relating to the activities conducted under the permit for at least 5 years after the expiration date of the permit) and the physical address where records will be kept, if different from the mailing address.
- If the applicant acknowledges they, or their client (if a broker on behalf of the client), answers yes to the listed disqualification factors, they must then provide the following:
 - The individual's name;
 - Date of conviction, civil penalty assessment or revocation;
 - Charge(s), or reason(s) for revocation;
 - Location of the incident;
 - Court (if applicable, ticket, Federal/State/Tribal court etc.); and
 - Legal action taken for each violation (i.e. fine, incarceration, probation...).
- Confirmation of whether the applicant is eligible for fee exempt status (applicable to Federal, State, Tribal, and municipal government agencies).
 - 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, or the agencies tax exempt form.

The Service uses the information collected via Form 3-200-14 to determine that the eagles are legally acquired and will be used for bona fide conservation education; and, in the case of live eagles, will be housed and handled under safe and healthy conditions.

Form 3-200-15a, "Eagle Parts for Native American Religious Purposes" (50 CFR

22.60)

This application form is used by enrolled members of Federally recognized Tribes to provide them authorization to acquire and possess eagle feathers and parts from the Service's National Eagle Repository (NER) for religious and cultural purposes, including healing, marriage, and naming ceremonies. The permittee also uses the form to make additional requests for eagle parts and feathers from the NER.

In addition to the standardized information required by 5 CFR 13.12, the form also requires the following information:

- Migratory Bird Permit number;
- Name and phone number of contact person (if applicant has no phone);
- Full name of the Federally recognized Tribe;
- Tribal enrollment number of the individual applicant;
- Inmate specific information in cases where applicants are incarcerated:
 - Incarceration status,
 - Inmate number,
 - Institution, and
 - Name and contact information for the institute's chaplain;
- Description of the specific eagle parts and/or feathers desired by the applicant:
 - Species;
 - Age,
 - Items/parts; and
 - Quantity;
- If the applicant acknowledges they, or their client (if a broker on behalf of the client), answers yes to the listed disqualification factors, they must then provide the following:
 - The individual's name;
 - Date of conviction, civil penalty assessment or revocation;
 - Charge(s), or reason(s) for revocation;
 - Location of the incident;
 - Court (if applicable, ticket, Federal/State/Tribal court etc.); and
 - Legal action taken for each violation (i.e. fine, incarceration, probation...).
- Certification of enrollment in a Federally recognized Tribe (for first orders only) which collects:
 - Name, address, and telephone number;
 - Name of Federally recognized Tribe; and
 - Enrollment number.

The Service uses the information collected via Form 3-200-15a to verify that the applicant is an enrolled member of a Federally recognized Tribe, and what parts and/or feathers the applicant is requesting.

Form 3-200-16, "Take of Depredating Eagles & Eagles that Pose a Risk to Human or Eagle Health or Safety" (50 CFR 22.100)

A Federal Eagle Depredation Permit is required take Bald Eagles or Golden Eagles that have become injurious to wildlife, agriculture, or other personal property, or for human or eagle health or safety. A depredation permit is intended to provide short-term relief from depredation damage until long-term measures can be implemented to reduce or eliminate the depredation problem through nonlethal control techniques. Long-term measures might

include constructing enclosures or changing their design, alteration of habitat or features to remove attractants, or modification of land-use practices that attract eagles.

In addition to the standardized information required by 5 CFR 13.12, the form also requires the following information:

- A recommendation from the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, for addressing the depredation problem.
- Copies of any receipts, invoices, contracts, necropsy reports, or other available records documenting any deterrent measures (optional);
- Any other supporting documentation (example photographs of damages);
- Status of other required authorizations (State or Tribal);
- Species and estimated number of eagles causing the problem;
- Specific details for the depredation or injuries (e.g., types of crops/livestock destroyed, property damaged, risks to human health or safety, or risks posed to eagle health and safety);
- How long has this depredation has been occurring (number of days, months, or years);
- When during the year the depredation or human safety hazard occurs;
- Location (including address and latitude/longitude in decimal degrees) and size of the affected location (e.g. 1-acre pond, 50-acre vineyard, 500-acre airfield);
- Length of permit requested and how often depredation activities will be conducted;
- Requested method of take, including type(s) of trap(s); proposed trapping methods, who will be conducting trapping and their previous experience, and a description of the areas if applicant is requesting authorization for trap and relocation;
- Description of deterrents used previously, specifically addressing nonlethal measures, along with photographs or other documentation available;
- Description of the proposed long-term remedy;
- Whether applicant is applying on behalf of an airport to control birds in flight zones;
- Record retention requirements (records must legibly written or reproducible in English relating to the activities conducted under the permit for at least 5 years after the expiration date of the permit) and the physical address where records will be kept, if different from the mailing address;
- Anyone responsible for the permitted activities or acting as their agent must either have their own Federal migratory bird permit for the activity or be identified by the applicant, in writing, as a sub-permittee under their permit. They may also require a State permit. Sub-permittees must be at least 18 years old. As the primary permittee, applicants are responsible for ensuring that their sub-permittees are properly trained and adhere to the terms of your permit. They must also provide the name of any sub-permittees who will be conducting activities under their permit. For anyone handling or caring for live birds, a brief description what they will be doing and their qualifications must also be included;
- If the applicant acknowledges they, or their client (if a broker on behalf of the client), answers yes to the listed disqualification factors, they must then provide the following:
 - The individual's name;
 - Date of conviction, civil penalty assessment or revocation;
 - Charge(s), or reason(s) for revocation;
 - Location of the incident;
 - Court (if applicable, ticket, Federal/State/Tribal court etc.); and

- Legal action taken for each violation (i.e. fine, incarceration, probation...); and
- Confirmation of whether the applicant is eligible for permit fee exempt status (applicable to Federal, State, Tribal, and municipal government agencies).
 - 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, or the agencies tax exempt form.
 - The fee exemption applies only to permit fees and does not apply to administrative fees.

The Service uses the information collected via Form 3-200-16 to determine the take is necessary to protect the interest; consider other alternatives; and to determine the method of take is humane and compatible with the preservation of eagles.

Form 3-200-18, “Take of Golden Eagle Nests During Resource Development or Recovery” (50 CFR 22.75)

This application is used by commercial entities engaged in resource development or recovery operations, such as mining or drilling, to obtain authorization to remove or destroy golden eagle nests.

In addition to the standardized information required by 5 CFR 13.12, the form also collects the following information:

- Location of the property, to include an appropriately scaled map or plat which delineates the areas of the resource development or recovery operation and identifies the exact location of each golden eagle nest you propose to take in decimal degrees (e.g.36.87998/-88.3435);
- A map and digital photographs that show the location of the nest in relation to buildings, infrastructure, and human activities;
- Status of other required authorizations;
- Type of resource development or recovery operation;
- Number of golden eagle nests to be taken;
- A description of the property on which the taking is proposed, with reference made to its exact geographic location;
- A description of the activity to be performed during the resource development or recovery operation that involves the taking of a golden eagle nest;
- Duration for which the authorization is requested, including the start and ending dates of the resource development or recovery operation;
- Disposition of the nests once removed (or destroyed) and whether applicant is willing to donate any nests for scientific or educational purposes;
- Description of the proposed mitigation measures that will be implemented;
- Record retention requirements (records must legibly written or reproducible in English relating to the activities conducted under the permit for at least 5 years after the expiration date of the permit) and the physical address where records will be kept, if different from the mailing address;
- If the applicant acknowledges they, or their client (if a broker on behalf of the client), answers yes to the listed disqualification factors, they must then provide the following:
 - The individual's name;
 - Date of conviction, civil penalty assessment or revocation;

- Charge(s), or reason(s) for revocation;
- Location of the incident;
- Court (if applicable, ticket, Federal/State/Tribal court etc.); and
- Legal action taken for each violation (i.e. fine, incarceration, probation...); and
- Confirmation of whether the applicant is eligible for fee exempt status (applicable to Federal, State, Tribal, and municipal government agencies).
 - 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, or the agencies tax exempt form.

The Service uses the information collected via Form 3-200-18 to determine that the take is necessary and will be compatible with the preservation of eagles.

Form 3-200-71, “Eagle Take Associated with but not the Purpose of an Activity (Incidental Take)” (Currently 50 CFR 22.80)

Form 3-200-71 authorizes the incidental take of eagles where the take results from but is not the purpose of an activity. General permits are valid for 5 years from the date of registration. Specific permits may be valid for up to 30 years.

In addition to the standardized information required by 5 CFR 13.12, permit application requirements include submission the following information:

- Requested permit type;
- Infrastructure type;
- Dates the activity that is likely to cause eagle take will start and is projected to end;
- Description, duration, and location of the activity that is likely to cause eagle take, including project-specific information for wind energy and power line activities;
- Justification of why there is no practicable alternative to the activity that would protect the interest to be served;
- Description of eagle use and activity in the area, location of eagle nests or roosts, and distance of nests and other important eagle use areas from the project;
- Identification of subpermittees, if applicable;
- Records retention requirements;
- Certification of activity’s compliance with all Federal, Tribal, State, and local laws and regulations applicable to eagles;
- Name and contact information for any Service employee who has provided technical assistance on the project; and
- Permit disqualification factors, including information for any convictions, guilty pleas or nolo contendere, forfeited collateral, or pending charges for violations of laws cited in the permit application.

General permit applications must also include the compensatory mitigation requirement, requested permit tenure and effective date, and certification of general permit requirements. Additional information collected from specific permit applicants includes:

- Request duration of the permit;
- Requested eagle species for authorization;
- Additional project-specific information, including an eagle impacts assessment and pre- or post-construction monitoring methods;

- Description of implemented and proposed avoidance and minimization measures;
- Description of implemented and proposed compensatory mitigation;
- Existing project general permit eligibility, if applicable; and
- Anticipated permit application fee tier.

Permit applications associated with eagle incidental take permits may require the following:

- *Post-Construction Monitoring (§ 22.250(c)(2))* – Post-construction monitoring fatality estimation must be based on 2 or more years of eagle fatality monitoring that meet the Service’s minimum fatality monitoring requirements for specific eagle permits.
- *Adaptive Management Plan (§ 22.250(f)(1))* – Upon the discovery of the third and fourth bald eagle or golden eagle injuries or mortalities at a project, the permittee must provide the Service with their reporting data required by the permit conditions, adaptive management plan, and a description and justification of which adaptive management approaches will be implemented.
- *Annual Report (§ 22.250(f)(6))* – Permittees must submit an annual report using Form 3-202-15. The annual report is due within 30 days of the expiration of the permit or prior to requesting renewal of the permit, whichever is first.
- *Compensatory Mitigation (§ 22.250(f)(8))* – For wind energy specific permits, the permittee must implement the compensatory mitigation requirements on the face of their permit. For wind energy general permits, the permittee must obtain eagle credits from a Service-approved conservation bank or in-lieu fee program based on the hazardous volume of the project.

In addition, permit applications associated with incidental take permits by power lines may require the following:

- *Collision Response Strategy* – A plan that describes the process the permittee will follow to identify whether a collision-caused injury or mortality occurred, to evaluate factors that contributed to the collision, and to implement risk-reduction measures commensurate with the collision risk.
- *Proactive Retrofit Strategy* – A plan to convert existing infrastructure to avian-safe infrastructure within a set timeline. The strategy must identify a baseline of poles to be proactively retrofit. The existing-infrastructure baseline must include all poles that are not avian-safe for eagles located in areas identified by the applicant to be high-risk to eagles and may also include other poles in the service area.
- *Reactive Retrofit Strategy* – A plan to respond to incidents where eagles are electrocuted or killed. The reactive retrofit strategy must include information on how eagle electrocutions are detected and identified. Determining which poles to retrofit must be based on the risk to eagles and not on other factors (e.g., convenience or cost). The pole that caused the electrocution must be retrofitted unless the pole is already avian-safe. A total of 13 poles or a half-mile segment must be retrofitted, whichever is less, prioritizing the highest risk poles closest to the electrocution event.
- *Shooting Response Strategy* – A plan that describes the process the permittee will follow when eagles are found killed or injured near power-line infrastructure to identify if shooting is suspected, to communicate with law enforcement, and to identify and implement appropriate shooting reduction measures.

The Service will use the information collected via form to track whether the take level is

exceeded or is likely to be exceeded, to determine that the take is necessary, and that the take will be compatible with the preservation of eagles.

Form 3-200-72, “Eagle Nest Take” (Currently 50 CFR 22.85)

Form 3-200-72 is used to apply for authorized take of bald eagle nests or golden eagle nests, including relocation, removal, and otherwise temporarily or permanently preventing eagles from using the nest structure for breeding under definitions in 50 CFR 22.300(b). General permits are available for bald eagle nest take for emergency, nest take for health and safety, or nest take for a human-engineered structure, or, if located in Alaska, other purposes. General permits may authorize bald eagle nest removal from the nesting substrate at the location requested and the location of any subsequent nesting attempts by the eagle pair within one-half mile of the location requested for the duration of the permit. Take of an additional eagle nest(s) more than one-half mile away requires additional permit(s). General permits are valid until the start of the next breeding season, not to exceed 1 year. General permits are not available for take of nests located in Indian country (18 U.S.C. 1151) unless the Tribe is the applicant. Specific permits are intended for take of a golden eagle nest for any purpose, take for species protection, and, except for Alaska, nest take for other purposes. The tenure of specific permits is set forth on the face of the permit and may not exceed 5 years.

In addition to the standardized information required by 5 CFR 13.12, permit application requirements include submission the following information:

- Requested permit type;
- Description and location of the activity that will result in eagle nest take;
- Selected purpose of nest take;
- Justification of why there is no practicable alternative to the activity that would protect the interest to be served without needing to remove the nest;
- Description of the nest(s), including species, location, and historic and current nest status;
- Description of nest removal, destruction, or relocation, including information related to re-nesting and donation of eagle nests and parts;
- Identification of subpermittees, if applicable;
- Records retention requirements;
- Certification of activity’s compliance with all Federal, Tribal, State, and local laws and regulations applicable to eagles;
- Name and contact information for any Service employee who has provided technical assistance on the project; and
- Permit disqualification factors, including information for any convictions, guilty pleas or nolo contendere, forfeited collateral, or pending charges for violations of laws cited in the permit application.

General permit applications must also include the requested permit tenure and effective date and certification of general permit requirements. Additional information collected from specific permit applicants includes:

- Organization status (e.g., commercial or non-commercial);
- Requested duration of the permit;
- Assessment of impacts to eagles;
- Description of implemented and proposed avoidance and minimization measures;

- Description of implemented and proposed compensatory mitigation for golden eagle nest take, if applicable;
- Description of efforts to monitor for impacts to eagles; and
- Description of method for removing nestlings or eggs and proposed disposition, if applicable.

Permit applications associated with eagle nest take may require the following:

- *Monitoring* – Permittees must remove chicks or eggs from an in-use nest for immediate transport to a foster nest, rehabilitation facility, or as otherwise directed by the Service. If nestlings or eggs are relocated with a nest or to a foster nest, the permittee must monitor the nest to ensure adults are tending to nestlings or eggs. We updated the burden for monitoring requirements associated with eagle nest take in the separate monitoring information collection requirement.
- *Annual Report* – Permittees must submit an annual report using Form 3-202-16. The annual report is due within 30 days of the expiration of the permit or prior to requesting renewal of the permit, whichever is first.
- *Species Protection* – If a Federal, State, or Tribal agency applies for a nest take permit for species protection, they must provide documentation that describes relevant management efforts to protect the species of concern; identifies and describes how the nesting eagles are a limiting factor to recovery of the species using the best available scientific information and data; and explains how take of eagle nests is likely to have a positive effect on recovery for the species of concern.

The Service will use the information collected via the form to track whether the take level is exceeded or is likely to be exceeded, to determine that the take is necessary, and that the take will be compatible with the preservation of eagles.

Form 3-200-77, “Native American Eagle Take for Religious Purposes”

(50 CFR 22.60)

Federally recognized Native American Tribes use this form to apply for authorization to take eagles from the wild for Tribal religious purposes.

In addition to the standardized information required by 5 CFR 13.12, the form also collects the following information:

- Certification of Enrollment documenting enrollment in a federally recognized Tribe;
- Status of other required authorizations;
- Location of proposed take;
- Statement of consent by the landowner or land manager if not on Tribal land;
- Species, number, and age class of eagles;
- Season of the year the eagles will be taken;
- Whether the eagles will be collected alive and held in captivity;
- Intended disposition of parts and feathers;
- Records retention requirements; and
- Reason why eagles obtained by other means do not meet the Tribe’s religious needs.

The Service uses the information collected via Form 3-200-77 to determine the take is necessary to meet the Tribe’s religious needs and has the consent of the landowner, the

take is compatible with the preservation of eagles, and any eagles kept alive will be held under humane conditions.

Form 3-200-78, “Native American Tribal Eagle Aviary” (50 CFR 22.60)

Federally recognized Native American Tribes use this form to apply for authorization to keep live eagles for Tribal religious purposes.

In addition to the standardized information required by 5 CFR 13.12, the form also collects the following information:

- Descriptions, photographs and/or diagrams of the enclosures where the eagles will be housed, and number of eagles that will be kept in each;
- Written recommendation from another Federal permittee with eagle handling experience;
- Status of other required authorizations;
- Eagle-handling experience of caretakers, including the contact information for the facility where the experience was obtained;
- Identification of subpermittees, if applicable;
- Veterinarian who will provide medical care;
- Description of permanent facilities for eagles, including the location;
- Description of diet and enrichment the Tribe will provide the eagles; and
- Records retention requirements.

The Service uses the information collected via Form 3-200-78 to ensure the Tribe has the appropriate facilities and experience to keep live eagles safely and humanely.

Form 3-200-82, “Bald Eagle or Golden Eagle Transport into the United States for Scientific or Exhibition Purposes” (50 CFR 22.50)

This application is used by researchers and museums to obtain authorization to temporarily bring eagle specimens into, or take such specimens out of, the United States.

In addition to the standardized information required by 5 CFR 13.12, the form also collects the following information:

- Documentation that the specimen was legally obtained;
- Documentation that the applicant meets the definition of a “public” institution as required under statute;
- Status of other required authorizations (State, local, Tribal);
- Description of the specimen(s), including names and ages;
- Country of origin;
- Name of and contact information for the foreign institution;
- Scientific or exhibition purposes for the transport of specimens;
- Locations where item will be exhibited (if applicable); dates and ports of departure/arrival; and names of persons acting as agents for the applicant;
- Identification of subpermittees, if applicable; and
- Records retention requirements.

The Service uses the information collected via Form 3-200-82 to ensure the specimens were legally acquired will be transported through U.S. ports that can legally authorize the transport, the transport will be temporary, as required by statute, and the specimens will be

used for purposes authorized by statute.

Form 3-200-91, “Eagle Disturbance Take” – General and Specific (50 CFR 22.280)

Applicants may apply for an eagle disturbance take permit if their activity may result in incidental disturbance of bald eagles or golden eagles. General permits issued under this section are only available for certain activities that cause disturbance of bald eagles and are valid for a maximum of 1 year. General permits are not available for disturbance of nests located in Indian country (18 U.S.C. 1151) unless the Tribe is the applicant. Specific permits are intended for disturbance of a golden eagle nest, disturbance of a bald eagle nest by an activity not specified in paragraph (b) of § 22.280, or disturbance of eagles caused by physical or functional elimination of all foraging area within a territory. The tenure of specific permits is set forth on the face of the permit and may not exceed 5 years.

In addition to the standardized information required by 5 CFR 13.12, permit application requirements include submission the following information:

- Requested permit type;
- Description, duration, and location of the activity that is likely to cause disturbance to eagles;
- Dates the activity that is likely to cause eagle disturbance will start and is projected to end;
- Justification of why there is no practicable alternative to the activity that would protect the interest to be served;
- Description of eagle use and activity in the area, location of eagle nests or roosts, and distance of nests and other important eagle use areas from the project;
- Identification of subpermittees, if applicable;
- Records retention requirements;
- Certification of activity’s compliance with all Federal, Tribal, State, and local laws and regulations applicable to eagles;
- Name and contact information for any Service employee who has provided technical assistance on the project; and
- Permit disqualification factors, including information for any convictions, guilty pleas or nolo contendere, forfeited collateral, or pending charges for violations of laws cited in the permit application.

General permit applications must also include the requested permit tenure and effective date and certification of general permit requirements. Additional information collected from specific permit applicants includes:

- Organization status (e.g., commercial or non-commercial);
- Requested duration of the permit;
- Assessment of impacts to eagles;
- Description of implemented and proposed avoidance and minimization measures;
- Description of implemented and proposed compensatory mitigation for golden eagle nest disturbance, if applicable; and
- Description of efforts to monitor for impacts to eagles;

Permit applications associated with eagle disturbance take may require the following:

- *Monitoring* – The permittee must monitor the nest to determine whether nestlings

have fledged from the nest. We updated the burden for monitoring requirements associated with disturbance take in the separate monitoring information collection requirement.

- *Annual Report* – Permittees must submit an annual report using Form 3-202-15. The annual report is due within 30 days of the expiration of the permit or prior to requesting renewal of the permit, whichever is first.

The Service will use the information collected via the form to track whether the take level is exceeded or is likely to be exceeded, to determine that the take is necessary, and that the take will be compatible with the preservation of eagles.

Form 3-1552 “Native American Tribal Eagle Retention” (50 CFR 22.60)

A Federal Eagle Remains Tribal Use permit authorizes a Federally recognized Tribe to acquire, possess, and distribute to Tribal members whole eagle remains found by a Tribal member or employee on their Tribal land for Indian religious use. The applicant must be a Federally recognized Tribal entity under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a-1, 108 Stat. 4791 (1994).

In addition to the standardized information required by 5 CFR 13.12, the form also collects the following information:

- Name of the Tribe;
- Name and contact information for the Tribal leader and primary contact person;
- Whether the Tribe has already discovered an eagle to hold under the permit; and
- If different than what’s listed for the primary contact, the address of the physical location where records will be kept.

The Service uses the information collected via Form 3-1552 to identify which Tribe is applying for the permit and informs the Service as to whether the Tribe is applying before or subsequent to finding the first eagle they wish to retain, allowing the Service to choose the appropriate course of action.

Form 3-1591, “Tribal Eagle Retention – Acquisition Form” (50 CFR 22.60)

This form provides the Service information needed to track the chain of custody of eagle remains and ensure the Tribe takes possession of them as authorized under the permit. The applicant must be a Federally recognized Tribal entity under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a-1, 108 Stat. 4791 (1994).

The first part of the form (completed by a Service Law Enforcement (OLE) Officer) collects:

- Species;
- Sex of eagle;
- Age class of eagle;
- Date and location discovered;
- Date information was reported to track eagle mortalities;
- Date the remains were transferred to Tribe;
- Name and contact information for the Tribe; and

- OLE officer name and contact information.

The second part of the form (completed by the Tribe) collects:

- Permit number;
- Date the Tribe took possession of the eagle; and
- Principal Tribal Officer's name, title, and contact information.

The Service uses the information collected via Form 3-1591 to track the chain of custody of eagle remains and ensure the Tribe takes possession of them as authorized under the permit.

Form 3-2480, “Eagle Recovery Tag”

The form is used to track dead eagles as they move through the process of laboratory examination to determine cause of death and are sent to the National Eagle Repository for distribution to Native Americans for use in religious ceremonies.

In addition to the standardized information required by 5 CFR 13.12, the form also collects the following information:

- USGS band data;
- Unique ID number assigned;
- Mortality date;
- Species, age, and sex of the eagle;
- Date recovered;
- Name of person(s) who found and recovered the eagle; and
- Names and contact information of persons who received the eagle throughout the chain of custody.

The Service uses the information collected via Form 3-2480 to maintain chain of custody for law enforcement and scientific purposes.

Reporting Requirements

Submission of reports is generally on an annual basis, although some are dependent on specific transactions. Permittees must submit an annual report for every year the permit is valid, and for up to 3 years after the activity is completed.

Form 3-202-11, “Take of Depredating Eagles & Eagles that Pose a Risk to Human or Eagle Health or Safety – Annual Report” (50 CFR 22.100)

Permittees use this form to report the outcome of their action involving take of depredating eagles or eagles that pose a risk to human or eagle health or safety. In addition to the standardized information required by 5 CFR 13.12, the form also collects the following information:

- Species,
- Location,
- Date of take,
- Number of eagles,
- Method of take (killed, trapped, or hazed), and
- Final disposition.

The Service uses the information collected via Form 3-202-11 to ascertain that the planned take was implemented, track how much authorized take occurred in the eagle management unit and local population area, and verify the disposition of any eagles taken under the permit.

Form 3-202-13, “Eagle Exhibition – Annual Report” (50 CFR 22.50)

This form is used to report activities conducted under an eagle exhibition permit (FWS Forms 3-200-14 and 3-200-82) for both live and dead eagles. In addition to the standardized information required by 5 CFR 13.12, the form also collects the following information:

- Type of species (bald eagle or golden eagle);
- Whether species is alive or dead;
- Date acquired or date disposed of;
- From whom acquired or to whom transferred;
- Total number of programs each eagle was used in; and
- If statically displayed, such as in a museum setting, the number of days the facility was open to the public.

The Service uses the information collected via Form 3-202-13 to verify that eagles held under the permit are used for the purposes of the permit.

Form 3-202-14, “Native American Tribal Eagle Aviary – Annual Report” (50 CFR 22.60)

This form is for reporting activities conducted under a Native American Eagle Aviary Permit (FWS Form 3-200-78). In addition to the standardized information required by 5 CFR 13.12, the form also collects the following information:

- Type of species (bald or golden);
- Date acquired or date transferred; and
- From whom acquired or to whom transferred and other disposition.

The Service uses the information collected via Form 3-202-14 to track the live eagles held by Federally recognized Tribes for spiritual and cultural practices.

Form 3-202-15, “Eagle Incidental Take (50 CFR 22.80) – Annual Report”

Recipients of incidental take permits use FWS Form 3-202-15 to meet the reporting requirements at 50 CFR 22.80. The permittee is required to submit this form regardless of whether any take occurred (i.e., report no take). Permittees authorized to take eagles in the form of disturbance fill out section A, which gathers data on the monitoring conducted by the permittee to assess impacts to eagles, including:

- Date of monitoring;
- Time of day;
- Number of eagles observed;
- Observed behavior of eagles;
- A description of the human activity that was taking place at the time the eagles were observed; and
- Whether any young were fledged during the breeding season.

Part B of 3-202-15 instructs permittees authorized to incidentally injure or kill eagles to report the following information:

- Location where the eagle was found;
- Species, age, and sex of eagle;
- Condition (live or dead);
- How the eagle was found (e.g., during surveys, opportunistically, etc.);
- Date of discovery;
- Whether samples were taken;
- Whether the injury/mortality event was seen; and
- Suspected cause.

The Service uses the information reported to ascertain that the anticipated take occurred, track how much authorized take occurred in the eagle management unit and local population area, evaluate the effectiveness of measures to minimize and mitigate impacts to eagles; and, for long-term incidental take permits, to update authorized take and mitigation levels.

Form 3-202-16, “Eagle Nest Take (50 CFR 22.100 and 22.210) – Annual Report”

The permittee is required to submit this form regardless of whether any take occurred (i.e., report no take). Permittees authorized to take eagles in the form of nest take gather data on the monitoring conducted to assess impacts to eagles, including:

- Permit number, calendar year, and report due date;
- Specific eagle take (bald eagle or golden eagle);
- Whether permit authorized take of a specific nest(s) or authorized programmatic nest take;
- Data on authorized nest take, to include date, location, whether nest was active, and disposition of chicks and eggs;
- Disposition of nest, to include whether the nest was rebuilt and whether there was breeding and fledging of young, whether nest was relocated or a substitute nest was provided, and a description of methods and techniques employed (if nest was relocated); and
- A description of the mitigation measures implemented to offset nest take.

The Service uses the information collected via Form 3-202-16 to track whether the authorized take occurred; when it occurred; disposition of the nest; if the nest was occupied, the disposition of the eggs or chicks; and the conservation measures being implemented to mitigate for the take.

Report Take of Eagles (3rd and 4th Eagles) (50 CFR 22.250(d)(2) and (d)(3))

Permittees must notify the Service in writing within 2 weeks of discovering the take of a third or fourth bald eagle or third or fourth golden eagle. The notification must include the reporting data required in their permit conditions, their adaptive management plan, and a description and justification of which adaptive management approaches they will be implementing. Upon notification of the take of the fourth bald eagle or fourth golden eagle, the project will remain authorized to incidentally take eagles through the term of the existing general permit but will not be eligible for future general permits.

Monitoring Requirements – Most permits that authorize take of eagles or eagle nests require

monitoring. We do not require monitoring for intentional take such as when Native American Tribes take an eagle as part of a religious ceremony or when falconers trap golden eagles that are depredating on livestock. A fundamental purpose of monitoring under take permits is to track levels of take for population management. For disturbance permits, monitoring also provides information about whether the permitted activity actually disturbed eagles, allowing the Service to better understand when these types of permits may not be needed.

In addition to tracking take at population management scales, the Service uses data from monitoring lethal take permits to adjust authorized take levels, compensatory mitigation requirements, and conservation measures as spelled out under the terms of the permit. With regard to wind industry permits, these data also enable the Service to improve future fatality estimates through enhanced understanding of exposure and collision.

Required Notifications – Most permits that authorize take or possession of eagles require a timely notification to the Service by email or phone when an eagle possessed under a possession permit or taken under a permit to take eagles dies or is found dead. These fatalities are later recorded in reports submitted to the Service as described above. The timely notifications allow the Service to better track take and possession levels, and to ensure eagle remains are sent to either a forensics lab or the NER.

Incidental take permittees are also required to notify the Service via email or phone if a threatened or endangered species is found in the vicinity of the permitted activity. There is no notification requirement for that beyond reporting each occurrence where take is discovered to have occurred.

The Service tracks whether the take level is exceeded or is likely to be exceeded.

5-Year Permit Reviews

The Service's regulatory requirement for specific permits issued prior to the 2024 final rule mandates an administrative check-in with the Service at least every 5 years during the permit tenure. The Service introduced these mandatory 5-year permit reviews as part of the 2016 Eagle Rule to ensure that the Service had an opportunity to ask for and review all existing data related to a long-term activity's impacts on eagles.

The purpose of 5-year review is to update take estimates and related compensatory mitigation for the subsequent 5-year period. It also provides the Service with an opportunity to amend the permit to reduce or eliminate conservation measures or other permit conditions that prove to be ineffective or unnecessary. Check-ins may be initiated by the permittee or the Service in response to events that warrant review, for example, updating fatality estimates and associated compensatory mitigation requirements or revising permit conditions to reflect the best available science.

For permits issued under the 2024 final rule, 5-year permit reviews are not required.

Recordkeeping Requirements – As required by 50 CFR 13.46, permittees must keep records of the permitted activity as it relates to eagles and any data gathered through surveys and monitoring, to include records associated with the required internal incident reporting system for bald eagle and golden eagle remains found and the disposition of the mains. This information retained by permittees is described above under reporting requirements. The recordkeeping burden is shown in Attachment A (uploaded to ROCIS as a supplemental document).

Amendments – Amendments to a permit may be requested by the permittee, or the Service may amend a permit for just cause upon a written finding of necessity. Amendments comprise changes to the permit authorization or conditions. Such changes may include an increase or decrease in the authorized take or possession of eagles, proposed adjustment of permit conditions, or changes to the activity involving eagles. The permit will specify circumstances under which modifications to avoidance, minimization, or compensatory mitigation measures or monitoring protocols will be required, which may include, but are not limited to take levels, location of take, and/or changes in eagle use of the activity area.

At a minimum, the permit must specify actions to be taken if take approaches or reaches the amount authorized and anticipated within a given time frame. The permittee applies for amendments to the permit by submitting a description of the modified activity and the changed conditions affecting eagles. Substantive amendments incur a processing fee. A permittee is not required to pay a processing fee for minor changes, such as the legal individual or business name or mailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change.

Transfers – In general, permits issued under 50 CFR part 22 are not transferable. However, permits issued under 50 CFR subpart E may be transferred by the transferee providing written assurances of sufficient funding the conservation measures and commitment to carry out the terms and conditions of the permit.

Audits

The Service will continue to conduct audits of general permits to ensure permittees are appropriately interpreting and applying eligibility criteria and complying with permit conditions. Audits may include reviewing application materials for completeness and general permit eligibility. Any required records, plans, or other documents will be requested of the permittee and reviewed. If there is a compliance concern, the applicant will be given the opportunity to submit additional information to address the concern. If, during an audit, the Service determines that the permittee is not eligible for a general permit or is out of compliance with general permit conditions, we will communicate to the permittee options for coming into compliance.

Labeling Requirements (50 CFR 22(a)(4))

Regulations at 50 CFR 22.4 require all shipments containing bald or golden eagles, alive or dead, their parts, nests, or eggs be labeled. The shipments must be labeled with the name and address of the person the shipment is going to, the name and address of the person the shipment is coming from, an accurate list of contents by species, and the name of each species.

Requests for Reconsideration Associated with Eagle Permits (Suspension and Revocation) (50 CFR 13.29(b))

Persons notified of the Service's intention to suspend or revoke their permit may request reconsideration by complying with the following:

- Within 45 calendar days of the date of notification, submit their request for reconsideration to the issuing officer in writing, signed by the person requesting reconsideration or by the legal representative of that person.
- The request for reconsideration must state the decision for which reconsideration is being requested and shall state the reason(s) for the reconsideration, including presenting any new information or facts pertinent to the issue(s) raised by the

- request for reconsideration.
- The request for reconsideration shall contain a certification in substantially the same form as that provided by 50 CFR 13.12(a)(5). If a request for reconsideration does not contain such certification, but is otherwise timely and appropriate, it shall be held and the person submitting the request shall be given written notice of the need to submit the certification within 15 calendar days. Failure to submit certification shall result in the request being rejected as insufficient in form and content.

Compensatory Mitigation (50 CFR 22)

Any permit authorizing take that would exceed the applicable EMU take limit will require compensatory mitigation, except in circumstances where the action is considered in the best interest of an eagle. Compensatory mitigation for this purpose must ensure the preservation of the affected eagle species by mitigating an amount equal to or greater than the authorized or expected take. Compensatory mitigation must either reduce another ongoing form of mortality or increase the eagle population of the affected species. Compensatory mitigation for golden eagles must be performed at a 1.2:1 (mitigation: take) ratio. A permit may require compensatory mitigation when the Service determines, according to the best available information, that the take authorized by the permitted activity is not consistent with maintaining the persistence of the local area population of an eagle species.

The Service must approve types of compensatory mitigation and may include conservation banks, in-lieu fee programs, or permittee-responsible mitigation as mitigation providers. General permittees meet this requirement by obtaining required credits from a Service-approved, third-party mitigation provider. Specific permittees can meet this requirement by obtaining required credits from a Service-approved, third-party mitigation provider or meeting the requirements to be a permittee-responsible mitigation provider as described in 50 CFR 22.220(c)(2). The Service provides an eagle mitigation calculator to help permittees determine the number of eagle credits their project requires.

Third-party mitigation providers, such as in-lieu fee programs and conservation banks, obtain Service approval by meeting the requirements to be a mitigation provider as described in 50 CFR 22.220(c)(2). Potential providers must submit a mitigation plan to the Service that demonstrates how the standards in 50 CFR 22.220(b) will be met. At a minimum, this must include a description of the mitigation, the benefit to eagles, the locations where projects will be implemented, the EMU and local area population affected, the number of credits provided, and an explanation of the rationale for the number of eagle credits provided. The Service must approve the mitigation plan prior to implementation.

Bald Eagle and Golden Eagle Compensatory Mitigation Programs:

1. The [Eagle Protection and Offset Program](#) (EPOP) is authorized by the U.S. Fish and Wildlife Service (USFWS) to sell compensatory mitigation credits for bald and golden eagle take. The EPOP is currently one of two third party mitigation banking options available specific to eagles and authorized by USFWS to offset incidental take. (Note: USFWS authorization of the EPOP does not constitute blanket endorsement of its parent company.)
2. The [Bald Eagle And Golden Eagle Electrocutation Prevention In-lieu Fee Program](#) (Eagle ILF Program) is authorized by the U.S. Fish and Wildlife Service to sell compensatory mitigation credits for bald and golden eagle take. The Eagle ILF Program is currently one of two third-party mitigation banking options available specific to eagles and authorized

by USFWS to offset incidental take. (Note: USFWS authorization of the Eagle ILF Program does not constitute blanket endorsement of Eagle Electrocutation Solutions, LLC, or its parent company.

Single Application for Multiple Activities (50 CFR 13.11(d)(1))

If regulations require more than one type of permit for an activity and permits are issued by the same office, the issuing office may issue one consolidated permit. Applicants may submit a single application in these cases, provided the single application contains all the information required by the separate applications for each permitted activity. In instances where the Service consolidates more than one permitted activity into one permit, the issuing office will charge the highest single fee for the activity permitted. Administration fees are not waived for single applications covering multiple activities.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

Forms are available to the public electronically through the Service's [ePermits](#) system. Applicants also have the option to download a fillable PDF version of the form, should they choose to do so.

We are actively expanding the functionality of ePermits. The ePermits system allows the agency to streamline the permitting process to reduce the information collection burden on the public, particularly small businesses. Public burden reduction is a priority for the Service; the Assistant Secretary for Fish, Wildlife, and Parks; and senior leadership at the Department of the Interior.

The intent of ePermits is to allow an applicant to file an electronic, fully digitized application form to the extent practicable to improve the customer experience and to reduce time burden on respondents. The updated functionality will enhance the user experience by allowing users to enter data from any device that has Internet access, including personal computers, tablets, and smartphones. It will also link the permit applicant to the Pay.gov system for payment of the associated permit application fee.

As we update the functionality of ePermits, we anticipate a reduction in applicant burden time to apply for a permit. They can now perform regular actions related to that permit (e.g., amend, renew, report). Users of ePermits must register for an account which will then automatically populate the forms they complete with the required identification information, thus preventing the need for them to enter it multiple times when they apply for separate permits and reducing burden on the applicant. Through the ePermits account registration, we will track and be able to report the numbers of small business applicants more accurately, along with the type of business (for-profit, farm, not-for profit). This information will allow the Service to be more responsive in identifying the possibility of additional burden reduction on small businesses.

We have eliminated the necessity for physical mail-in applications (though this will remain an option for those who either don't have access to the internet or prefer to use mail-in applications), thus further reducing the burden on the public. With ePermits, applicants are

able to establish an account and apply for multiple permits through a single interface. They are also able to track all their applications, permits and permit-related actions, as well as all communications between Service staff and the permittee/applicant within the same interface, significantly reducing the burden on the government to process these applications and manage permit-related actions.

The Service anticipates a significant reduction in the number of the paper-based versions of a large number of forms in lieu of using ePermits. However, PDF copies of additional permit documentation, including affidavits that require signatures may be uploaded to ePermits by the applicant or by processors depending on the method (i.e., paper, electronic) in which the documents are submitted. This reduction in processing paper based forms reduces the government cost of administering and processing permit applications.

***NOTE** – Upon request, the Service will continue to accommodate requests for paper-based versions of any application or report form for respondents experiencing technological difficulties.*

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information that we collect is unique to the applicant and is not available from any other source. Our electronic permit issuance and tracking system, ePermits, greatly improves retrieval of file information, therefore further reducing duplicate information requests for use in renewals, amendments, and repeat applications. Since only the Service may issue this type of permit and only for species under our jurisdiction, there is no duplication of other agencies efforts. Ongoing development of ePermits will ensure that no duplication arises among Service offices.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information requested on the application form is limited to the minimum necessary to establish eligibility and the information requested on the reporting forms is the minimum necessary to enable us to assess the effect of the permit program on eagles.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If we do not collect the information, or if we collect the information less frequently, we could not issue applicants permits since the collected information either is required to allow the Service to make issuance decisions or is needed to make necessary biological and legal findings under applicable statutes and treaties. If we were not able to collect the information necessary to issue a permit, the public would not be able to lawfully conduct activities that involve collection, possession, or take of eagles. Furthermore, the timely submission of data on the effects to eagles of permitted activities enables the Service to track permitted activities to ensure the permit program remains compatible with the preservation of eagles.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * **requiring respondents to report information to the agency more often than quarterly;**
- * **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * **requiring respondents to submit more than an original and two copies of any document;**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Tribal permittees may utilize their permit to retain an unspecified number of eagles found by Tribal members on the Tribe's lands. Each time a Tribal member finds an eagle and wishes to retain it, the Tribe is required to notify the Service to allow the agency to ascertain the cause of death, information the Service uses to analyze factors affecting bald and golden eagle populations. If a Tribe finds dead eagles frequently, they may need to report more than quarterly. Federal regulations governing fish and wildlife permits at 50 CFR §13.46 require permittees to maintain records for 5 years from the date of expiration of the permit.

Applicants for some eagle permits are required to submit data regarding their project that some in industry consider proprietary trade secrets. Applicants are asked to clearly identify any data they believe are of a proprietary nature. These data are stored on computers or in paper files. Computer access is controlled through 2-factor authentication and by industry standard firewalls and virus protection. Paper files are stored in access-controlled offices in locked file drawers. Individuals are required to submit personally identifiable information (PII). This information is stored on computers and in paper files. The PII is entered into a System of Records that must meet Federal standards for protection of such information. As with the industry data, access is controlled through 2-factor authentication as well as industry standard firewall and virus protection. Paper forms are stored in access-controlled offices in locked file drawers. Disclosures outside the Department of the Interior may be made if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003) or is otherwise required by law.

Other than these requirements, there are no special circumstances that would cause us to conduct this information collection in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by

the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On December 4, 2025, we published in the *Federal Register* ([90 FR 55919](#)) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on February 2, 2026. The Service also published the *Federal Register* notice on Regulations.gov (Docket No. [FWS-HQ-MB-2025-0803](#)). We received the following comments in response to that notice:

Comment 1: Electronic comment ([FWS-HQ-MB-2025-0803-0002](#)) dated December 6, 2025, from Jean Publie. Ms. Publie suggested the Service should create new regulations that prohibit all take of eagles for any purpose.

Agency Response to Comment 1: The commenter did not address the information collection requirements; therefore, no response is required.

Comment 2: Electronic comment ([FWS-HQ-MB-2025-0803-0003](#)) dated January 22, 2026, from E. Jones. Commenter supports renewing this information collection and stated it is essential because it ensures that the Service has the necessary data to assess permit applications, monitor compliance, and protect eagle populations.

Agency Response to Comment 2: The Service appreciates the commenter's support regarding the renewal of this information collection.

Comment 3: Electronic comment ([FWS-HQ-MB-2025-0803-0004](#)) dated February 2, 2026, from Victoria Lopez. The commenter requests the Service protect bald eagles and golden eagles from destruction. They also suggested Native Americans use eagle feathers that they have taken from birds in the wild to use in religious ceremonies instead of obtaining new feathers.

Agency Response to Comment 3: The commenter did not address the information collection requirements; therefore, no response is required.

Comment 4: Electronic comment ([FWS-HQ-MB-2025-0803-0005](#)) dated February 2, 2026, from John Anderson, on behalf of the Energy and Wildlife Action Coalition. The commenter encouraged the Service to continue engaging with industry groups on implementation of the program and, most critically, when considering potential changes. They added they felt this is particularly important for the general permit for power lines, which would benefit from substantive adjustments to better align with industry standards

and practices.

Agency Response to Comment 4: We appreciate the commenter’s suggestion and the Service will continue engaging industry when considering potential changes to the information collections.

Comment 5: Anonymous electronic comment (FWS-HQ-MB-2025-0803-0006) dated February 2, 2026. The commenter expressed support for the general permit program for eagle incidental take and nest take and encouraged the Service to further streamline and clarify the process as it continues to administer the program, including continued engagement with industry groups.

Agency Response to Comment 5: The Service appreciates the commenter’s support regarding the renewal of this information collection.

In addition to the *Federal Register* notice, we consulted with the nine (9) individuals identified below who familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

Organization	Title
Individual permittee (eagle disturbance)	No title
EDP Renewables	Environmental Analyst
Clearlight Energy	Renewables Compliance Specialist
Denver International Airport	Assistant Airport Operations Manager
Living Desert Zoo & Gardens State Park	General Curator
Michigan Department of Natural Resources	Chief of Wildlife Division
Bird Treatment and Learning Center	Executive Director
University of Georgia	Veterinary Medicine Professor
Individual permittee (eagle parts)	No title

“Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary”

“The accuracy of our estimate of the burden for this collection of information”

“Ways to enhance the quality, utility, and clarity of the information to be collected

And

“Ways to minimize the burden of the collection of information on respondents”

Despite numbers attempts to solicit feedback via initial and follow-up email messages, we did not receive any responses to our requests.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

We do not provide any payment or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

We do not provide any assurance of confidentiality. Information is collected and protected in accordance with the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. 552). We will maintain the information in a secure System of Records (Permits System—Interior, FWS–21, September 4, 2003, [68 FR 52610](#); and modifications published June 4, 2008, [73 FR 31877](#), March 16, 2023, [88 FR 16277](#); and January 12, 2024, [89 FR 2230](#)).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

We do not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

We estimate that we will receive **8,406 responses** totaling **32,882 annual burden hours** with a total dollar value of the annual burden hours estimated to be **\$32,756,961** (rounded). These values reflect updated estimated participation rates for the permit program and changes to application forms and fees.

To reflect annualized cost burden more accurately for this information collection, Attachment A (uploaded to ROCIS as a supplemental document) reflects two (2) different rates as explained below:

(1) Nationwide ICs Using General BLS Statistical Data

We used table 1 from the of Bureau of Labor Statistics (BLS) [News Release](#) USDL-26-0505, March 20, 2026, Employer Costs for Employee Compensation—December 2025, to calculate

the total annual burden.

- Individuals – the hourly rate for all workers is \$48.78, including benefits.
- Private Sector – the hourly rate for all workers is \$46.15, including benefits.
- Government – the hourly rate for all workers is \$65.68, including benefits.

(2) Specialized ICs Related to Power Generation, Construction, and Transportation Industries

The cost burden associated with certain activities are often conducted using contracted services does not fit well within the hourly rates published by the BLS. The cost of these services can vary widely depending on size of the consulting company, the seniority of the persons providing the services, and the reputation of the consulting firm. In general, individuals contracting for these services select a smaller company with less experienced personnel as opposed to a large company that selects a renowned consulting firm employing senior scientists with decades of experience.

Accordingly, we used the below listed mean hourly wages published in the BLS May 2023 National Industry-Specific Occupational Employment and Wage Estimates (11-1021, General and Operations Managers) to calculate an average hourly rate of \$65.23:

- [211100 – Oil and Gas Extraction](#) – \$83.07;
- [236100 – Residential Building Construction](#) – \$54.77;
- [237130 – Power and Communication Line and Related Structures Construction](#) – \$69.74; and
- [488200 – Support Activities for Rail Transportation](#) – \$53.91.

To account for benefits, we used 45% as an average overhead rate for contracted work, resulting in a fully burdened hourly rate for consultants of **\$94.79** (rounded).

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- * **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis**

associated with the rulemaking containing the information collection, as appropriate.

- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

We estimate the nonhour cost burden to respondents for this information collection to be **\$1,737,460** (see Attachment A). These costs are primarily for application processing fees, which range from \$0 to \$26,000. Some permits require payment of administration fees, in addition to the permit fee (with the exception of government entities who are only required to pay the administration fee, but not the permit fee (see proposed revision in question 2 on pg. 16)).

Administrative Fees (State, Local, Tribal, or Federal Agencies)

State, local, Tribal, and Federal government agencies, and those acting on their behalf, are exempt from processing fees. Except as otherwise authorized or waived, if the agency fails to submit evidence of agency status with the application, we will require the submission of all processing fees prior to the acceptance of the application for processing.

Type of Permit	Permit Application Fee	Administration Fee ¹	Amendment Fee
Eagle Scientific Collecting	\$100		
Eagle Exhibition	\$75		
Eagle—Native American Religious Purposes	No fee		
Eagle Depredation Permit	\$100		
Golden Eagle Nest Take	\$100		\$50
Eagle Transport—Scientific or Exhibition	\$75		
Eagle Transport—Native American Religious Purposes	No fee		
General Eagle Permit—Disturbance Take	\$100		
Specific Eagle Permit—Disturbance Take	Commercial - \$2,500 Noncommercial - \$500		Commercial - \$500 Noncommercial - \$150
General Eagle Permit—Nest Take	100		
Specific Eagle Permit—Nest Take (Single nest)	Commercial - \$2,500 Noncommercial - \$500		Commercial - \$500 Noncommercial - \$150
Specific Eagle Permit Eagle—Nest Take (Multiple nests)	\$5,000		500
General Eagle Permit—Incidental Take (Power lines)	\$1,000	Non-Investor Owned - \$2,500, Investor Owned - \$10,000	
General Eagle Permit—Incidental Take (Wind energy)	\$1,000	Distributed and Community Scale - \$2,500, Utility Scale - \$10,000	

Specific Eagle Permit— Incidental Take	Tier 1 – \$18,000 Tier 2 - \$26,000	\$10,000	\$500
Eagle Take— Exempted under ESA		No fee	
Transfer of a Subpart E Eagle Permit	\$1,000		

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

We estimate Service staff will spend an average of 20 minutes to 400 hours, depending on activity, reviewing submissions with a total Federal Government cost to administer this information collection estimated to be **\$1,019,552** (rounded; see Attachment A).

Service biologists (GS-11/13) and permit examiners (GS-9/12), with support of GS-7 staff, will:

- Review and determine the adequacy of the information an applicant provides.
- Conduct any internal research necessary to verify information in the application or evaluate the biological impact of the proposed activity.
- Assess the biological impact of the proposed activity on the bald or golden eagle.
- Evaluate whether the proposed activity meets the issuance criteria.
- Prepare or review NEPA documentation.
- Prepare either a permit or a denial letter for the applicant.
- When necessary to evaluate the impact of the proposed activity, visit the location to examine site-specific conditions.
- Monitor reports.

The Service processes permits in our eight Regional Offices, which are located in major cities across the United States. Therefore, we used Office of Personnel Management Salary Table [2026-DCB](#) as the average hourly rates for staff. We multiplied the hourly rates by 1.62 in accordance with the BLS [News Release](#) USDL-26-0505, to calculate the fully burdened rates for each staff member. The table below shows Federal staff and grade levels performing various tasks associated with this information collection.

Position/Grade	2026 Hourly Rate	Hourly Rate, Incl. Benefits*	Time Spent on Information Collection	Weighted Average (\$/Hour)
Clerical – Receptionist, Office Asst. (GS-07/05)	\$2.54	\$2.54	\$2.54	\$2.54
Legal documents examiner – Permit Examiner (GS-09/05)	18.64	18.64	18.64	18.64
Legal documents examiner - Permit Examiner (GS-11/05)	22.55	22.55	22.55	22.55
Biologist (GS-11/05)	7.52	7.52	7.52	7.52
Supervisor – Permit Chief (GS-12/05)	18.02	18.02	18.02	18.02
Management - Branch/Division Chief, Solicitor (GS-13/05)	5.36	5.36	5.36	5.36
Weighted Average (\$/hr):				\$74.62

*Rounded

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

We are not reporting any program changes or adjustments in hour or cost burden.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

We do not publish the results of these information collections.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the OMB control number and expiration date.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.