

**FREQUENTLY ASKED QUESTIONS
FEDERAL PERMIT FOR EAGLE NEST TAKE
(FORM 3-200-72)**

A Federal permit for take of an eagle nest authorizes take of eagle nests in limited circumstances. Nest take may take the form of removal, relocation, or otherwise temporarily or permanently preventing eagles from using the nest structure.

You should review Title 50 Parts 10, 13, and 22 of the Code of Federal Regulations (CFR). You are responsible for understanding these regulations before you request and accept a permit. Below are questions and answers regarding some of the fundamentals of an eagle nest take permit.

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 under this permit?

This permit may be used to authorize the removal of a bald eagle or golden eagle nest for the purposes described in the table below. Specific permits are available for the purposes described below for golden eagles and bald eagles. General permits are available when for bald eagle nest take for emergency, health and safety, human-engineered structure purposes, and, in Alaska only, other purposes.

Purpose	Nest Type
Emergency – To alleviate an existing safety emergency or to prevent a rapidly developing safety emergency that is otherwise likely to result in a safety emergency for humans or eagles.	- Alternate nest - In-use
Health and Safety – To ensure public health and safety.	- Alternate nest - In-use nest (prior to egg-laying only)
Human-Engineered Structure – 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 only)
Species Protection – If necessary to protect a species federally protected on the List of Endangered and Threatened Wildlife (50 CFR 17.11).	- Alternate nest - In-use nest (prior to egg-laying only)
Other Purposes – 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

In-use nest means a bald or golden eagle that contains one or more viable eggs or dependent young, or, for golden eagles only, has had adult eagles on the nest within the past 10 days during the breeding season. *Alternate nest* is an eagle nest 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.

3. If an emergency necessitates the removal of nest with eggs or nestlings, what should I do?

General permits are available for the emergency take of bald eagle nests. Permits for emergency nest take may authorize the take of eggs or nestlings if they are present. If a nest must be taken while there are live eagle nestlings in the nest, you must make every practical effort to implement permit conditions to ensure a humane outcome for the nestlings. You must make every effort to contact your regional Migratory Bird Permit Office with your plan that is practicable and humane for nestlings. Permit conditions further specify requirements for relocation, foster nests, rehabilitation, or disposition of the nestlings.

4. Can I keep an eagle nest taken under this permit?

Nest take permits do not authorize possession of an eagle nest. Eagle nests must be fully destroyed, unless you are relocating or donating the nest. A separate permit is required to possess an eagle nest. The Bald and Golden Eagle Protection Act limits eagle nest possession to public museums, public scientific societies, and public zoological parks for scientific or educational purposes.

5. Will avoidance and minimization measures will be required?

Regulations and permit conditions specify required avoidance and minimization measures. Permit conditions may include requirements to:

- a. Adjust the timing of your activity to minimize the effects of nest take on eagles.
- b. Place an obstruction in the nest or nest substrate.
- c. Minimize or deter renesting attempts that would cause the same emergency, safety, or functional hazard.
- d. Relocate the nest or provide suitable nesting substrate within the same territory.
- e. 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.
- f. If nestlings or eggs are relocated with a nest or to a foster nest, monitor the nest to ensure adults are tending to nestlings or eggs.
- g. Monitor the area near the nest removal for one or more seasons to determine the effect on eagles.

6. Is there a reporting requirement?

All permittees must submit an annual report using Service Form 3-202-16. The report must include any nest take, including any subsequent nesting attempts that were removed. If an eagle nest was relocated, the date and location of the relocation must be reported. Your annual report is due September 30. An annual report is required, even if no nests were removed.

7. Who can apply for an eagle nest take permit?

Permits are issued to the entity or individual conducting the action, such as the owner or manager of the entity conducting the activity. The permittee is responsible for compliance with the permit and must have the authority to implement the required permit conditions. Contractors or consultants may assist in completing an application as well as conducting the work as a subpermittee but may not be a permit holder.

8. 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 responsible for the permit application and any permitted activities. The Principal Officer must have the authority to

implement all conditions and is legally liable for any subpermittee conducting activities under the permit.

- 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. Subpermittees must be at least 18 years of age. Individuals younger than 18 must have a permittee or subpermittee present when conducting activities.

9. How long is an eagle nest take permit valid?

General permits are valid until the start of the next breeding season, not to exceed 1 year. All general permits for nest take expire on August 31, regardless of when they are issued. General permit applicants will have the opportunity to defer permit issuance (and nest take authorization) until September 1 if doing so would be beneficial for them. Specific permits may be valid for up to 5 years. The tenure of each specific permit will be designated on the face of the permit.

10. How much are permit application processing fees for this permit?

For general permits, the Service charges an application fee of \$100. For specific permits that authorize the take of a single nest, the Service charges an application fee of \$2,500 for commercial and \$500 for noncommercial entities. For specific permits that authorize the take of multiple nests, the Service charges an application fee of \$5,000. General permits are not available for the take of multiple nests.

11. Do I need additional authorization to take eagle nests from my State or Tribal government?

You are responsible for ensuring that the activity involving the take of eagle nests authorized by this permit complies with all other applicable Federal, Tribal, State, and local laws. This permit is not valid if implementing any of its provisions may affect a listed, proposed, or candidate species or designated or proposed critical habitat under the federal Endangered Species Act, nor has the potential to cause effects to cultural resources or historic properties protected by the National Historic Preservation Act.

12. How do I renew my permit?

Permittees that wish to renew their permit must submit a new application at least 30 days prior to the expiration date of the permit. For all specific permits, applications must include all updated information on eagle use, eagle fatalities, and nest locations for the activity. All requested information must be provided, required reporting must be up to date, and processing fees paid, or the renewal will not be processed. The issuing office may deny renewal of a specific permit to any applicant who fails to meet the issuance or eligibility criteria.

If the Service receives your renewal request at least 30 days prior to the expiration of your permit, your permit will remain valid beyond the expiration date for the activity authorized on

your permit until a decision on your renewal is made. If we receive your renewal request fewer than 30 days prior to expiration of your permit and we are not able to process your request before the expiration date, your permit will expire, and you will no longer be authorized to conduct your activity. If you allow your permit to expire before requesting renewal, you may be required to submit a new application. (See 50 CFR 13.11(c) and 13.22)).