



Regulatory Authorizations for Migratory Birds and Eagles

Effective December 31, 2024, the U.S. Fish and Wildlife Service published the Final Rule for Regulatory Authorizations for Migratory Bird and Eagle Possession by the General Public, Educators, and Government Agencies. This rule both revised and created new regulatory authorizations under the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (Eagle Act).

Regulatory authorizations are rules that establish eligibility criteria and conditions without requiring a permit to conduct those activities.

The revised and new authorizations are described in detail below. Contact your regional [Migratory Bird Permit Office](#) if you have additional questions.

1. Birds in Buildings - 50 CFR 21.14 (revised from 21.12(d))

What does this authorize? The prompt removal of migratory birds, including nests, eggs, and nestlings, from the interior of buildings. It applies to residences, businesses, and similar structures where birds are disrupting normal use, creating health or safety risks, damaging property inside the building, or risking injury by becoming trapped.

What is not authorized? This authorization does not apply to birds or nests on building exteriors. Removing in-use nests on the exterior of buildings or structures, such as in exterior eaves or bridges, is not covered by this regulation.

What changed? We expanded and clarified the scope as certain structures and circumstances were unintentionally excluded from the previous regulation.

2. Salvage - 50 CFR 21.16 (previously permitted under 21.95)

What does this authorize?

Opportunistic salvage (i.e., pick up) of migratory birds found dead, including parts, feathers, nonviable eggs, and inactive nests. This includes individuals who discover dead birds and want to donate or dispose of the bird.

What are the conditions? Salvaged specimens must be donated or destroyed within seven calendar days. Properly tagged specimens can be donated to individuals or entities authorized to possess by a valid permit or regulatory authorization. If not donated, migratory bird specimens must be completely destroyed, such as by burning or burial. Where local regulations allow, this includes disposal in the trash. Bald eagles and golden eagles have additional requirements.

What is not authorized? Salvaged birds may not be kept for personal use. For research activities, the Service continues to require a scientific collecting permit (21.73). For utility purposes, the Service continues to recommend a special purpose utility permit (21.95).

What changed? Permits were required for any salvage of migratory birds, including their parts, feathers, nonviable eggs, and inactive nests. We've replaced the permit requirement with a regulatory authorization for opportunistic salvage.

3. Exhibition of Migratory Bird and Eagle Specimens - 50 CFR 21.18 and 50 CFR 22.15 (revised from 21.12(b)(1) and 22.50)

What does this authorize? Qualified public entities to possess lawfully acquired migratory bird and eagle specimens without a permit for the purposes of public conservation-education programs or public archival purposes.

Who is "public"? The term "public" means entities that are open to the general public and are either established, maintained, and operated as a governmental service or are privately endowed and organized but not operated for profit.

Additional requirements for eagles: Possession of bald eagles and golden eagles is further limited to public museums, public scientific societies, and public zoological parks. Any newly acquired eagle specimens must be determined by the National Eagle Repository as not suitable for Native American distribution before they can be used.

What is not authorized? Individuals and private-for-profit entities are not considered public and do not qualify for this regulatory authorization.

What changed? This replaced the migratory bird permit exception 21.12(b)(1). It clarified who can possess migratory bird specimens for exhibition and expands to include eagle specimens. Possession of live migratory birds and eagles still requires a permit. Except, entities in possession of live migratory birds under 21.12(b)(1) before December 31, 2024, may continue until the Service finalizes rules on the exhibition of live birds.

4. Licensed Veterinarians 50 CFR 21.22 (revised from 21.12(c))

What does this authorize? Licensed veterinarians may provide veterinary care to sick, injured, and orphaned migratory birds, including eagles.

What is not authorized? Licensed veterinarians must transfer birds to a federally permitted rehabilitator (21.76) once veterinary care is complete, except birds in care for less than 24 hours may be released by licensed veterinarians. Veterinarians may not conduct

amputations and other procedures that could render a bird nonreleasable except as directed by a rehabilitator.

What changed? Veterinary care was clarified to mean performing diagnostics and procedures necessary for triage, including euthanizing migratory birds.

5. Mortality Events 50 CFR 21.32 (revised from 21.12(b)(2))

What does this authorize? Natural resource and public health employees, while performing official duties, to collect, possess, transport, and dispose of migratory birds found sick, injured, or dead from a mortality event. It is intended for mortality events where infectious disease is a suspected cause and a timely response is necessary to identify the cause and prevent spread.

What is not authorized? The authorization does not apply to the take of asymptomatic birds, including for activities such as disease monitoring. Instead, agencies conducting disease monitoring of asymptomatic birds should obtain a scientific collecting permit (21.73). This authorization does not apply to mortality events that are not suspected to be disease related.

What changed? We expanded from “disease outbreak” to “mortality event” to allow expedient response to events, such as toxins or mass starvation, where it is unclear if disease is the cause. This authorization was expanded to include bald and golden eagles.

6. Natural Resource Agency Employees - 50 CFR 21.34 (previously permitted under 21.95)

What does this authorize? Employees of federal, state, territorial, and federally recognized Tribal natural resource agencies may conduct the following activities while performing official duties: salvage; exhibit specimens (excludes live birds); transport sick, injured, or orphaned birds; and, when birds or humans are at risk, relocate birds.

What changed? Previously, natural resource agency employees required a special purpose permit to conduct these activities. We extended possession to 72 hours and added authorization for humane euthanasia because natural resource agency employees are often in remote areas and are in the best position to provide humane care.



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7. Law Enforcement Exception - 50 CFR 21.40 (revised from 21.12(a))

What does this authorize? Personnel conducting activities as part of official law enforcement duties of any agency authorized to enforce laws consistent with the MBTA or the Eagle Act.

What changed? We clarified that this authorization pertains to all law enforcement agencies authorized to enforce laws consistent with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. We also clarified enforcement personnel may temporarily designate authority to another individual in certain circumstances—for example, to pick up and dispose of a deceased bird in a remote area.

8. Airborne Hunting Act - 50 CFR 19

What does this authorize? Airborne Hunting Act regulations require authorization for certain activities from aircraft. This includes harassing migratory birds or eagles, whether or not a migratory bird or eagle permit would be required. Aircraft includes fixed-wing, helicopter, and unmanned aircraft systems (UAS or Drones). There are three mechanisms for authorization: (1) Federal and state employees, (2) authorization on a state permit, and (3) authorization on a migratory bird or eagle permit.

What changed? Previously, authorization on a migratory bird or eagle permit was limited to depredation permits (21.100). This was a problem when a legitimate aircraft use was not consistent with depredation purposes. We revised the regulations to use any

appropriate part 21 or part 22 permit. This includes scientific-collecting permits (21.73), special purpose utility permits (21.95), and eagle disturbance (22.250 or 22.260). We also clarified that aircraft operating consistent with Federal Aviation Administration minimum safe altitudes are unlikely to harass migratory birds and do not recommend a permit.

9. Humane and Healthful Definition - 50 CFR 21.6 and 50 CFR 22.6

What changed? Regulations at 50 CFR 13.41 require that any live wildlife must be possessed under “humane and healthful conditions.” We added a definition for humane and healthful to clarify how this applies to the possession of migratory birds (21.6) and eagles (22.6). The definition also clarified that humane and healthful conditions apply to all aspects of possession and care, including handling, housing, feeding, watering, sanitation, ventilation, shelter, protection from predators and vermin, enrichment, veterinary care, and euthanasia.

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