



## FREQUENTLY ASKED QUESTIONS ABOUT A FEDERAL NATIVE AMERICAN TRIBAL EAGLE AVIARY PERMIT (EAGLE AVIARY)

A Tribal Eagle Aviary (Tribal Eagle Aviary) permit authorizes a tribal entity engaged in Indian religious activities to possess lawfully acquired Bald Eagles and/or Golden Eagles for their tribe's religious use. You should review Title 50 Parts 10, 13, and 22.22 of the Code of Federal Regulations (CFR). **You are responsible for reviewing and understanding these regulations before you request and accept a permit.** These regulations can be found on our website at: <https://www.fws.gov/birds/policies-and-regulations/permits/need-a-permit.php>

**1. Who can receive a Federal Tribal Eagle Aviary Permit?**

A Federal Tribal Eagle Aviary permit will be issued only to a tribal entity that is federally recognized under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a-1, 108 Stat. 4791 (1994).

**2. What does a Federal Tribal Eagle Aviary Permit authorize?**

A Federal Tribal Eagle Aviary permit authorizes the long-term possession of live non-releasable eagles by a tribal entity for Indian religious purposes. Eagles held under this permit may be used in religious ceremonies and to collect and distribute naturally molted feathers to members of federally recognized tribes.

**3. Does the Federal Tribal Eagle Aviary permit authorize the public exhibition of eagles?**

No. Exhibition of live eagles or eagle parts to the is authorized under a Federal Eagle Exhibition permit (See <https://www.fws.gov/forms/3-200-14.pdf>). Live eagles can only be possessed under one permit, either Tribal Eagle Aviary or Eagle Exhibition.

**4. What is the authorized disposition of eagle remains should an eagle possessed under this permit die in captivity?**

At the discretion of the Principal Officer named on the permit, eagle remains may be distributed to enrolled members of federally recognized tribes or be buried or otherwise handled in the customs of the tribe.

**5. Can I use eagles for commercial purposes?**

No. Eagles possessed under a Federal Tribal Eagle Aviary permit may only be used for your tribal religious activities. Eagles cannot be used in any manner which implies personal use by anyone, or representation, promotion or endorsement of any products, merchandise, goods, services or any business, company, corporation or other organizations.

**6. Who is allowed to handle or touch live eagles possessed under a Federal Tribal Eagle Aviary permit?**

Eagle handling is limited to religious and husbandry management purposes only; human contact with live eagle(s) should be kept to a minimum. This restriction is intended for the safety of the handler and the eagle. However, for use in a traditional religious ceremony, tribal members may hold any eagle(s) possessed under this permit.

**7. Who can the Tribe designate as the Primary Caretaker on the permit?**

The primary caretaker can be any tribal or non-tribal member, who meets the education and eagle handling experience requirements. The primary caretaker must be at least 18 years of age.

**8. What experience must the Primary Caretaker have?**

The Primary Caretaker must demonstrate sufficient experience handling and caring for eagles. At least 300 hours working with eagles is recommended. This experience should include: the care and feeding of eagles, managing their aviaries (such as captive husbandry of multiple eagles, perching, etc.), and medical management. Up to 20 hours of your experience may be fulfilled by participation in raptor handling seminars and courses. You must also provide a written recommendation from another Federal permittee with eagle handling experience.

**9. Where can a Tribal Eagle Aviary be located?**

A Tribal Eagle Aviary must be located on any property that is under the control of the tribe. If the aviary is not on Tribal land, additional information explaining how the property is under Tribal control must be included with your application.

**10. What are the caging requirements for eagles authorized by under a Federal Tribal Eagle Aviary permit?**

All eagles authorized by a Federal Eagle Exhibition permit must be maintained under humane and healthful conditions as required in 50 CFR 13.41. Facilities must be adequate for each species you plan to possess. In evaluating whether caging dimensions are adequate, the Service will use as a guideline the standards established by The Raptor Center's (University of Minnesota, College of Veterinary Medicine) 2007 publication "Raptors In Captivity: Guidelines for Care and Management". These guidelines recommend a minimum enclosure of 12' L x 10'W x 9'H for a non-flighted eagle and a minimum enclosure of 40'L x 10'W x 9'H for a flighted eagle. Multiple eagles will require additional space; the Service recommends increasing the enclosure size by at least one-half for every additional eagle. Contact your Regional Migratory Bird Permit Office for assistance with housing requirements. Each enclosure will be evaluated and approved by the Service prior to issuance of this permit. The number of eagles authorized for possession will be based on the adequacy of the enclosure as well as experience of the Primary Caretaker. The issuing office shall determine the estimated carrying capacity of the facility.

**11. Is the veterinarian for eagles authorized by a Federal Tribal Eagle Aviary permit required to have avian experience?**

Yes. The designated veterinarian for any eagle(s) held under a Federal Tribal Eagle Aviary permit is required to have avian experience, preferably with large raptors and/or eagles. Tribal Eagle Aviary permittees are financially responsible for any veterinary fees incurred in the management of eagles authorized under a Federal Tribal Eagle Aviary permit.

**12. Is there a processing fee for a Federal Tribal Eagle Aviary permit application or for the Federal Tribal Eagle Aviary permit renewal?**

No. There are no fees for processing a Federal Tribal Eagle Aviary permit application, amendment, or renewal.

**13. How can I acquire eagles authorized by a Federal Tribal Eagle Aviary permit?**

You must obtain approval from your Regional Migratory Bird Permit Office prior to obtaining live eagles. To acquire or transfer eagles, you must follow instructions on page 2 of the Migratory Bird and Eagle Acquisition and Transfer Request Form (Form 3-202-12) (<http://www.fws.gov/forms/3-202-12.pdf>). Live eagles must be non-releasable and lawfully acquired from another federal permittee. The Tribal Eagle Aviary is financially responsible for any transportation and handling costs associated with acquiring eagles. Permittees should also contact their state wildlife agency for information about required state authorizations.

**14. What procedures are required to transfer the eagle(s) authorized by a Tribal Eagle Aviary permit to a new location?**

If your physical location will change, you must obtain prior approval from your Regional Migratory Bird Permit Office for your facilities for housing eagles at the new location by providing pictures and diagrams, including the L x W x H dimensions and a description of materials used for construction. (50 CFR 13.23) Any change in address or other circumstances that affect your permit (e.g., change in principal officer, caretaker or physical location as listed on the permit) must be reported to your Regional Migratory Bird Permit Office in writing within 10 days so your permit can be amended.

**15. Who are the personnel identified on my permit and what are they authorized to do?**

- (a) Principal Officer. For permits issued to organizations, a Principal Officer is identified on the permit; they are the permittee. The Principal Officer is the person in charge of the organization and is responsible for the application and any permitted activities. In the case of a Tribe this would generally be the Chairman or President or other leader of the tribal governing body.
- (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) Primary Caretaker. A Primary Caretaker can be identified for an organization if the principal officer does not meet the experience requirements for this permit. This individual is listed on the permit. The Primary Caretaker or subpermittee must be present when authorized activities are conducted.
- (d) 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. If subpermittees maintain birds or records off-site, such as at a satellite aviary, their physical location must be listed on 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.

**16. Will I be required to keep records of my activities with eagles authorized by this permit?**

Yes. You must maintain accurate records, legibly written or reproducible in English, on a calendar-year basis. Your records should reflect the acquisition, veterinary care, and disposition of each eagle that is held under a Federal Tribal Eagle Aviary Permit. Your records must also include the name and address of anyone you transfer remains or feathers to, the items transferred, and the date of transfer.

**17. Will anyone inspect my records or eagles held under a Federal Tribal Eagle Aviary permit?**

By accepting a Federal Tribal Eagle Aviary permit, you authorize an agent of the Service to enter your premises at any reasonable hour to inspect the eagle(s) in your care, your books or records. (50 CFR 13.47)

**18. Will I be required to submit an annual report of activities?**

Yes. The report form can be found on our website at <http://www.fws.gov/forms/3-202-14.pdf> or you may request one from your Regional Migratory Bird Permit Office. This report must be completed and submitted to your issuing office by January 31 of each year. You do not need to report to us remains and feathers transferred to others, but you must keep records of these transfers.

**19. How do I renew my permit?**

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