



FREQUENTLY ASKED QUESTIONS ABOUT A FEDERAL EAGLE DEPREDATION PERMIT

A federal Eagle Depredation permit (50 CFR 22.23) authorizes you to haze or trap bald eagles and/or golden eagles that are depredating or pose a risk to human or eagle health and safety. Depredation includes agricultural damage, private property damage, threats to human or eagle health and safety, and threats to recovery of protected wildlife. An Eagle Depredation permit is intended to provide short-term relief from eagles until long-term, non-lethal measures can be implemented to eliminate or significantly reduce the depredation problem.

You should review Title 50 Parts 10, 13, and 22.23 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. **What is Eagle Depredation?**

Eagle Depredation is damage or loss caused by bald eagles and/or golden eagles, including agricultural damage (e.g. livestock loss), private property damage, threats to human or eagle health and safety (e.g. airports), and threats to recovery of protected wildlife. Eagle Depredation permits are intended for the active management of eagles, either for the purpose of addressing depredation by eagles or threats to human and eagle safety (50 CFR 22.23).

2. **Do I need a federal Eagle Depredation permit to haze eagles?**

Hazing eagles does not necessarily require a permit. The Eagle Act does not prohibit the activity of hazing. However, a permit is required when hazing of eagles will disturb eagles.

Disturb, as defined in regulation (50 CFR 22.3), means to: “agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

When there is potential for purposeful hazing of eagles to disturb eagles, the Service recommends an Eagle Depredation permit. If you are unsure if eagle hazing may result in disturbance, contact your regional Migratory Bird Permit Office for technical assistance. Generally, disturbance or other forms of take of eagles is unlikely to result while hazing migratory birds or other wildlife species. However, if eagle hazing will occur adjacent to eagle nest site, roost site, or important foraging area, please contact your regional Migratory Bird Permit Office for additional guidance. Eagle Depredation permits do not authorize incidental hazing of eagles (e.g. hazing of eagles that results from hazing other wildlife).

3. **What else can I do to keep eagles away?**

The most effective approach is to minimize or eliminate the attractiveness of your site to eagles. Reducing the attractiveness to eagles can be done with landscape alteration (e.g. prey management, vegetation management), cultural practices (e.g. covering of food sources, adjusting seasonal timing, constructing livestock enclosures), and/or policies (e.g. roadkill removal policies, no dumping policies, and no feeding policies). Some methods, particularly permanent landscape alteration, may have the potential to disturb eagles. For more guidance, see the [Bald Eagle](#)

[Management Guidelines](#) or contact your regional Migratory Bird Permit Office. For additional information and expertise on these methods, contact Wildlife Services, part of the U.S. Department of Agriculture (USDA) or visit the website: www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/.

4. What is a Form 37 and what is the role of Wildlife Services?

Wildlife Services is part of the USDA and provides expertise to help resolve wildlife conflicts. They can assess your situation and provide recommendations of short-term measures to provide relief from eagle depredation and long-term measures to help eliminate or significantly reduce the problem. Wildlife Services also provides a "Form 37 Permit Review Form". This form is required as part of your Eagle Depredation Permit application. You must call Wildlife Services (866-487-3297) to obtain a Form 37.

5. Who may apply for an Eagle Depredation Permit?

The entity who is (a) experiencing the damage, (b) responsible for compliance with the permit, AND (c) has authority to implement the activities described under the permit should apply for the permit. Common types of applicants include airports, farmers/ranchers, and natural resource managers. Applicants must either own or have formal legal access (e.g., easement) to the property on which they request to perform actions under an Eagle Depredation permit. Contractors may assist permittees in completing an application as well as conducting the work as a subpermittee but may not apply for the Eagle Depredation permit.

6. Will my permit be restricted to certain methods, species, and numbers of eagles?

Yes. Your permit will list the species and numbers of eagles you are authorized to haze and/or trap and the method(s) you are authorized to use. You must describe the species and numbers you are requesting to haze and/or trap, and the method(s) you propose to use on your application. Your authorization may be restricted due to population status, nesting season, and other criteria.

7. Can I take birds other than eagles under an Eagle Depredation permit?

Almost all bird species in the United States are federally protected under the Migratory Bird Treaty Act (MBTA). Protection is not limited to individual birds or species that migrate. The list of federally protected migratory birds can be found in 50 CFR 10.13. Nonnative species such as European starlings, rock (feral) pigeons, house sparrows, and mute swans as well as upland gamebirds such as grouse, turkey and quail are not federally protected under the MBTA.

For migratory birds (except eagles and federally listed threatened or endangered species), a federal permit is required to trap or kill migratory birds. A permit is not required to harass or scare migratory birds. A permit is not needed to destroy inactive bird nests, provided the nest is destroyed and not kept. An inactive bird nest is one without eggs or chicks present. For more information, see the Application Form and associated Frequently Asked Questions for Migratory Bird Depredation permits, available at <http://www.fws.gov/forms/3-200-13.pdf>.

8. Can an Eagle Depredation permit authorize the removal of an eagle nest?

Removal of eagle nests is authorized under a separate regulation (50 CFR 22.27). Eagle Nest Take is only available under a limited set of circumstances, including human or eagle safety emergencies, public health and safety, or a human-engineered structure becomes inoperable. The Eagle Nest Take Permit Application Form and Frequently Asked Questions can be found at <https://www.fws.gov/forms/3-200-72.pdf>. In some circumstances, Eagle Nest Take authorization may be combined with Eagle Depredation authorization. To request this, contact your regional Migratory Bird Permit Office for guidance.

9. Can an Eagle Depredation permit authorize incidental trapping of eagles?

Unintentional trapping of eagles during management of other wildlife is considered incidental take. Incidental Take is authorized under a separate regulation (50 CFR 22.26) and requires implementing all appropriate and practicable means of avoiding and minimizing the risk to eagles. The Eagle Incidental Take permit Application Form and Frequently Asked Questions can be found at <https://www.fws.gov/forms/3-200-71.pdf>. In some circumstances, Eagle Incidental Take authorization may be combined with Eagle Depredation authorization. To request this, contact your regional Migratory Bird Permit Office for guidance.

10. What do I do if I find an injured eagle?

Contact the closest eagle rehabilitator to coordinate transportation of an injured eagle. Your regional Migratory Bird Permit Office or State Wildlife Agency can assist you with finding a permitted rehabilitator. Licensed veterinarians may also provide emergency care and euthanasia. Eagle Depredation permits require notification of the Service immediately upon discovery of any eagle injury or death.

11. What is the application process and fee for an Eagle Depredation permit?

Your federal Eagle Depredation permit application will consist of:

- a) The Service application form 3-200-13, including Section E questions;
- b) A "Form 37 Permit Review Form" completed by Wildlife Services within the last 90-days; and
- c) Appropriate application processing fee (see Section D(1) of the Application Form).

Your application will be returned if you provide incomplete information. Please clearly state in your application materials if you consider yourself fee-exempt.

12. Where do I submit my Eagle Depredation permit application?

Submit your application to the Service regional Migratory Bird Permit Office that is responsible for the State in which the permitted activity will take place. A list of permit offices, their area of responsibility, and contact information is included in the application package.

13. Do I need any additional permits or other authorizations to conduct depredation activities?

Some States require a permit in addition to the Federal Depredation Permit. Additionally, you must comply with local ordinances, such as discharging firearms. This permit does not authorize you to use Federal, State or Tribal lands, or other public or private property without appropriate authorization. It is your responsibility to make sure you comply with these requirements.

14. 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. The Principal Officer is the person in charge of the organization, responsible for the application, and legally liable for activities conducted 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.

15. Will I be required to keep records of the activities authorized under this permit?

Yes. You must maintain accurate records, legibly written or reproducible in English, of operations on a calendar-year basis of the information required by your permit. By accepting a Federal Depredation permit, you authorize an agent of the Service to enter your premises at any reasonable hour to inspect the wildlife you hold, your books or records. (50 CFR 13.47)

16. Will I be required to submit an annual report of my Eagle Depredation activities?

Yes. The form can be found on our website at: <http://www.fws.gov/forms/3-202-9.pdf>. Permittees must submit annual reports even in years when they do not use their permit's authorization to haze eagles. In these instances, permittees should submit an annual report with signed statement that they did not haze eagles during the reporting period.

17. How long is an Eagle Depredation permit valid? Can it be renewed?

Eagle Depredation permits may be valid for up to 5 years. Permits may be restricted to durations less than 5 years (e.g. 1 year, 90 days, etc.) depending on the eagle species involved, the type of activity requested (e.g. hazing, trapping), and the nature of the damage being experienced.

Eagle Depredation permits may be renewed. 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. 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 the Service acts upon your renewal application. 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)