

**FREQUENTLY ASKED QUESTIONS
FEDERAL PERMIT FOR EAGLE DISTURBANCE TAKE
(FORM 3-200-91)**

A Federal permit for disturbance of eagles authorizes disturbance of eagles, as defined in 50 CFR 22.6, and where the take results from but is not the purpose of an otherwise lawful activity.

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 disturbance 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. What is meant by “take” of eagles?

“Take” is defined by regulation as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest or disturb.” “Disturb” is further defined in regulation (50 CFR 22.3) as “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.”

“Incidental take” is defined in regulation as “take that is foreseeable and results from, but is not the purpose of, an activity.” This application form can be used for activities that might incidentally disturb eagles.

3. Under what circumstances can eagle disturbance be authorized under this type of permit?

Permits are available for disturbance of nesting bald eagles or golden eagles under certain circumstances. General permits are available for bald eagles for the activities described in the table below, including the distances from a bald eagle nest in which those activities require a permit. Specific permits are available for disturbance of bald eagles for activities not described in the table. Specific permits are also available for disturbance of golden eagles.

Activity	Distance from bald eagle nest
Building construction and maintenance	Within 660 feet
Linear infrastructure construction and maintenance (e.g., roads, rail, trails, power lines, and other utilities)	Within 660 feet
Alteration of shorelines and water bodies (e.g., shorelines, wetlands, docks, moorings, marinas, and water impoundment)	Within 660 feet
Alteration of vegetation (e.g., mowing, timber operations, and forestry practices)	Within 660 feet
Motorized recreation (e.g., snowmobiles, motorized watercraft, etc.)	Within 330 feet of an in-use nest

Nonmotorized recreation (e.g., hiking, camping, fishing, hunting, canoeing, etc.)	Within 330 feet of an in-use nest
Aircraft operation (e.g., helicopters and fixed-wing aircraft)	Within 1,000 feet of an in-use nest
Prescribed burn operations	Within 660 feet
Loud, intermittent noises (e.g., blasting)	Within ½ mile of an in-use nest

4. How long is an eagle disturbance take permit valid?

General permits are valid for a maximum of 1 year. 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. Permits for eagle disturbance expire on August 31.

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

For general permits, the Service charges an application fee of \$100 for the eagle disturbance take. For specific permits, the Service charges an application fee of \$2,500 for commercial and \$500 for noncommercial entities.

6. Who can apply for a 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.

7. 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.

8. What kind of avoidance, minimization, and compensatory mitigation measures will be required?

Regulations and permit conditions specify required avoidance, minimization, and monitoring measures. Standard conditions for general permits are available for viewing on the Service's [website](#). Specific permit conditions may include additional requirements to:

- a. Implement measures to avoid and minimize nest disturbance, including disturbance due to noise from human activities, visibility of human activities, proximity of activities to the nest, habitat alteration, and any indirect stressors.
- b. Avoid activities that may negatively affect the nesting substrate, including the survival of the nest tree.
- c. Monitor in-use nests sufficiently to determine whether nestlings have fledged from the nest.

9. Does hazing of eagles require a disturbance permit?

No. Hazing—the use of nonlethal methods to disperse eagles away from a site—does not constitute eagle disturbance unless it is adjacent to an in-use nest and disrupts eagle breeding activity. The intent of hazing is to purposefully deter eagle depredation (e.g., substantial injury to wildlife or agriculture) or reduce threats to human or eagle health and safety by temporarily displacing individual eagles from a location. We currently recommend nest buffers of 660 feet for bald eagles and 1 mile for golden eagles. Hazing within those buffers may require an eagle depredation permit. Please reach out to USDA-Wildlife Services to begin the process of obtaining such a permit.

10. Will I be required to submit a report?

All permittees must submit an annual report using the Service Form 3-202-15. The report must include nest status and, if occupied, nest fate (e.g., fledged young or failed to fledge young). Your annual report is due within 30 days of the expiration of your permit or prior to requesting renewal of your permit, whichever is first. An annual report is required, even if no eagle activity was observed or no activities were conducted.

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

You are responsible for ensuring that the activity involving the disturbance 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)).