

Eagle Summit III

March 2014

Eagle Reference Book

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Eagle Summit III

Eagle Reference Book

Section 1:

Summit History and Background

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Overview and Concerns of Eagle Summit I Denver March, 2010

The Colorado Commission of Indian Affairs and the U.S. Fish and Wildlife Service invited 36 Tribal Councils and key members of tribal staff. Tribal members and the Denver urban Indian community to participate in an Eagle Summit that was held at the U.S. Fish and Wildlife Service Regional Office in Lakewood CO, on March 18, 2010. The meeting lasted from 6 p.m. to 10:30 p.m. with 12 tribes from region 6, four tribes from other regions, and one Canadian tribe participating. Fifty-nine tribal members participated of which 13 were Tribal Council members. Regional Director Steve Guertin, and assistant regional directors (ARDs) from Refuges, External Affairs, Law Enforcement, Migratory Birds, Budget and Administration, and acting ARDs from Fisheries and Ecological Services participated in the meeting.

The Eagle Summit was a meeting, not a government-to-government consultation.

Jim Dubovsky, Chief of Migratory Birds in Denver, Bernadette Atencio, National Eagle Repository in Commerce City, Colorado, and Steve Oberholtzer, Special Agent in Charge of Law Enforcement in Denver, were the featured speakers. Dr. Dubovsky discussed eagle permits and eagle population management from a regional perspective.

Mrs. Atencio discussed the processes used at the Repository for distributing feathers to permit holders. Mr. Oberholtzer spoke on the laws and regulations governing eagle feather possession. Each spoke for 20 minutes, and then addressed questions and concerns from the Tribal Leaders in attendance. Mr. Ernest House, Jr. moderated. A transcriptionist recorded the questions, answers and comments. The Service will provide the transcript to the Tribal governments and Service ARDs in attendance as well as decision-makers of the Service in Washington DC.

In addition, the National Eagle Repository offered tours of the facility on Thursday, and Friday. Both tours were well-attended.

MEMORANDUM

To: Noreen Walsh
Deputy Regional Director
Assistant Regional Directors

Subject: Tribal Concerns Expressed during the Eagle Summit
Date: April 26, 2010

You will find attached a cover sheet highlighting concerns expressed by the Tribes that were teased from the transcript of questions and answers from the Eagle Summit. The Eagle Summit was an event for tribes in Region 6, although other tribes attended as well. Speakers included: Dr. Jim Dubovsky, Chief of Migratory Birds; Mrs. Bernadette Atencio, Supervisor of the National Eagle Repository; and Mr. Steve Oberholtzer, Special Agent in Charge of Law Enforcement. This meeting was not a government-to-government consultation. Members of seventeen tribes participated. Of the 59 tribal members in attendance, 13 were tribal councilmen.

As you review these concerns, you will see some suggestions for consideration/response, and an initial identification of who may be appropriate for crafting the response to the tribes. Please note, the tribes desire additional meetings on the topic of eagles that include decision-makers from headquarters. If you have any questions or suggestions, please contact me.

Not included on the attached list, but mentioned by Noreen at today's coffee meeting is the question of allowable take of eagles this year. After your review, we will add that question on the attached list of concerns (and identify responsible program). If possible, please have your comments back to me through DTS (DCN 044 782) by Monday, May 17, 2010, so we can finalize and distribute. Thank you.

Eagle Summit II - Rapid City - 2011



Conserving this Nation's fish and other aquatic resources cannot be successful without the partnership of Tribes; they manage or influence some of the most important aquatic habitats both on and off reservations. In addition, the Federal government and the Service have distinct and unique obligations toward Tribes based on trust responsibility, treaty provisions, and statutory mandates.

Oglala Sioux Tribe and the U.S. Fish and Wildlife Service (Service) hosted Eagle

Summit II in Rapid City, South Dakota, on May 2, 2011. Over 100 Tribal Council members, Fish and Game Directors, Cultural Resource Directors and Tribal Historic Preservation Officers from 29 tribes and a few federal agencies' staff members participated in the event.

The agenda items included: opening session that included a report on actions taken by the Service since the first Eagle Summit, a variety of law enforcement issues, draft Eagle Guidelines for Wind Energy, a working lunch featuring a traditional speaker, non-eagle feather repositories, eagle aviaries, small groups discussions, and closing remarks. There was a booth staffed with people from the National Eagle Repository and the Region 6 Permits office to provide information and answer individuals' questions that do not pertain to the entire audience.

The theme, goal and objectives for Eagle Summit II were:

Theme: To Protect Bald and Golden Eagles while Allowing Native American Uses and Preserving the Species for Future Generations.

Goal: To continue to Improve communication and understanding about eagles between the Tribes served by Region 6 of the U.S. Fish and Wildlife Service by discussing topics of mutual interest and identifying issues needing resolution.

Objective 1: To identify areas where Tribes and the Service can improve within their bureaucracies with regard to eagles.

Objective 2: To develop/provide "take home" messages that Tribal leadership and Tribal staff can provide to Tribal members.

Background: In 2009, Region 6 of the Fish and Wildlife Service (Service) met with Tribes individually and in small groups to discuss two proposed permits--one to take eagles and one to take eagle nests. During these meetings, discussions with the Tribes many times expanded to other topics, such as legal feather possession, National Eagle Repository process, law enforcement investigations. These issues were forwarded to the decision-makers within the Service for follow-up. In spring, 2010, the Director of the Service wrote to the Tribes, addressing many of these concerns.

In March 2010, the Service held the first Eagle Summit in Denver, Colorado, to provide more information on eagle-related topics to the Tribes served by Region 6. At this meeting, many asked for a continuation of the discussions and for Tribal involvement in the planning process. Regional Director Steve Guertin agreed. All Tribes served by Region 6 received a transcript of the meeting. The issues raised were compiled and forwarded to the appropriate decision-makers for follow-up.

In late 2010, Region 6 initiated planning for Eagle Summit II by composing a Planning Team of ten persons, including Councilman Mike Fox, Fort Belknap Reservation; Planner Monica Terkildsen, Oglala Sioux Nation; Cultural and Natural Resources Director Patty Madsen, Northwestern Shoshone; and Tribal Historic Preservation Officer Elgin Crows Breast, Three Affiliated Tribes.

In addition to the Planning Team, 21 persons were invited to be on a Tribal Advisory Committee. Of these, 13 accepted the invitation. The Advisory Committee received queries from the Planning Team requesting advice on a number of topics, including but not limited to goals for Eagle Summit II, date and location, and topics to be discussed. The Planning Team then considered their advice when making final decisions about the daylong Eagle Summit II

Issues Raised During Eagle Meetings and Consultations

Concerns Related to the New Eagle Permit Regulations at 50 CFR 22.26

1) Permits should only be issued for safety emergencies.

While the bald eagle was listed under the Endangered Species Act (ESA), a permit was available under the ESA to take bald eagles incidental to an otherwise lawful activity. Because there were no regulations under the Bald and Golden Eagle Protection Act (Eagle Act) to allow disturbance and other incidental take of either species of eagle, the new regulations at 50 CFR 22.26 establish permits for activities or projects that result in such take.

The Eagle Act provides that eagles may be taken to protect interests in different localities. Congress gave the Secretary of the Department of the Interior discretion to determine what types of interests might be harmed by the broad protections afforded to eagles by the Eagle Act. There is a genuine and substantial public need to allow activities, including critical infrastructure projects that might disturb or otherwise take eagles in the course of otherwise lawful conduct, to proceed without violating the law. Therefore these new regulations provide a means to authorize eagle take to protect interests such as transportation needs, electric utility maintenance, residential and commercial development, forestry, resource development and recovery, and other public and private interests. This is not unlike the regulations/process in place when bald eagles were listed as threatened or endangered.

2) Permits should not authorize lethal take of eagles, only disturbance.

Our goal and responsibility under the Eagle Act is to maintain stable or increasing breeding populations of bald and golden eagles. Take that results in a loss of productivity and take that results in mortality must be assessed primarily in terms of effects to the regional and local area populations. Depending on the age and breeding status of an individual eagle, some take that results in mortality will have less impact than some disturbance take. We will, when appropriate, undertake consultation with Tribes that may be affected by authorization of non-purposeful lethal take of eagles on a case-by-case basis. In doing so, we will consider the cultural and spiritual significance of eagles and how take that results in mortality could adversely affect Tribal cultural values.

3) The Service should limit eagle take to only Indian take. It should not allow corporations to take eagles.

The effect of issuing permits under the new regulations will not impinge on Native Americans' access to eagles for religious/ceremonial use. This regulation includes provisions to ensure that, if overall demand for authorizations to take eagles approaches what would be compatible with the preservation of the bald eagle or the golden eagle, requests related to Native American religious/ceremonial use will be authorized before other requests for take. Any take by corporations under the new permits will be limited to non-purposeful take that cannot practicably be avoided.

4) If eagles must be taken under the new permits, they should be distributed to Tribes. Relocation should be attempted first, but if it does not work, only the Service should be able to take problem eagles. Alternatively, lethal take could be contracted to Native groups to perform. Tribes could capture and relocate eagles using traditional practices.

Take of eagles for traditional religious ceremonial purposes is authorized under older regulations at 50 CFR 22.22. If feasible and appropriate, we may encourage a Tribe that applies under those regulations to take eagles that would otherwise be taken under the new permit regulations at 50 CFR 22.26. However, as a generality, we think it will be difficult to meet the purposes of both permits with a single take. The new regulations are for non-purposeful take, where the take is associated with another activity and cannot practicably be avoided. Many of these permits will be for take in the form of disturbance, with no eagle mortalities. For the permits that will authorize non-purposeful eagle take, most mortalities authorized under the permit regulations at § 22.26 will be "non-controllable," that is, the timing and location of each take cannot precisely be known before it occurs. When discovered, the carcasses of all eagles killed under these permits will be sent to the National Eagle Repository to meet the religious needs of Tribal members whose needs can be met without taking eagles from the wild. This provision provides an equitable opportunity for members of all federally-recognized Tribes to use feathers and parts from such eagles for religious purposes.

5) Tribes should administer the new permit program instead of the Service.

We cannot legally delegate administration of this permit program to any State or Tribal agency. The Eagle Act provides that take of bald eagles can never be authorized except by a permit issued by the Department of the Interior.

6) The Service should have used the formal negotiated rulemaking process to develop the regulation. It should reopen the rulemaking process to ensure Tribal concerns are heard.

An agency is not mandated to use negotiated rulemaking, but can do so by choice. Its decision to use negotiated rulemaking is based on a number of factors, including whether it is likely that a balanced committee can be formed and whether it is reasonable to believe that the committee will reach a consensus recommendation for a proposed rule. The agency's resources must also be considered because the negotiated rulemaking process requires substantial agency resources. In the case of the eagle permit regulations, the Service did not have the resources or the time to establish a negotiated rulemaking process. However, we followed the proper procedures for public notice and comment rulemaking, providing the public, including Tribes, ample opportunity to provide input.

The initial comment period for the rule was 90 days, which is standard for a significant rule. We also re-opened the comment period on the rule for another 30 days in August 2008. Therefore, the total length of time the rule was open for public comment (120 days) was longer than for most rules. We sent each federally-recognized Tribe a letter soliciting input on this action when the proposed rule was published in the *Federal Register*. The Service sent a second letter to the Tribes when the DEA was released, and several Service Regional offices have hosted or attended meetings in order to clarify the Service's actions and hear Tribal concerns. We did not delay completion of the regulations because there is a genuine and substantial public need for these permits. Without them, many activities, including critical infrastructure projects, that might disturb or otherwise take eagles had no means of gaining authorization for the take, and were either on hold or compelled to violate the law.

7) The Service should have consulted individually with Tribes, then with Tribes as a group. Also, Tribal elders should be involved in the consultations.

In order to ensure we could get all relevant information to the Tribes and offer all interested Tribes to meet with us, we needed to combine our discussions with various Tribes. Logistically, it would have been nearly impossible for us to contact and meet with each federally-recognized Tribe individually. While, it would be ideal to ensure that Tribal elders are included in the process, government to government consultation generally encompasses a dialogue between Federal government agencies and Tribal *governments*. In most cases, we must rely on the Tribal government to contact elders and others who the Tribe feels should participate in the consultation.

- 8) **Prior to issuing permits under the new regulations, the Service should allow the Tribes to review the application and get their concurrence.**

The Service has committed to developing structured coordination procedures with Tribes who wish to do so. In the context of eagle management, structured coordination procedures are a way of establishing a consistent framework for coordination between the Service and Tribal (and other government) agencies. Development of Regional structured coordination procedures for working with Tribes during the § 22.26 and § 22.27 permitting processes will promote effective coordination on eagle management and permitting between the various agencies.

Structured coordination procedures will likely vary with respect to different Tribes. Some Tribes may wish to review each permit application, some may wish to be informed of applications for take in specific geographic areas or for certain types of activities; many others do not want to be involved with the application process at all. The Service will work with Tribes to establish the level or process of consultation that meets our responsibilities with respect to each Tribe. Consultation may affect the Service's determination whether to issue eagle permits, and appropriate conditions for some permits. Establishing a framework for communication about permitting and other eagle management decisions should help to address the Tribal concerns regarding protection of eagles.

- 9) **No eagles should be taken from Tribal land.**

Permits issued by the Service do not allow eagles to be taken on Tribal land unless the Tribe authorizes the take.

- 10) **The Service should consider Tribal interests beyond reservation borders (aboriginal lands when reviewing permits).**

In the final environmental assessment of the rule to establish the new eagle permits, and in the draft implementation guidance for those new permits, we have committed to including aboriginal lands in our evaluation of what constitutes a sacred site when issuing eagle permits.

- 11) **The Service should study the impact of corporations' activities on eagle habitat.**

We are engaged in a number of population surveys and habitat assessments that help us to evaluate the impact of human activity on eagles and their habitats. Corporate activities are part of the overall human impact. One of the requirements of getting a permit under the new eagle permit regulations is monitoring by the permittee. With few exceptions, all permittees will have to report to the Service information about the impact of their activities on eagles. This information will enhance our ability manage and protect eagles.

The Service should reimburse Tribal participants for the costs of consultation.

Government to government consultation is a voluntary option for Tribes. No Tribe is required to consult but rather are afforded the opportunity and choice to consult. As with any sovereign government, Tribes are responsible for bearing the costs of their governmental activities. In addition, the Service has limited funds for travel and meetings and would have difficulty reimbursing the Tribes or any other groups or individuals.

Issues Related to Native American Access to Eagles and Other Migratory Birds

- 1) **The Service should regulate non-Indians, not Indians and eliminate permits for Tribal members in accordance with the American Indian Religious Freedom Act (AIRFA).**

Because the prohibitions of the Eagle Act and the Migratory Bird Treaty Act apply to Native Americans as well as other U.S. citizens, the Service cannot choose not to regulate Native Americans as part of managing eagles and migratory birds. However, we are actively looking for ways to lessen the burden of regulations on Native Americans with regard to their access to eagles and other migratory birds. A 2005 intra-Service Task Force identified five major areas within the Service's programs and regulations that need attention and/or revision to address Native American access to migratory birds and eagles and it developed recommendations to address them, and we taken steps to address all of them, though much work remains. One avenue explored by the Task Force was to change Federal regulations to allow enrolled Tribal members to possess legally acquired migratory bird and eagle specimens without a Federal permit. However, although this approach has a great deal of merit, there are a number of legal hurdles and complex ramifications that need to be sorted out before it could be accomplished.

- 2) **The Service should establish a permit for migratory bird feather possession. It should also consider distributing non-eagle feathers to Tribes.**

We recognize that many migratory bird species have spiritual significance to some Tribes and that it is important to establish a means for Tribes to legally obtain and possess feathers and parts of migratory birds for use for religious purposes. Distributing feathers of other birds in addition to eagles from the National Eagle Repository (or a separate repository) is one of the options studied by the Task Force. However, doing so would require substantial new resources beyond what is appropriated to our agency. In 2007, we published a notice in the Federal Register asking for public input that would allow us to begin the process of revising current regulations to address this issue (72 FR 33188, June 15, 2007). We notified all the federally-recognized Tribes to ensure that all who were interested were aware of the notice and had the opportunity to provide input. Many Tribes provided input that will be of value in moving forward. Unfortunately, due to limited staffing, we have not been able to take the next steps necessary to proposing regulatory changes even though it is a priority for us. However, we anticipate being able to resume work on this issue in the near future.

- 3) **The Service should involve the Tribes in updating policies.**

We agree that the Service should involve the Tribes when updating any policies that may affect Tribal interests. Whenever we propose to amend, revise, or propose regulations that affect Tribes, we make sure to notify all federally-recognized Tribes to ensure they have the earliest opportunity to provide input into the rulemaking process. If Tribes express particular interest or concern about Service proposals, we make every effort to meet with the concerned Tribes, and to hear and address

their concerns while balancing other public interests, including wildlife conservation, property rights, and public safety.

4) The Service should let Tribes issue permits and allow Tribal repositories.

We may consider proposals to allow Tribal repositories that include rigorous conditions to safeguard migratory birds, such as good recordkeeping and documentation of legal sources, and a means to track the feathers that are distributed. At present, we do not envision allowing any Tribal repositories for eagles, unless feathers come from the Tribe's own eagle aviaries, because of the problems it would create with regard to supply and distribution from the National Eagle Repository. If Tribal repositories began to distribute feathers from legal sources outside of their own eagle aviaries (e.g., zoos, falconers rehabilitators), those sources would have a conflict about where to send their eagle parts and feathers. Already, the National Eagle Repository does not receive enough eagle carcasses and feathers to quickly meet the needs of most Tribal members. Decreasing its supply would lengthen the delays in filling orders.

5) The Service should establish regional repositories in increase efficiency.

The National Eagle Repository does not receive enough eagle carcasses and feathers to quickly meet the needs of most Tribal members. Decreasing its supply, by creating regional repositories, would lengthen the delays in filling orders. Presently, the National Eagle Repository operates under a "first come, first serve basis", having numerous repositories would result in delays to certain Tribes due to the geographic limitations of eagle populations.

6) The Service should let Tribes keep feathers and dead eagles they find – or at least enact a policy wherein eagles salvaged within a State go to those Tribes in that State.

We continue to weigh options for allowing Tribal members to collect eagle carcasses and feathers. However, there are a number of significant issues that need to be worked out before we would revise regulations to allow collect, including law enforcement issues and concerns about the impact on distribution from the National Eagle Repository.

7) The Service should make confiscated items available to Tribes.

All feathers and usable parts of eagles that are abandoned or forfeited after the closing of an investigation are sent to the Repository for potential distribution

8) The National Eagle Repository should recruit Tribal volunteers to process feathers.

The Repository is a secure facility which is staffed with highly trained federal employees. Tribal members have expressed concerns with having members of other Tribes handling and processing their feather requests. To avoid any possible conflict between Tribal customs the Office of Law Enforcement has decided to forgo the use of Tribal volunteers for now. However, please be advised the Service has recently hired an additional repository employee to expedite Tribal requests.

- 9) Some tribal members have received feathers that they consider to be of unacceptable quality.

The eagles received by the National Eagle Repository are sometimes in poor condition. The employees of the repository take the utmost care when salvaging feathers from these eagles. One step in the process of distributing whole birds is to contact the recipient to verify their address and explain what is being sent. In cases where items fall short of the recipients expectations, and it is made known to Service staff, we will take appropriate actions to correct valid complaints on a case-by-case basis.

- 10) Tribes should be allowed to take discarded remains of eagles to dispose in a culturally appropriate manner, instead of incineration.

The Service understands that it is disturbing to many tribal members that unused parts of birds are incinerated. There is no process at this time to provide for a more culturally acceptable disposal but the Service is interested in hearing recommendations for improving our processes.

- 11) The Indian Religious Eagle permit application should be revised to make it user-friendly. The Service should change items available on permit e.g. bones, matched wings and tail and talons (multiple birds).

All Service permit applications are required to be approved every three years by the White House Office of Management and Budget. As part of the approval process, we publish a notice in the *Federal Register* to alert the public of the opportunity to provide feedback on the format and content of the application forms. We also are required to send each type of application form to a certain number of people who we know use that form and ask them to provide input that would help us improve the forms. In the meantime, we would like to take this opportunity to encourage Tribes who have suggestions for improving the application to send their recommendations to: U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 4401 N. Fairfax Drive, Arlington, VA 22203. For recommended changes to the items made available by the National Eagle Repository, we will work with the Repository to make changes where feasible.

- 12) The Service should establish a permit for artisans working with feathers.

The Service understands that artisans often handle other people's eagle items but do not hold a permit to be in possession of those items. In this regard, there is no requirement that an artisan, who is a member of a federally recognized tribe, possess such a permit. Before agreeing to take possession of items, a craftsman should be confident that the items are of a legal source. A religious use permit verifies the legal origin of eagle items. As with taxidermists, licensure permits those activities associated with that craft but does not authorize permanent possession of individual items. It is up to the craftsman to verify that the source of items is verifiably legal. With Native artisans, there is no license requirement for handling eagle items and in the view of the Service, no benefit in regulating their craft. We will not, however, exempt any person through a permit or otherwise, to be party to illegal take or commerce of eagle parts and feathers.

- 13) Tribes are concerned with the prohibitions on "trading and/or bartering." The terms are vague and culturally insensitive.

The prohibitions on trading and bartering are set forth in the Eagle Act and Migratory Bird Treaty Act. Because the prohibitions are set forth in statutes, they can only be removed through legislation by the United States Congress. As a Federal agency, the Service can craft regulations to implement statutes, but we cannot revise the statutes themselves. As we understand it, the prohibitions on

trading and bartering were intended to prevent commercialization of feathers in order to reduce trafficking and protect eagle and other migratory bird populations. Current regulations do allow Tribal members to gift their eagle feathers and parts to family members and other enrolled members of federally recognized Tribes. However, it is not permissible to exchange items protected under the Eagle Act and Migratory Bird Treaty Act for anything with a commercial value.

14) The Service should facilitate transporting bundles and feathers to and from Canada.

For decades, the Bald and Golden Eagle Protection Act prohibited anyone from bringing eagles, eagle feathers, or eagle parts into or out of the country for any reason. This prohibition on "import" and "export" was intended to protect eagles from possible commercial exploitation by preventing any international trade in eagles, eagle feathers, and eagle parts.

Under this law, even Native Americans who used eagle feathers and parts for religious purposes could not legally travel with these items outside of the United States. Eagle items that were taken out of the country for any reason were subject to seizure by law enforcement officers. Native Americans traveling internationally faced two unappealing alternatives: either leave eagle items at home or risk having them confiscated. In 1999, the Service introduced eagle transport permits to address this problem. This transport authorization recognizes the religious and cultural significance of eagles to Native Americans and makes it possible under the Eagle Protection Act for enrolled members of U.S. federally recognized tribes to travel overseas legally with eagle items.

With this authorization, tribal members can obtain the permits required under the Convention on International Trade in Endangered Species (CITES) to lawfully leave the United States and enter other countries with eagle items. They can take these items with when visiting foreign countries without violating Federal wildlife protection laws or this international treaty, clear customs in other countries more easily, and keep eagle articles from being seized overseas for CITES violations.

Canada and Mexico have an exception that allows enrolled members of an Indian tribe recognized by the U.S. Government to travel to and from these countries without the eagle transport permit. The traveler must:

- A. Declare the eagle items to the FWS or the U.S. Customs Service when they enter or leave the United States at any border crossing. To do this, you must complete and file an FWS Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife).
- B. Travel only with personally owned and lawfully possessed eagle items that will be used for religious and cultural practices.
- C. Leave and return to the United States with the same eagle items.

15) There is a problem with Tribal members in the military overseas who have eagle feathers but not the proper permits to bring them back through U.S. Customs. Also, even if they have the proper permits, they are not allowed under current regulations to keep the feathers overseas for longer than 180 days, whereas overseas assignments are often longer than 180 days.

We are taking steps to address both of these problems. We are drafting a letter to alert Tribal members serving overseas that if they have eagle feathers but not the proper documentation to bring them back into the U.S., they should contact the Service and we will send them the documentation they need. We will make sure Tribes are notified when this letter is finalized.

Second, we have crafted proposed regulations to allow Tribal members serving overseas to keep their feathers outside the U.S. for the duration of their tours of duty.

16) The Service should eliminate preference for "current and former Feds" to get eagle exhibition permits.

We are not entirely certain we are correctly interpreting this concern. However, we think it pertains to the restrictions on anyone other than public institutions from obtaining permits to possess eagles for educational and exhibition use. Currently, Tribal and Federal government agencies are both subject to the same restriction on obtaining Eagle Exhibition permits. The restriction is found in the Eagle Act itself, which makes no specific provision for anyone other than "public zoological parks", "public museums", and "public scientific societies" to obtain such permits. Our current regulations reflect that statutory limitation, but are not the reason why it exists. Because it is set forth in statute, only Congress can revise it, by amending the Eagle Act. The Service does not have that authority.

However, because we do enact the regulations that *implement* the Eagle Act, we have some ability to interpret various terms used in the Act. As noted above, the Act limits Eagle Exhibition permits to "public zoological parks", "public museums", and "public scientific societies." We have crafted regulations that are currently undergoing review within the Service, but which eventually will be proposed in the Federal Register for public comment that would define "public scientific society" to include government agencies that oversee natural resources, including Tribal government agencies.

If those regulations are finalized, the Federal, State, and Tribal agencies will be provided the opportunity to qualify for Eagle Exhibition permits. The proposed rule also contains provisions to clarify that the eagles held under the permit can be used for educational purposes beyond conservation education, such as Tribal history and heritage.

Currently all eagles held under Eagle Exhibition permits are live eagles, except for some museum artifacts that were under museum possession prior to the Service's policy of requiring all eagle carcasses, parts, and feathers be sent to the Repository for distribution to Tribal members. Since the Service established that policy, we have not issued any new Eagle Exhibition permits for eagle feathers and parts that suitable for Native American religious use.

17) Federal employees need cultural sensitivity training, which elders could provide.

Each year, Service employees receive cultural sensitivity training. The Service has also instituted a new Tribal Trust Training for its Project Leaders and managers.

18) The recommendation to provide "credible evidence" is insensitive to sacredness.

The identification policy is to protect the Native American culture by insuring non-Native Americans are not given eagle feathers. Only enrolled members of a federally recognized tribe can obtain permits to obtain eagles or eagle parts authorizing the recipient to receive and possess eagle feathers from our National Eagle Repository for religious purposes. The Service recognizes the unique culture of Native Americans through the use of this permit process.

19) Since permittees are encouraged to carry the permit with them, the Service should consider replacing paper permits with wallet-size laminated cards.

We see merit in this idea and will explore the feasibility of implementing it.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240



In Reply, Refer To:
FWS/AMB/DMBM/04-1264

MAY 03 2010

[REDACTED]
Chairman
[REDACTED]
[REDACTED]
[REDACTED]

Dear Chairman:

Thank you for taking the time in the past year to meet with representatives from the U.S. Fish and Wildlife Service (Service) to discuss new regulations related to management of bald and golden eagles, and associated issues. We value the input and perspectives tribes bring to our shared goal of conserving our wildlife and natural resources.

During our meetings with tribal representatives, we heard a number of concerns expressed about the purpose and potential effects of the new eagle permit regulations. Of the two new permit types, one would authorize limited disturbance or other "take" of bald and golden eagles, where the take is associated with, but not the purpose of the activity, and cannot practicably be avoided. The second new permit type would allow for removal of an eagle nest where necessary to alleviate a safety hazard to people or eagles, and in other very limited circumstances.

During our meetings, tribes also took the opportunity to raise some important issues not directly related to the new permit regulations, including concerns about improving access to eagle feathers and parts for religious use, and other related issues.

To address the questions and concerns raised by tribes during our meetings, we are enclosing written responses that we hope will be helpful.

Again, we very much appreciate the effort made by tribes to meet with us and share your valuable perspectives on these important issues. If you have any questions or concerns, please contact Kim Greenwood at (303) 236-4575 or kim_greenwood@fws.gov.

Sincerely,

Jowan W. Gould
Acting Director

cc: [REDACTED] Director, Fish and Wildlife
[REDACTED] Cultural Preservation Office

TAKE PRIDE
IN AMERICA 

Eagle Summit III

Eagle Reference Book

Section 2:

Regulations, Policies, Memorandums

- Title 50, Part 22, Eagle Permits
- DO-69 Amendment 20
- Directors Order #69 –
Service Eagle Distribution Policy
- DOJ Memo Oct/12/2012
- DOI Morton Policy 2/15/1975

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR Data is current as of March 12, 2014

Title 50: Wildlife and Fisheries

PART 22—EAGLE PERMITS

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- §22.22 What are the requirements concerning permits for Indian religious purposes?
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- §22.31 Golden eagle depredations control order on request of Governor of a State.
 - §22.32 Conditions and limitations on taking under depredation control order.
-

AUTHORITY: 16 U.S.C. 668-668d; 16 U.S.C. 703-712; 16 U.S.C. 1531-1544.

SOURCE: 39 FR 1183, Jan. 4, 1974, unless otherwise noted.

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Subpart A—Introduction

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§22.1 What is the purpose of this part?

This part controls the taking, possession, and transportation within the United States of bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) and their parts, nests, and

eggs for scientific, educational, and depredation control purposes; for the religious purposes of American Indian tribes; and to protect other interests in a particular locality. This part also governs the transportation into or out of the United States of bald and golden eagle parts for scientific, educational, and Indian religious purposes. The import, export, purchase, sale, trade, or barter of bald and golden eagles, or their parts, nests, or eggs is prohibited.

[64 FR 50472, Sept. 17, 1999, as amended at 73 FR 29083, May 20, 2008]

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§22.2 What activities does this part apply to?

(a)(1) You can possess or transport within the United States, without a Federal permit:

(i) Any live or dead bald eagles, or their parts, nests, or eggs that were lawfully acquired before June 8, 1940; and

(ii) Any live or dead golden eagles, or their parts, nests, or eggs that were lawfully acquired before October 24, 1962.

(2) You may not transport into or out of the United States, import, export, purchase, sell, trade, barter, or offer for purchase, sale, trade, or barter bald or golden eagles, or their parts, nests, or eggs of these lawfully acquired pre-act birds. However, you may transport into or out of the United States any lawfully acquired dead bald or golden eagles, their parts, nests, or dead eagles, if you acquire a permit issued under §22.22 of this part.

(3) No exemption from any statute or regulation will apply to any offspring of these pre-act birds.

(4) You must mark all shipments containing bald or golden eagles, alive or dead, their parts, nests, or eggs as directed in §14.81 of this subchapter. The markings must contain the name and address of the person the shipment is going to, the name and address of the person the shipment is coming from, an accurate list of contents by species, and the number of each species.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife (see also part 13 of this subchapter).

[39 FR 1183, Jan. 4, 1974, as amended at 64 FR 50472, Sept. 17, 1999]

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§22.3 Definitions.

In addition to the definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this part 22:

Advanced conservation practices means scientifically supportable measures that are approved by the Service and represent the best available techniques to reduce eagle disturbance and ongoing mortalities to a level where remaining take is unavoidable.

Area nesting population means the number of pairs of golden eagles known to have a resting attempt during the preceding 12 months within a 10-mile radius of a golden eagle nest.

Communal roost site means an area where eagles gather repeatedly in the course of a season and shelter overnight and sometimes during the day in the event of inclement weather.

Cumulative effects means the incremental environmental impact or effect of the proposed action, together with impacts of past, present, and reasonably foreseeable future actions.

Disturb 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.

Eagle nest means any readily identifiable structure built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction.

Export for the purpose of this part does not include the transportation of any dead bald or golden eagles, or their parts, nests, or dead eggs out of the United States when accompanied with a valid transportation permit.

Foraging area means an area where eagles regularly feed during one or more seasons.

Import for the purpose of this part does not include the transportation of any dead bald or golden eagles, or their parts, nests, or dead eggs into the United States when accompanied with a valid transportation permit.

Important eagle-use area means an eagle nest, foraging area, or communal roost site that eagles rely on for breeding, sheltering, or feeding, and the landscape features surrounding such nest, foraging area, or roost site that are essential for the continued viability of the site for breeding, feeding, or sheltering eagles.

Inactive nest means a bald eagle or golden eagle nest that is not currently being used by eagles as determined by the continuing absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days immediately prior to, and including, at present. An inactive nest may become active again and remains protected under the Eagle Act.

Indirect effects means effects for which a proposed action is a cause, and which may occur later in time and/or be physically manifested beyond the initial impacts of the action, but are still reasonably likely to occur.

Maximum degree achievable means the standard at which any take that occurs is unavoidable despite implementation of advanced conservation practices.

Necessary to ensure public health and safety means required to maintain society's well-being in matters of health and safety.

Nesting attempt means any activity by golden eagles involving egg laying and incubation as determined by the presence of an egg attended by an adult, an adult in incubation posture, or other evidence indicating recent use of a golden eagle nest for incubation of eggs or rearing of young.

Person means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of any State or political subdivision of a State.

Practicable means capable of being done after taking into consideration, relative to the magnitude of the impacts to eagles, the following three things: the cost of remedy compared to proponent resources; existing technology; and logistics in light of overall project purposes.

Programmatic permit means a permit that authorizes programmatic take. A programmatic permit can cover other take in addition to programmatic take.

Programmatic take means take that is recurring, is not caused solely by indirect effects, and that occurs over the long term or in a location or locations that cannot be specifically identified.

Resource development or recovery includes, but is not limited to, mining, timbering, extracting oil, natural gas and geothermal energy, construction of roads, dams, reservoirs, power plants, power transmission lines, and pipelines, as well as facilities and access routes essential to these operations, and reclamation following any of these operations.

Safety emergency means a situation that necessitates immediate action to alleviate a threat of bodily harm to humans or eagles.

Take means pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb.

Territory means an area that contains, or historically contained, one or more nests within the home range of a mated pair of eagles.

Transportation into or out of the United States for the purpose of this part means that the permitted item or items transported into or out of the United States do not change ownership at any time, they are not transferred from one person to another in the pursuit of gain or profit, and they are transported into or out of the United States for Indian religious purposes, or for scientific or exhibition purposes under the conditions and during the time period specified on a transportation permit for the items.

[39 FR 1183, Jan. 4, 1974, as amended at 48 FR 57300, Dec. 29, 1983; 64 FR 50472, Sept. 17, 1999; 72 FR 31139, June 5, 2007; 74 FR 46876, Sept. 11, 2009]

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§22.4 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 22 under 44 U.S.C. 3507 and assigned OMB Control Number 1018-0022 and 1018-0136. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in the Bald and Golden Eagle Protection Act and its regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit.

(b) Direct comments regarding any aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0022 and 1018-0136), Washington, DC 20603.

[63 FR 52637, Oct. 1, 1998, as amended at 74 FR 46876, Sept. 11, 2009]

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Subpart B—General Requirements

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§22.11 What is the relationship to other permit requirements?

You may not take, possess, or transport any bald eagle (*Haliaeetus leucocephalus*) or any golden eagle (*Aquila chrysaetos*), or the parts, nests, or eggs of such birds, except as allowed by a valid permit issued under this part, 50 CFR part 13, 50 CFR part 17, and/or 50 CFR part 21 as provided by §21.2, or authorized under a depredation order issued under subpart D of this part. We will accept a single application for a permit under this part and any other parts of this subchapter B if it includes all of the information required for an application under each applicable part.

(a) A permit that covers take of bald eagles or golden eagles under 50 CFR part 17 for purposes of providing prospective or current ESA authorization constitutes a valid permit issued under this part for any take authorized under the permit issued under part 17 as long as the permittee is in full compliance with the terms and conditions of the permit issued under part 17. The provisions of part 17 that originally applied will apply for purposes of the Eagle Act authorization, except that the criterion for revocation of the permit is that the activity is incompatible with the preservation of the bald eagle or the

golden eagle rather than inconsistent with the criterion set forth in 16 U.S.C. 1539(a)(2)(B)(iv).

(b) You do not need a permit under parts 17 and 21 of this subchapter B for any activity permitted under this part 22 with respect to bald or golden eagles or their parts, nests, or eggs.

(c) You must obtain a permit under part 21 of this subchapter for any activity that also involves migratory birds other than bald and golden eagles, and a permit under part 17 of this subchapter for any activity that also involves threatened or endangered species other than the bald eagle.

(d) If you are transporting dead bald or golden eagles, or their parts, nests, or dead eggs into or out of the United States, you will also need a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permit under part 23 of this subchapter.

[64 FR 50472, Sept. 17, 1999, as amended at 68 FR 61140, Oct. 27, 2003; 73 FR 29083, May 20, 2008]

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§22.12 What activities are illegal?

(a) You may not sell, purchase, barter, trade, import, or export, or offer for sale, purchase, barter, or trade, at any time or in any manner, any bald eagle (*Haliaeetus leucocephalus*), or any golden eagle (*Aquila chrysaetos*), or the parts, nests, or eggs of these birds, and we will not issue a permit to authorize these acts.

(b) You may not transport into or out of the United States any live bald or golden eagle, or any live egg of those birds, and we will not issue a permit to authorize these acts.

[64 FR 50472, Sept. 17, 1999]

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Subpart C—Eagle Permits

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§22.21 What are the requirements concerning scientific and exhibition purpose permits?

We may, under the provisions of this section, issue a permit authorizing the taking, possession, transportation within the United States, or transportation into or out of the United States of lawfully possessed bald eagles or golden eagles, or their parts, nests, or eggs for the scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks. We will not issue a permit under this section that authorizes the transportation into or out of the United States of any live bald or golden eagles, or any live eggs of these birds.

(a) How do I apply if I want a permit for scientific and exhibition purposes? (1) You must submit applications for permits to take, possess, or transport within the United States lawfully acquired live or dead bald or golden eagles, or their parts, nests, or live or dead eggs for scientific or exhibition purposes to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the Regional Directors in 50 CFR 2.2.

(2) If you want a permit to transport into or out of the United States any lawfully acquired dead bald or golden eagles or their parts, nests, or dead eggs for scientific or exhibition purposes, you must submit your application to the Office of Management Authority. Your application must contain all the information necessary for the issuance of a CITES permit. You must also comply with all the requirements in part 23 of this subchapter before international travel. Mail should be addressed to: Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA, 22203.

(3) Your application for any permit under this section must also contain the information required under this section, §13.12(a) of this subchapter, and the following information:

(i) Species of eagle and number of such birds, nests, or eggs proposed to be taken, possessed, or transported;

(ii) Specific locality in which taking is proposed, if any;

(iii) Method taking proposed, if any;

(iv) If not taken, the source of eagles and other circumstances surrounding the proposed acquisition or transportation;

(v) Name and address of the public museum, public scientific societies, or public zoological park for which they are intended;

(vi) Complete explanation and justification of request, nature of project or study, number of specimens now at institution, reason these are inadequate, and other appropriate explanations.

(b) What are the conditions? In addition to the general conditions in part 13 of this subchapter B, permits to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests, or eggs for scientific or exhibition purposes, are also subject to the following condition: In addition to any reporting requirement specifically noted in the permit, you must submit a report of activities conducted under the permit to the Regional Director—Attention: Migratory Bird Permit Office, within 30 days after the permit expires.

(c) How do we evaluate your application for a permit? We will conduct an investigation and will only issue a permit to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests, or eggs for scientific or exhibition purposes when we determine that the taking, possession, or transportation is compatible with the preservation of the bald eagle and golden eagle. In making this determination, we will consider, among other criteria, the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of bald and golden eagles;

(2) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application;

(3) Whether the justification of the purpose for which the permit is being requested is adequate to justify the removal of the eagle from the wild or otherwise change its status; and

(4) Whether the applicant has demonstrated that the permit is being requested for bona fide scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks.

(d) Tenure of permits. The tenure of permits to take bald or golden eagles for scientific or exhibition purposes shall be that shown on the face of the permit.

[39 FR 1183, Jan. 4, 1974, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50472, Sept. 17, 1999]

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§22.22 What are the requirements concerning permits for Indian religious purposes?

We will issue a permit only to members of Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs listed under 25 U.S.C. 479a-1 engaged in religious activities who satisfy all the issuance criteria of this section. We may, under the provisions of this section, issue a permit authorizing the taking, possession, and transportation within the United States, or transportation into or out of the United States of lawfully acquired bald eagles or golden eagles, or their parts, nests, or eggs for Indian religious use. We will not issue a permit under this section that authorizes the transportation into or out of the United States of any live bald or golden eagles, or any live eggs of these birds.

(a) How do I apply if I want a permit for Indian religious purposes? You must submit applications for permits to take, possess, transport within the United States, or transport into or out of the United States lawfully acquired bald or golden eagles, or their parts, nests, or eggs for Indian religious use to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. If you are applying for a permit to transport into or out of the United States, your application must contain all the information necessary for the issuance of a CITES permit. You must comply with all the requirements in part 23 of this subchapter before international travel. Your application for any permit under this section must also contain the information required under this section, §13.12(a) of this subchapter, and the following information:

(1) Species and number of eagles or feathers proposed to be taken, or acquired by gift or inheritance.

(2) State and local area where the taking is proposed to be done, or from whom acquired.

(3) Name of tribe with which applicant is associated.

(4) Name of tribal religious ceremony(ies) for which required.

(5) You must attach a certification of enrollment in an Indian tribe that is federally recognized under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a-1, 108 Stat. 4791 (1994). The certificate must be signed by the tribal official who is authorized to certify that an individual is a duly enrolled member of that tribe, and must include the official title of that certifying official.

(b) What are the permit conditions? In addition to the general conditions in part 13 of this subchapter B, permits to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests or eggs for Indian religious use are subject to the following conditions:

(1) Bald or golden eagles or their parts possessed under permits issued pursuant to this section are not transferable, except such birds or their parts may be handed down from generation to generation or from one Indian to another in accordance with tribal or religious customs; and

(2) You must submit reports or inventories, including photographs, of eagle feathers or parts on hand as requested by the issuing office.

(c) How do we evaluate your application for a permit? We will conduct an investigation and will only issue a permit to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests or eggs, for Indian religious use when we determine that the taking, possession, or transportation is compatible with the preservation of the bald and golden eagle. In making a determination, we will consider, among other criteria, the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of bald or golden eagles; and

(2) Whether the applicant is an Indian who is authorized to participate in bona fide tribal religious ceremonies.

(d) How long are the permits valid? We are authorized to amend, suspend, or revoke any permit that is issued under this section (see §§13.23, 13.27, and 13.28 of this subchapter).

(1) A permit issued to you that authorizes you to take bald or golden eagles will be valid during the period specified on the face of the permit, but will not be longer than 1 year from the date it is issued.

(2) A permit issued to you that authorizes you to transport and possess bald or golden eagles or their parts, nests, or eggs within the United States will be valid for your lifetime.

(3) A permit authorizing you to transport dead bald eagles or golden eagles, or their parts, nests, or dead eggs into or out of the United States can be used for multiple trips to or from the United States, but no trip can be longer than 180 days. The permit will be valid during the period specified on the face

of the permit, not to exceed 3 years from the date it is issued.

[39 FR 1183, Jan. 4, 1974, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50473, Sept. 17, 1999]

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§22.23 What are the requirements for permits to take depredating eagles and eagles that pose a risk to human or eagle health and safety?

(a) How do I apply for a permit? You must submit applications for permits under this section to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. Your application must contain the information and certification required by §13.12(a) of this subchapter, and the following additional information:

- (1) Species and number of eagles proposed to be taken;
- (2) Location and description of property where taking is proposed;
- (3) Inclusive dates for which permit is requested;
- (4) Method of taking proposed;
- (5) Kind and number of livestock or domestic animals owned by applicant, if applicable;

(6) Kind and amount of alleged damage, or description of the risk posed to human health and safety or eagles; and

(7) Name, address, age, and business relationship with applicant of any person the applicant proposes to act for him as his agent in the taking of such eagles.

(b) What are the permit conditions? In addition to the general conditions set forth in part 13 of this subchapter B, permits to take bald or golden eagles under this section are subject to the following conditions:

(1) Bald or golden eagles may be taken under permit by firearms, traps, or other suitable means except by poison or from aircraft;

(2) The taking of eagles under permit may be done only by the permittee or his agents named in the permit;

(3) Any eagle taken under authority of such permit will be promptly turned over to a Service agent or other game law enforcement officer designated in the permit; and

(4) In addition to any reporting requirement on a permit, you must submit a report of activities conducted under the permit to the appropriate Regional Director—Attention: Migratory Bird Permit Office within 10 days following completion of the taking operations or the expiration of the permit, whichever occurs first.

(c) Issuance criteria. The Director will not issue a permit to take bald or golden eagles unless the Director has determined that such taking is compatible with the preservation of the bald or golden eagle. In making such determination, the Director will consider the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild population of bald or golden eagles;

(2) Whether evidence shows that bald or golden eagles have in fact become seriously injurious to wildlife or to agriculture or other interests in the particular locality to be covered by the permit and the injury complained of is substantial, or that bald or golden eagles pose a significant risk to human or eagle health and safety; and

(3) Whether the only way to abate or prevent the damage caused by the bald or golden eagle is to take some or all of the offending birds.

(d) Tenure of permits. The tenure of any permit to take bald or golden eagles under this section is that shown on the face of the permit. We will not issue these permits for terms longer than 90 days, except that permits to authorize disturbance associated with hazing eagles from the vicinity may be valid for up to 5 years. We may amend, suspend, or revoke permits issued for a period of longer than 90 days if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations.

[39 FR 1183, Jan. 4, 1974, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50473, Sept. 17, 1999; 74 FR 46876, Sept. 11, 2009]

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§22.24 Permits for falconry purposes.

(a) Use of golden eagles in falconry. If you meet the conditions outlined in §21.29 (c)(3)(iv) of this part, and you have a permit to possess a golden eagle (*Aquila chrysaetos*) from your State, tribe, or territory, we consider your permit sufficient for the purposes of the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), subject to the requirement that take of golden eagles for falconry is compatible with the preservation of the golden eagle.

(b) Transfer of golden eagles trapped by government employees to other permittees. If you have the necessary permit(s) from your State, tribe, or territory, a government employee who has trapped a golden eagle under a Federal depredation permit or under a depredation control order may transfer the bird to you if he or she cannot release the eagle in an appropriate location. A golden eagle may only be taken from a livestock or wildlife depredation area declared by USDA Wildlife Services and permitted under §22.23, or from a livestock depredation area authorized in accordance with Subpart D, Depredation Control Orders on Golden Eagles.

[73 FR 59477, Oct. 8, 2008, as amended at 75 FR 932, Jan. 7, 2010]

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§22.25 What are the requirements concerning permits to take golden eagle nests?

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing any person to take golden eagle nests during a resource development or recovery operation when the nests are inactive, if the taking is compatible with the preservation of the area nesting population of golden eagles. The information collection requirements contained within this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018-0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make decisions, according to the criteria established in this section for the issuance or denial of such permits. The obligation to respond is required to obtain or retain a permit.

(a) How do I apply for a permit to take golden eagle nests? You must submit applications for permits to take golden eagle nests to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. We will only accept applications if you are engaged in a resource development or recovery operation, including the planning and permitting stages of an operation. Your application must contain the general information and certification required by §13.12(a) of this chapter plus the following additional information:

(1) A description of the resource development or recovery operation in which the applicant is engaged;

(2) The number of golden eagle nests proposed to be taken;

(3) A description of the property on which the taking is proposed, with reference made to its exact geographic location. An appropriately scaled map or plat must be included which delineates the area of the resource development or recovery operation and identifies the exact location of each golden eagle nest proposed to be taken. The map or plat must contain enough detail so that each golden eagle nest proposed to be taken can be readily located by the Service.

(4) For each golden eagle nest proposed to be taken, the applicant must calculate the area nesting population of golden eagles and identify on an appropriately scaled map or plat the exact location of each golden eagle nest used to calculate the area nesting population unless the Service has sufficient data to independently calculate the area nesting population. The map or plat must contain enough details so that each golden eagle nest used to calculate the area nesting population can be readily located by the Service.

(5) A description of each activity to be performed during the resource development or recovery operation which involves the taking of a golden eagle nest;

(6) A statement with any supporting documents from ornithologists experienced with golden eagles or other qualified persons who have made on site inspections and can verify the applicant's calculation of the area nesting population;

(7) The length of time for which the permit is requested, including the dates on which the proposed resource development or recovery operation is to begin and end;

(8) A statement indicating the intended disposition of each nest proposed to be taken. Applicants should state whether they are willing to collect any nest for scientific or educational purposes; and

(9) A statement indicating any proposed mitigation measures that are compatible with the resource development or recovery operation to encourage golden eagles to reoccupy the resource development or recovery site. Mitigation measures may include reclaiming disturbed land to enhance golden eagle nesting and foraging habitat, relocating in suitable habitat any inactive golden eagle nest taken, or establishing one or more nest sites. If the establishment of one or more nest sites is proposed, a description of the materials and methods to be used and the exact location of each artificial nest site must be included.

(b) Additional permit conditions. In addition to the general conditions set forth in part 13 of this chapter, permits to take golden eagle nests are subject to the following additional conditions:

(1) Only inactive golden eagle nests may be taken.

(2) The permittee shall submit a report of activities conducted under the permit to the Director within ten (10) days following the permit's expiration;

(3) The permittee shall notify the Director in writing at least 10 days but not more than 30 days before any golden eagle nest is taken;

(4) The permittee shall comply with any mitigation measures determined by the Director to be feasible and compatible with the resource development or recovery operation; and

(5) Any permit issued before the commencement of a resource development or recovery operation is invalid if the activity which required a permit is not performed.

(c) Issuance criteria. The Director shall conduct an investigation and not issue a permit to take any golden eagle nest unless such taking is compatible with the preservation of the area nesting population of golden eagles. In making such determination, the Director shall consider the following:

(1) Whether the applicant can reasonably conduct the resource development or recovery operation in a manner that avoids taking any golden eagle nest;

(2) The total number of golden eagle nests proposed to be taken;

(3) The size of the area nesting population of golden eagles;

(4) Whether suitable golden eagle nesting and foraging habitat unaffected by the resource development or recovery operation is available to the area nesting population of golden eagles to accommodate any golden eagles displaced by the resource development or recovery operation;

(5) Whether feasible mitigation measures compatible with the resource development or recovery operation are available to encourage golden eagles to reoccupy the resource development or recovery site. Mitigation measures may include reclaiming disturbed land to enhance golden eagle nesting and foraging habitat, relocating in suitable habitat any golden eagle nest taken, or establishing one or more nest sites; and

(6) Whether the area nesting population is widely dispersed or locally concentrated.

(d) Tenure of permits. The tenure of any permit to take golden eagle nests is 2 years from the date of issuance, unless a shorter period of time is prescribed on the face of the permit. Permits may be renewed in accordance with part 13 of this chapter.

[48 FR 57300, Dec. 29, 1983, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50474, Sept. 17, 1999]

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§22.26 Permits for eagle take that is associated with, but not the purpose of, an activity.

(a) Purpose and scope. This permit authorizes take of bald eagles and golden eagles where the take is compatible with the preservation of the bald eagle and the golden eagle; necessary to protect an interest in a particular locality; associated with but not the purpose of the activity; and

(1) For individual instances of take: the take cannot practicably be avoided; or

(2) For programmatic take: the take is unavoidable even though advanced conservation practices are being implemented.

(b) Definitions. In addition to the definitions contained in part 10 of this subchapter, and §22.3, the following definition applies in this section:

Eagle means a live bald eagle (*Haliaeetus leucocephalus*), live golden eagle (*Aquila chrysaetos*), a bald eagle egg, or a golden eagle egg.

(c) Permit conditions. In addition to the conditions set forth in part 13 of this subchapter, which govern permit renewal, amendment, transfer, suspension, revocation, and other procedures and requirements for all permits issued by the Service, your authorization is subject to the following additional conditions:

(1) You must comply with all avoidance, minimization, or other mitigation measures determined by the Director as reasonable and specified in the terms of your permit to compensate for the detrimental effects, including indirect effects, of the permitted activity on the regional eagle population;

(2) You may be required to monitor eagle use of important eagle-use areas where eagles are likely to be affected by your activities for up to 3 years after completion of the activity or as set forth in a separate management plan, as specified on your permit. Unless different monitoring protocols are required under a separate management plan approved by the Service and denoted on the permit, monitoring consists of periodic site visits, during the season(s) when eagles would normally be present, to the area where the take is likely to occur, and noting whether eagles continue to nest, roost, or forage there. The periodic monitoring is required for the duration of the activity that is likely to cause take (during the season(s) that eagles would normally be present). The frequency and duration of required monitoring after the activity is completed will depend on the form and magnitude of the anticipated take and the objectives of associated conservation measures, not to exceed what is reasonable to meet the primary purpose of the monitoring, which is to provide data needed by the Service regarding the impacts of human activity on eagles for purposes of adaptive management.

Monitoring will not be required beyond 3 years after completion of an activity that was likely to cause take. For ongoing activities and enduring site features that continue to be likely to result in take, periodic monitoring may be required for as long as the data are needed to assess impacts to eagles.

(3) You must submit an annual report summarizing the information you obtained through monitoring to the Service every year that your permit is valid and for up to 3 years after completion of the activity or termination of the permit, as specified in your permit. If your permit expires or is suspended or revoked before the activity is completed, you must submit the report within 60 days of such date. The Service will make eagle mortality information from annual reports of programmatic permits available to the public. Reporting requirements include:

(i) Whether eagles are observed using the important eagle-use areas designated on the permit; and

(ii) Description of the human activities conducted at the site when eagles are observed.

(4) While the permit is valid and for up to 3 years after it expires, you must allow Service personnel, or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s).

(5) The authorizations granted by permits issued under this section apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes after a permit is issued, you must immediately contact the Service to determine whether a permit amendment is required in order to retain take authorization.

(6) You must contact the Service immediately upon discovery of any unanticipated take.

(7) The Service may amend, suspend, or revoke a programmatic permit issued under this section if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspension, and revocation of Federal permits set forth in §§13.23, 13.27, and 13.28.

(8) Notwithstanding the provisions of §13.26 of this subchapter, you remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.

(9) You must promptly notify the Service of any eagle(s) found injured or dead at the activity site, regardless of whether the injury or death resulted from your activity. The Service will determine the disposition of such eagles.

(10) The authorization granted by permits issued under this section is not valid unless you are in compliance with all Federal, tribal, State, and local laws and regulations applicable to take of eagles.

(d) Applying for an eagle take permit. (1) You are advised to coordinate with the Service as early as possible for advice on whether a permit is needed and for technical assistance in assembling your permit application package. The Service may provide guidance on developing complete and adequate application materials and will determine when the application form and materials are ready for submission.

(2) Your application must consist of a completed application Form 3-200-71 and all required attachments. Send applications to the Regional Director of the Region in which the disturbance would occur—Attention: Migratory Bird Permit Office. You can find the current addresses for the Regional Directors in §2.2 of subchapter A of this chapter.

(e) Evaluation of applications. In determining whether to issue a permit, we will evaluate:

(1) Whether take is likely to occur based on the magnitude and nature of the impacts of the

activity, which include indirect effects. For potential take in the form of disturbance, this evaluation would include:

(i) The prior exposure and tolerance to similar activity of eagles in the vicinity;

(ii) Visibility of the activity from the eagle's nest, roost, or foraging perches; and

(iii) Whether alternative suitable eagle nesting, roosting, and/or feeding areas that would not be detrimentally affected by the activity are available to the eagles potentially affected by the activity.

(2) Whether the take is:

(i) Compatible with the preservation of the bald eagle and the golden eagle, including consideration of indirect effects and the cumulative effects of other permitted take and other additional factors affecting eagle populations;

(ii) Associated with the permanent loss of an important eagle use area;

(iii) Necessary to protect a legitimate interest in a particular locality; and

(iv) Associated with, but not the purpose of, the activity.

(3) Whether the applicant has proposed avoidance and minimization measures to reduce the take to the maximum degree practicable, and for programmatic authorizations, the take is unavoidable despite application of advanced conservation practices developed in coordination with the Service.

(4) Whether issuing the permit would preclude the Service from authorizing another take necessary to protect an interest of higher priority, according to the following prioritization order:

(i) Safety emergencies;

(ii) Native American religious use for rites and ceremonies that require eagles be taken from the wild;

(iii) Renewal of programmatic take permits;

(iv) Non-emergency activities necessary to ensure public health and safety; and

(v) Other interests.

(5) Any additional factors that may be relevant to our decision whether to issue the permit, including, but not limited to, the cultural significance of a local eagle population.

(f) Required determinations. Before we issue a permit, we must find that:

(1) The direct and indirect effects of the take and required mitigation, together with the cumulative effects of other permitted take and additional factors affecting eagle populations, are compatible with the preservation of bald eagles and golden eagles;

(2) The taking is necessary to protect a legitimate interest in a particular locality;

(3) The taking is associated with, but not the purpose of, the activity;

(4) The taking cannot practicably be avoided; or for programmatic authorizations, the take is unavoidable;

(5) The applicant has avoided and minimized impacts to eagles to the extent practicable, and for programmatic authorizations, the taking will occur despite application of advanced conservation practices; and

(6) Issuance of the permit will not preclude issuance of another permit necessary to protect an

interest of higher priority as set forth in paragraph (e)(4) of this section.

(g) We may deny issuance of a permit if we determine that take is not likely to occur.

(h) Permit reviews. At no more than 5 years from the date a permit is issued, and every 5 years thereafter until a programmatic permit is due to expire in 5 or fewer years, the permittee will compile and submit to the Service, eagle fatality data or other pertinent information that is site-specific for the project, as required by the permit. The 5-year review will be comparable to the initial review of the permit application. The Service will make eagle-mortality information compiled in 5-year review reports available to the public. As part of the 5-year-review process, we will determine if trigger points specified in the permit have been reached that would indicate that additional conservation measures as described in a permit should be implemented to potentially reduce eagle mortalities, or if additional mitigation measures are needed. Additional post-implementation monitoring may be required to determine the effectiveness of additional conservation measures.

(1) During each 5-year review, we will reassess post-construction monitoring, fatality rates, effectiveness of measures to reduce take, the appropriate amount and effectiveness of compensatory mitigation, and the status of the eagle population.

(2) Depending on the findings of the review, we may make changes to a permit as necessary, including any of the following:

- (i) update fatality predictions for the facility;
- (ii) require implementation of additional conservation measures as described in the permit;
- (iii) update monitoring requirements
- (iv) revise compensatory mitigation requirements in accordance with the permit, or
- (v) suspend or revoke the permit.

(3) In consultation with the permittee, we will determine compensatory mitigation for future years for the project, taking into account the observed levels of mortality and any anticipated reduction in mortality from additional conservation measures.

(i) Permit duration. The duration of each permit issued under this section will be designated on its face and will be based on the duration of the proposed activities, the period of time for which take will occur, the level of impacts to eagles, and the nature and extent of mitigation measures incorporated into the terms and conditions of the permit. Standard permits will not exceed 5 years. A permit for programmatic take will not exceed 30 years.

(j) Transfer of programmatic permits. Programmatic permits may be transferred to new owners of facilities, provided that the new owners have never had a permit issued by the U.S. Fish and Wildlife Service suspended or revoked, and have not been convicted of violating a Federal wildlife law in the last 10 years. The transferee must meet all of the qualifications under this part for holding a permit, as well as the requirements of §13.25(b) of this subchapter B.

[74 FR 46877, Sept. 11, 2009, as amended at 79 FR 73725, Dec. 9, 2013]

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§22.27 Removal of eagle nests.

(a) Purpose and scope. (1) A permit may be issued under this section to authorize removal or relocation of:

- (i) An active or inactive nest where necessary to alleviate a safety emergency;
- (ii) An inactive eagle nest when the removal is necessary to ensure public health and safety;

(iii) An inactive nest that is built on a human-engineered structure and creates a functional hazard that renders the structure inoperable for its intended use; or

(iv) An inactive nest, provided the take is 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 clear and substantial benefit to eagles.

(2) Where practicable and biologically warranted, the permit may require a nest to be relocated, or a substitute nest provided, in a suitable site within the same territory to provide a viable nesting option for eagles within that territory, unless such relocation would create a threat to safety. However, we may issue permits to remove nests that we determine cannot or should not be relocated. The permit may authorize take of eggs or nestlings if present. The permit may also authorize the take of adult eagles (e.g., disturbance or capture) associated with the removal or relocation of the nest.

(3) A programmatic permit may be issued under this section to cover multiple nest takes over a period of up to 5 years, provided the permittee complies with comprehensive measures that are developed in coordination with the Service, designed to reduce take to the maximum degree technically achievable, and specified as conditions of the permit.

(4) This permit does not authorize intentional, lethal take of eagles.

(b) Conditions. (1) Except for take that is necessary to alleviate an immediate threat to human or eagle safety, only inactive eagle nests may be taken under this permit.

(2) When an active nest must be removed under this permit, any take of nestlings or eggs must be conducted by a Service-approved, qualified, and permitted agent, and all nestlings and viable eggs must be immediately transported to foster/recipient nests or a rehabilitation facility permitted to care for eagles, as directed by the Service.

(3) Possession of the nest for any purpose other than removal or relocation is prohibited without a separate permit issued under this part authorizing such possession.

(4) You must submit a report consisting of a summary of the activities conducted under the permit to the Service within 30 days after the permitted take occurs, except that for programmatic permits, you must report each nest removal within 10 days after the take and submit an annual report by January 31 containing all the information required in Form 3-202-16 for activities conducted during the preceding calendar year.

(5) You may be required to monitor the area and report whether eagles attempt to build or occupy another nest at another site in the vicinity for the duration specified in the permit.

(6) You may be required under the terms of the permit to harass eagles from the area following the nest removal when the Service determines it is necessary to prevent eagles from re-nesting in the vicinity.

(7) You must comply with all avoidance, minimization, or other mitigation measures determined by the Director as reasonable and specified in the terms of your permit to compensate for the detrimental effects, including indirect effects, of the permitted activity on—and for permits issued under paragraph (a)(1)(iv) of this section, to provide a net benefit to—the regional eagle population.

(8) The Service may amend or revoke a programmatic permit issued under this section if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations.

(9) Notwithstanding the provisions of §13.26 of this subchapter, you remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.

(10) The authorization granted by permits issued under this section is not valid unless you are in compliance with all Federal, tribal, State, and local laws and regulations applicable to take of eagles.

(c) Applying for a permit to take eagle nests. (1) If the take is necessary to address an immediate threat to human or eagle safety, contact your local U.S. Fish and Wildlife Service Regional Migratory Bird Permit Office (<http://www.fws.gov/permits/mbpermits/addresses.html>) at the earliest possible opportunity to inform the Service of the emergency.

(2) Your application must consist of a completed application Form 3-200-72 and all required attachments. Send applications to the Regional Director of the Region in which the disturbance would occur—Attention: Migratory Bird Permit Office. You can find the current addresses for the Regional Directors in §2.2 of subchapter A of this chapter.

(d) Evaluation of applications. In determining whether to issue a permit, we will evaluate:

(1) Whether the activity meets the requirements of paragraph (a)(1) of this section;

(2) The direct and indirect effects of the take and required mitigation, together with the cumulative effects of other permitted take and additional factors affecting eagle populations;

(3) Whether there is a practicable alternative to nest removal that will protect the interest to be served;

(4) Whether issuing the permit would preclude the Service from authorizing another take necessary to protect an interest of higher priority, as set forth in paragraph (e)(5) of this section;

(5) For take that is not necessary to alleviate an immediate safety emergency, whether suitable nesting and foraging habitat is available to accommodate eagles displaced by the nest removal; and

(6) Any additional factors that may be relevant to our decision whether to issue the permit, including, but not limited to, the cultural significance of a local eagle population.

(e) Required determinations. Before issuing a permit under this section, we must find that:

(1) The direct and indirect effects of the take and required mitigation, together with the cumulative effects of other permitted take and additional factors affecting eagle populations, are compatible with the preservation of the bald eagle or the golden eagle;

(2) For inactive nests:

(i) The take is necessary to ensure public health and safety;

(ii) The nest is built on a human-engineered structure and creates a functional hazard that renders the structure inoperable for its intended use; or

(iii) The take is necessary to protect a legitimate interest in a particular locality, and the activity necessitating the take or the mitigation for the take will, with reasonable certainty, provide a clear and substantial benefit to eagles;

(3) For active nests, the take is necessary to alleviate an immediate threat to human safety or eagles;

(4) There is no practicable alternative to nest removal that would protect the interest to be served; and

(5) Issuing the permit will not preclude the Service from authorizing another take necessary to protect an interest of higher priority, according to the following prioritization order:

(i) Safety emergencies;

(ii) Native American religious use for rites and ceremonies that require eagles be taken from the wild;

(iii) Renewal of programmatic nest-take permits;

(iv) Non-emergency activities necessary to ensure public health and safety;

(v) Resource development or recovery operations (under §22.25, for golden eagle nests only);

(vi) Other interests.

(6) For take that is not necessary to alleviate an immediate threat to human safety or eagles, we additionally must find that suitable nesting and foraging habitat is available to the area nesting population of eagles to accommodate any eagles displaced by the nest removal.

(f) Tenure of permits. The tenure of any permit to take eagle nests under this section is set forth on the face of the permit and will not be longer than 5 years.

[74 FR 46877, Sept. 11, 2009]

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§22.28 Permits for bald eagle take exempted under the Endangered Species Act.

(a) Purpose and scope. This permit authorizes take of bald eagles (*Haliaeetus leucocephalus*) in compliance with the terms and conditions of a section 7 incidental take statement under the Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. 1531 et seq.; 50 CFR 402, Subpart B) issued prior to the effective date of 50 CFR 22.26.

(b) Issuance criteria. Before issuing you a permit under this section, we must find that you are in full compliance with the terms and conditions contained in the applicable ESA incidental take statement issued prior to the effective date of 50 CFR 22.26 for take of eagles, based on your certification and any other relevant information available to us, including, but not limited to, monitoring or progress reports required pursuant to your incidental take statement. The terms and conditions of the Eagle Act permit under this section, including any modified terms and conditions, must be compatible with the preservation of the bald eagle.

(c) Permit conditions. (1) You must comply with all terms and conditions of the incidental take statement issued under section 7 of the ESA, or modified measures specified in the terms of your permit issued under this section. At permit issuance or at any time during its tenure, the Service may modify the terms and conditions that were included in your ESA incidental take statement, based on one or more of the following factors:

(i) You requested and received modified measures because some of the requirements for take authorization under the ESA were not necessary for take authorization under the Eagle Act;

(ii) The amount or extent of incidental take authorized under the take statement is exceeded;

(iii) New information reveals effects of the action that may affect eagles in a manner or to an extent not previously considered, and requires modification of the terms and conditions to ensure the preservation of the bald eagle or the golden eagle; or

(iv) The activity will be modified by the permittee in a manner that causes effects to eagles that were not previously considered and which requires modification of the terms and conditions in the incidental take statement in order to ensure the preservation of the bald eagle or the golden eagle.

(2) During any period when the eagles covered by your incidental take statement are listed under the ESA, you must comply with the terms and conditions of both the incidental take statement and the permit issued under this section.

(d) Permit duration. The permit will be valid until the action that will take eagles, as described in the incidental take statement or modified to condition the permit issued under this section, is completed, as long as the permittee complies with the terms and conditions of the permit, including any modified

terms and conditions.

(e) Applying for an eagle take permit. (1) Your application must consist of a copy of the applicable section 7 incidental take statement issued pursuant to the Endangered Species Act (ESA), and a signed certification that you are in full compliance with all terms and conditions of the ESA incidental take statement.

(2) If you request reevaluation of the terms and conditions required under your previously granted ESA incidental take statement for eagles, you must include a description of the modifications you request, and an explanation for why you believe the original conditions or measures are not reasonably justified to offset the detrimental impact of the permitted activity on eagles.

(3) Send completed permit applications to the Regional Director of the Region in which the disturbance would occur—Attention: Migratory Bird Permit Office. You can find the current addresses for the Regional Directors in §2.2 of subchapter A of this chapter.

[73 FR 29083, May 20, 2008; 74 FR 46879, Sept. 11, 2009]

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Subpart D—Depredation Control Orders on Golden Eagles

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§22.31 Golden eagle depredations control order on request of Governor of a State.

(a) Whenever the Governor of any State requests permission to take golden eagles to seasonally protect domesticated flocks and herds in such State, the Director shall make an investigation and if he determines that such taking is necessary to and will seasonally protect domesticated flocks and herds in such States he shall authorize such taking in whatever part or parts of the State and for such periods as he determines necessary to protect such interests.

(b) Requests from the Governor of a State to take golden eagles to seasonally protect domesticated flocks and herds must be submitted in writing to the Director listing the periods of time during which the taking of such birds is recommended, and including a map of the State indicating the boundaries of the proposed area of taking. Such requests should include a statement of the facts and the source of such facts that in the Governor's opinion justifies the request. After a decision by the Director, the Governor will be advised in writing concerning the request and a notice will be published in the FEDERAL REGISTER.

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§22.32 Conditions and limitations on taking under depredation control order.

(a) Whenever the taking of golden eagles without a permit is authorized for the seasonal protection of livestock, such birds may be taken by firearms, traps, or other suitable means except by poison or from aircraft.

(b) Any person exercising any of the privileges granted by this subpart D must permit all reasonable times, including during actual operations, any Service agent, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

(c) The authority to take golden eagles under a depredations control order issued pursuant to this subpart D only authorizes the taking of golden eagles when necessary to seasonally protect domesticated flocks and herds, and all such birds taken must be reported and turned over to a local Bureau Agent.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

IN REPLY REFER TO:

DIRECTOR'S ORDER NO. 69, Amendment 20

Subject: Service Eagle Distribution Policy

This supersedes Amendment 19 and amends Section 6 of Director's Order No. 69 (March 30, 1994) to extend the termination date to March 31, 2014.

Deputy

DIRECTOR

Date: March 31, 2013



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

March 30, 1994

DIRECTOR'S ORDER NO.69

Subject: Service Eagle Distribution Policy

Sec. 1. Purpose. This order establishes procedure for Service managers and supervisors to ensure the implementation of the following priorities when considering the disposition of non-evidentiary eagle carcasses and parts held by the Service. This order supersedes any previous policy or memorandum concerning eagles.

Sec. 2. Policy. All Service units shall expeditiously transfer salvageable eagle carcasses and eagle parts to the National Eagle Repository (Repository).

Upon request, eagle parts which have not been mounted and have been determined to be non-evidentiary will be distributed first to Native Americans for traditional religious purposes and then to all other uses.

Sec. 3. Objectives. The objective of this order is to facilitate the movement of eagle carcasses and parts to the Repository for distribution to Native American eagle permit holders and to provide guidance in prioritizing the distribution of such parts.

Sec. 4. Implementation.

a. Under the provisions of the Eagle Act, the Service is authorized to distribute eagle carcasses, feathers and parts to Native Americans for religious purposes. The Service's supply of eagle parts for the religious purposes of Indians is maintained by the Repository. The Director authorizes and requires Service employees through the Eagle Act, the Endangered Species Act and the Migratory Bird Treaty Act to salvage, transport, and ship available non-evidentiary eagles to the Repository. Because the demand always exceeds the supply, eagles will not be donated or distributed for any other purpose until the needs of Native Americans have been met. On a case-by-case basis, the Regional Director may authorize deviations from this policy for important resource needs.

b. Service entities will immediately notify the repository of the availability of eagle carcasses or parts which are not being treated as evidence. Service units will ship eagle carcasses and parts to the Repository in accordance with all applicable safety provisions, as well as handling and packaging instructions from the Repository.

Sec. 5. Authorities. Eagle Act, 16 U.S.C. 668; Migratory Bird Treaty Act, 16 U.S.C. 703-712; Endangered Species Act, 16 U.S.C. 1531-1541

Sec. 6. Effective Date: This order is effective immediately and remains in effect until it is incorporated in the Fish and Wildlife Manual or until it is amended, superseded, or revoked. However, in the absence of the foregoing actions, the provisions of this order will terminate and be considered obsolete on March 31, 1995.

/sgd/ MOLLIE H. BEATTIE
DIRECTOR



Office of the Attorney General
Washington, D.C. 20530

OCT 12 2012

MEMORANDUM

TO: ASSISTANT ATTORNEY GENERAL, ENVIRONMENT AND NATURAL
RESOURCES DIVISION

ALL UNITED STATES ATTORNEYS

DIRECTOR, EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

FROM:  THE ATTORNEY GENERAL

SUBJECT: Possession or Use of the Feathers or Other Parts of Federally Protected Birds for
Tribal Cultural and Religious Purposes

This memorandum formalizes and memorializes the longstanding policy and practice of the Department of Justice regarding the possession or use of federally protected birds, bird feathers, or other bird parts for the cultural and religious purposes of federally recognized Indian tribes.¹ This memorandum also provides background and guidance regarding this policy.

The Department of Justice recognizes that many Indian tribes and tribal members use, and traditionally have used, federally protected birds, bird feathers, or other bird parts for their tribal cultural and religious expression. Indeed, the eagle plays a unique and important role in the religious and cultural life of many Indian tribes. And in light of the important government-to-government relationship that the United States has with federally recognized tribes, the United States has a strong interest in accommodating the interests of these tribes by protecting the ability of their members to meaningfully practice their religions and preserve their cultures.² In addition, accommodating these tribal interests is integral to the federal commitment to foster tribal self-determination and self-governance.

At the same time, tribes and their members and the United States share an interest in – and a responsibility for – protecting this Nation’s scarce and precious wildlife resources. Federal wildlife laws are essential to preserving natural resources – including the eagle and other migratory birds – that are vitally important to this Nation.³ It is a federal enforcement priority to prosecute those who violate federal laws by engaging in commercial activities involving federally protected birds, bird feathers, or other bird parts, or by killing such birds without

authority under federal law. The objective of these enforcement efforts is to reduce and eliminate the unlawful taking of federally protected birds by prosecuting not only individuals who take protected birds but also individuals who seek to profit from the commercialization of federally protected birds or their feathers or other parts.

In short, the Department of Justice is committed to robust enforcement of federal laws protecting birds while respecting tribal interests in the use of eagle feathers and other federally protected birds, bird feathers, and other bird parts for cultural and religious purposes.

Background

The Department of Justice policy memorialized in this memorandum is consistent with the longstanding policy of the Department of the Interior. In 1975, then-Secretary of the Interior Rogers C. B. Morton issued a policy statement concerning Indian cultural and religious use of migratory bird feathers and parts, which has become known as the "Morton Policy."⁴ The Morton Policy was issued to "clarify the Department of the Interior's responsibilities and intentions" as to enforcement of federal laws protecting eagles and to "ease the minds of American Indians" who had raised concerns about the application of federal wildlife protection laws to their cultural and religious activities.⁵

Pursuant to the Morton Policy, the Department of the Interior has long permitted members of federally recognized tribes to engage in specified activities, including the possession and use of federally protected birds, as well as their parts or feathers, "without fear of Federal prosecution, harassment, or other interference." The Morton Policy also affirmed that the government would not permit anyone, including members of federally recognized tribes, to kill federally protected birds without a permit or to engage in commercial trade in federally protected birds, bird feathers, or other bird parts. The government would continue to enforce against all persons federal laws prohibiting the killing of protected birds and prohibiting commercial activities involving protected birds and their feathers and parts.

The Morton Policy has guided the federal government's approach to enforcement of federal laws protecting birds ever since it was issued. Nonetheless, I understand that there continues to be some uncertainty and concern regarding enforcement of federal bird protection laws as related to the cultural and religious activities of members of federally recognized tribes. I am therefore issuing this memorandum in order to clarify and confirm that the Department of Justice continues to exercise its prosecutorial discretion in a manner consistent with the Morton Policy.

Policy

The Department of Justice is committed to balancing enforcement of the Nation's wildlife laws with acknowledgment of the cultural and religious needs of federally recognized Indian tribes with which the United States shares a government-to-government relationship. This policy is intended to ensure coordination and continued consistency with the Morton Policy and to clarify certain issues not expressly or fully addressed in the Morton Policy itself. The

Department of Justice has worked very closely with the Department of the Interior in developing this policy. This policy is intended to ensure a consistent and uniform approach across the nation to enforcement of federal laws protecting birds.⁶

Accordingly, consistent with the Morton Policy and the Department of Justice's traditional exercise of its discretion, a member of a federally recognized tribe engaged only in the following types of conduct will not be subject to prosecution:

- Possessing, using, wearing, or carrying federally protected birds, bird feathers, or other bird parts;
- Traveling domestically with federally protected birds, bird feathers, or other bird parts or, if tribal members obtain and comply with necessary permits, traveling internationally with such items;⁷
- Acquiring from the wild, without compensation of any kind, naturally molted or fallen feathers of federally protected birds, without molesting or disturbing such birds or their nests;
- Giving or loaning federally protected birds or the feathers or other parts of such birds to other members of federally recognized tribes, or exchanging federally protected birds or the feathers or other parts of such birds with other members of federally recognized tribes, without compensation of any kind;
- Providing the feathers or other parts of federally protected birds to craftspersons who are members of federally recognized tribes to be fashioned into objects for eventual use in tribal religious or cultural activities. Although no compensation may be provided and no charge made for such feathers or other bird parts, tribal craftspersons may be compensated for their labor in crafting such objects.

Members of federally recognized tribes are covered by this policy regardless of whether they have a U.S. Fish and Wildlife Service permit.⁸

The Department of Justice balances its commitment to accommodating the needs of federally recognized tribes with its commitment to enforcement of the Nation's wildlife laws. Thus, the Department of Justice will continue to prosecute tribal members and non-members alike for violating federal laws that prohibit the killing of eagles and other migratory birds or the buying or selling of such birds or the feathers or other parts of such birds.⁹ The terms "buying," "selling," and "compensation" include the exchange of federally protected birds, bird feathers, or other bird parts for cash, services, goods, or anything other than protected birds, bird feathers, or other bird parts.

The Department of Justice's Environment and Natural Resources Division (ENRD) and United States Attorneys' Offices work closely with the Department of the Interior's U.S. Fish and Wildlife Service on enforcement of federal laws protecting birds. It is a goal of both the

Department of Justice and the Department of the Interior that these enforcement efforts are carried out in a way that is consistent with the policies of both agencies, as described in this memorandum. Prosecutors should be aware that the Department of the Interior has a longstanding internal procedure regarding review of cases involving members of federally recognized tribes, which governs decisions by the Department of the Interior on the referral of cases to Department of Justice prosecutors.

United States Attorneys' Offices shall consult with the Assistant Attorney General of ENRD or her designee, the Chief of ENRD's Environmental Crimes Section, if they have questions regarding whether particular conduct is consistent with this policy or whether exceptional circumstances exist. In addition, in light of the significant and important issues these cases raise, it is strongly recommended that Assistant U.S. Attorneys handling any case involving Native Americans and federally protected birds, bird feathers or other bird parts, consult at an early stage of their investigation or prosecution with ENRD's Environmental Crimes Section. Among other things, prosecutors are strongly encouraged to consult with ENRD in any such case (involving Native Americans and federally protected birds, bird feathers, or other bird parts) in which an issue is raised regarding a treaty with an Indian tribe, the First Amendment of the United States Constitution, the American Indian Religious Freedom Act, or the Religious Freedom Restoration Act.

Consistent with the sovereign status of Indian tribes, and with this Department's commitment to fostering tribal self-determination, prosecutors are also encouraged to consider whether prosecution of particular cases would be more appropriately handled by tribal prosecutorial authorities in lieu of federal prosecution. *See* U.S. Attorneys' Manual Ch. 9-27.220(A)(2).

This policy is based on the special relationship that the federal government has with federally recognized tribes. This policy is not intended to address or change how the Department of Justice handles cases involving those who are not members of federally recognized tribes, including non-Indians or members of state-recognized tribes or other groups or organizations. The traditional elements of federal prosecutorial discretion continue to apply in all such cases. *See Principles of Federal Prosecution*, U.S. Attorneys' Manual Ch. 9-27.000. Prosecutors retain the discretion to consider all appropriate factors, such as the nature and seriousness of the offense and the culpability of the offender, in determining whether to pursue a particular prosecution that would not be inconsistent with this policy. *See, e.g.*, U.S. Attorneys' Manual Ch. 9-27.230-250 (describing factors that may be relevant in determining whether to prosecute) and 9-27.260 (detailing impermissible considerations). In exercising their discretion in such cases, prosecutors should be aware that it has been and continues to be the priority of the Department of Justice and the Department of the Interior to focus wildlife enforcement resources on those cases involving illegal activities that have the greatest negative impact on protected species, such as the unlawful take of protected wildlife and unlawful commercial activities involving protected wildlife.¹⁰

This policy has been promulgated solely for the purpose of internal Department of Justice guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, that are enforceable at law by any party in any matter, civil or

Memorandum from the Attorney General
Subject: Eagle Feathers Policy

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criminal, nor does it place any limitations on otherwise lawful litigative prerogatives of the Department of Justice.

cc: Director, Federal Bureau of Investigation
Director, Office of Tribal Justice

Attachment

Notes

¹ The term “federally recognized tribes” (also referred to in this memorandum as “Indian tribes” or “tribes”) means all Indian tribes (including Alaska Native entities) identified in the most recent list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs published in accordance with section 104 of Public Law 103-454 (108 Stat. 4792; 25 U.S.C. § 479a-1) and any other Indian tribes acknowledged by the United States Bureau of Indian Affairs and identified for inclusion in such a list.

² This interest is reflected in statutes, Executive Orders, and case law. *See, e.g.*, 16 U.S.C. § 668a (authorizing exceptions to the Bald and Golden Eagle Protection Act “for the religious purposes of Indian tribes”); 42 U.S.C. § 1996 (the American Indian Religious Freedom Act); Executive Order 13007 (May 24, 1996) (Indian Sacred Sites); Presidential Memorandum on Policy Concerning Distribution of Eagle Feathers for Native American Religious Purposes, 59 F.R. 22953 (Apr. 29, 1994); *United States v. Wilgus*, 638 F.3d 1274, 1285 (10th Cir. 2011) (finding that regulatory scheme concerning tribal member possession of eagle feathers for religious purposes serves compelling governmental interests in protecting eagles and in “protecting and fostering [the] culture and religion . . . of federally-recognized Indian tribes”); *United States v. Eagleboy*, 200 F.3d 1137 (8th Cir. 1999) (upholding Morton Policy, defined *infra* at 2 and n.4). The unique legal and political relationship that the United States shares with federally recognized tribes has been addressed by the Supreme Court in *Morton v. Mancari*, 417 U.S. 535 (1974), and is further addressed in Executive Order 13175 (Nov. 6, 2000) (Consultation and Coordination with Indian Tribal Governments) and Presidential Memorandum on Tribal Consultation, 74 F.R. 57881 (Nov. 5, 2009).

³ Federal wildlife laws that protect birds (and the feathers and parts thereof) include the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668-668d, the Migratory Bird Treaty Act, 16 U.S.C. §§ 703-712, the Lacey Act, 16 U.S.C. §§ 3371-3378, and the Endangered Species Act, 16 U.S.C. §§ 1531-1544. The term “federally protected bird,” as used in this memorandum, refers to any bird that is protected under any federal wildlife law.

⁴ Rogers C. B. Morton, Secretary of the Interior, Policy Statement on Indian Use of Bird Feathers (Feb. 5, 1975). A copy of the Morton Policy is attached.

⁵ *Id.*

⁶ Neither the Morton Policy nor this policy is intended to address issues regarding live birds.

⁷ Enrolled members of federally recognized tribes may legally transport federally protected birds, bird feathers, or other bird parts internationally if they obtain a permit to do so. *See* 50 C.F.R. § 22.22; *see also* www.fws.gov/le/public-bulletin-native-american-travel-overseas.html. In addition, U.S. Fish and Wildlife Service policy allows enrolled members of federally recognized tribes to travel without a permit to Mexico or Canada with eagles, eagle parts, or eagle feathers under certain conditions, including that the tribal member enters and leaves the United States with the same items. *See* U.S. Fish and Wildlife Service, Notice to the Wildlife Import/Export Community re: Transport of Eagle Items Within North America (Feb. 1, 2003) (www.fws.gov/le/public-bulletin-transport-eagle-items.html). U.S. Fish and Wildlife Service policy similarly allows Canadians who present a “Certificate of Indian Status” card issued by the federal Government of Canada to travel into and out of the United States with eagles, eagle

parts, or eagle feathers under conditions similar to those required of members of tribes recognized by the United States. *Id.* Note that these policies address transport requirements under federal wildlife laws and do not address the applicability of customs and related laws.

⁸ The U.S. Fish and Wildlife Service issues permits for receipt and possession of eagle carcasses, eagle feathers, and eagle parts to tribal members who apply for and receive such items through the National Eagle Repository. Members of federally recognized tribes are not, however, required to have permits to engage in the conduct that this policy allows (other than any permits that may be necessary for international travel, as described in note 7).

⁹ Enrolled members of federally recognized tribes may legally kill federally protected birds only if they obtain a permit to do so and comply with its conditions. *See* 50 C.F.R. § 22.22; U.S. Fish and Wildlife Service, Federal Fish and Wildlife Permit Application Form (Type of Activity: Native American Eagle Take). Similarly, a U.S. Fish and Wildlife Service permit is required to salvage a carcass or part of a federally protected bird or anything from such a carcass or part, except naturally molted or fallen feathers as provided under this policy. *See* 16 U.S.C. § 668(a), 668a, 668c; 16 U.S.C. § 703(a), 704(a); 50 C.F.R. 10.12.

¹⁰ *See generally* U.S. Fish and Wildlife Service, Enforcement Priorities, 444 FW 1, ¶¶ 1.2A, 1.3A (Aug. 25, 2005), available at www.fws.gov/policy/444fw1.html.

DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release February 5, 1975

McGarvey 202/343-5634

MORTON ISSUES POLICY STATEMENT ON INDIAN USE OF BIRD FEATHERS

Secretary of the Interior Rogers C. B. Morton today issued a policy statement concerning Indian cultural and religious use of migratory bird feathers and parts. Following is the text of the statement.

"I am aware that American Indians are presently experiencing uncertainty and confusion over the application of Federal bird protection laws to Indian cultural and religious activities. Apparently, this confusion and concern may have resulted, in part, from this Department's enforcement activities under such laws. This statement is intended to clarify the Department of the Interior's responsibilities and intentions, and to ease the minds of American Indians.

"The Department of the Interior recognizes the unique heritage of American Indian culture. It also recognizes that American Indians have a legitimate interest in expressing their cultural and religious way of life. At the same time, both the Department of the Interior and American Indians share an additional responsibility to conserve wildlife resources, including federally protected birds.

"As a result of meetings between agencies of the Department of the Interior, the Association for American Indian Cultural and Traditional Activities, and others, I can assure American Indians that our policy is to permit them to engage in the following activities without fear of Federal prosecution, harassment, or other interference.

(over)

"1. American Indians may possess, carry, use, wear, give, loan, or exchange among other Indians, without compensation, all federally protected birds, as well as their parts or feathers.

"2. American Indians who wish to possess bird feathers or parts to be worked on by tribal craftsmen for eventual use in Indian religious or cultural activities may transfer such feathers or parts to tribal craftsmen without charge, but such craftsmen may be compensated for their work.

"However, the Department of the Interior will continue to enforce against all persons those Federal laws prohibiting the killing, buying or selling of eagles, migratory birds, or endangered species, as well as those laws prohibiting the buying or selling of the parts or feathers of such birds and animals.

"I encourage American Indians to express their identity and to freely pursue their cultural and religious practices. At the same time, I encourage them to support the purposes of the Federal bird protection laws. There is much work to be accomplished to further clarify the rights and obligations of American Indians with respect to Federal bird protection laws, and special efforts will be made to conduct a two-way education process between Government employèes and Indian communities. In addition, we have agreed to work in a spirit of cooperation with the Association for American Indian Cultural and Traditional Activities, and other interested Indian representatives, in order to harmonize the policies, practices, and procedures for enforcement of the Federal bird protection laws with the legitimate needs of Indians. This includes review of Federal regulations, with probable changes where the legitimate needs of American Indians can be legally recognized without harming federally protected birds.

"In this regard, one area of discussion should be the possibility of American Indians sharing with Federal officials the responsibilities of wildlife management and enforcement through the adoption of tribal ordinances designed to conserve federally protected birds.

"In the past, one problem has been that legitimate sources of feathers, which might have been available to the Department for distribution to American Indians, have not been fully utilized. We are presently developing better procedures to collect and distribute eagle feathers from the Fish and Wildlife Service repository at Pocatello, Idaho, where feathers of eagles found dead are stored. In addition, we will make an effort to distribute the feathers and parts of other migratory birds to Indians.

"I hope that this statement will help to take away the uncertainty and confusion presently experienced by American Indians. I hope also that our efforts will encourage tradition, culture, and religious activities among American Indians, while at the same time promoting a mutual effort to protect and conserve federally regulated birds.

x x x

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x x x

Eagle Summit III

Eagle Reference Book

Section 3:

Eagles for Indian Religious Purpose

- Application for 1st order
- Sample of Real permit



Ordering Eagle Parts and Feathers from the National Eagle Repository

For hundreds of years, Native Americans have used eagle parts and feathers for religious and cultural purposes, including healing, marriage, and naming ceremonies. Recognizing the significance of eagles to Native Americans, the U.S. Fish and Wildlife Service (Service) established the National Eagle Repository (Repository) in the early 1970s to provide Native Americans with the carcasses, parts and feathers of golden and bald eagles for religious purposes.

Who may obtain eagle carcasses, parts, and feathers from the Repository?

Only enrolled members of federally recognized tribes may apply to receive and possess eagle carcasses, parts, and feathers from the Repository for religious purposes.

How do I apply for these items from the Repository?

To apply for an eagle carcass or parts or feathers from the Repository for the first time, you must submit a Permit Application & First Order request, and a Certificate of Enrollment in a Federally Recognized Tribe (Form 3-200-15A) to the Regional Migratory Bird Permit Office responsible for the State in which you live. The Permit Office will process your permit application and, if approved, issue you a permit to possess for religious purposes eagle carcasses or parts (including feathers) provided by the Repository. The Permit Office will simultaneously transmit your First Order to the Repository for filling. If you wish to order additional carcasses or parts at a later time, you must submit a Re-order Request (Form 3-200-15B) directly to the Repository.

Did the permit process change recently?

Yes, the Service recently streamlined the permitting process for eagle carcasses and parts.

Previously, a first-time applicant submitted a permit application and shipping request to his/her Regional Migratory Bird Permit Office and the Permit Office transmitted the order to the Repository. The applicant did not receive his/her permit until after receiving the shipment and mailing back a signed Acknowledgement of Receipt to the Permit Office. Each subsequent shipping order was sent to the Permit Office to be forwarded to the Repository. The permit was amended when the Permit Office received the signed Acknowledgement of Receipt for the re-order.

Now, the Permit Office will process only the initial permit application and, if approved, issue the permit right away. The permit will authorize the applicant to possess eagle carcasses and parts provided by the Repository and will be the only permit needed, regardless of the number of requests filled by the Repository. The Permit Office will then forward the first order to the Repository for filling. An applicant will not have to send an Acknowledgement of Receipt to the Permit Office in order to get their permit. Permit holders will send any subsequent Re-Order

Requests directly to the Repository. The permit will not have to be amended to cover re-orders. The original permit will be valid for the life of the permit holder.

In summary, now you will obtain your life-time permit from your Regional Migratory Bird Permit Office. After your first order has been filled, you will deal directly with the Repository for any re-orders. You will contact your Permit Office **only** if you wish to make name or address amendments to your permit.

What items may Native Americans order from the Repository?

Native Americans may order up to one whole golden or bald eagle or equivalent parts at a time. They may also order specific eagle parts or loose eagle feathers.

What kinds of parts are available?

Orders may be placed for a pair of wings, tail, head, pair of talons, or trunk. You may not order more of any part than is found in one whole eagle.

How many loose eagle feathers may an individual request?

There are two types of loose feather requests:

- **10 Quality Loose Feathers:** These consist of 8 wing feathers and 2 tail feathers which are hand picked. Because supplies are limited, no more than 2 tail feathers will be provided per order. Wing feathers will be selected half from the left and half from the right wing, unless specified all from one side. Spike feathers will be utilized. Efforts are made to match the best quality feathers.
- **20 Miscellaneous Eagle Feathers:** These consist of assorted bald or golden eagle feathers and may include various size feathers (such as primaries, secondaries, tail, and plumes). Quality may vary. **Applicants may not customize orders.**

May a school request eagle feathers for graduation?

Yes, schools may request eagle feathers to present at graduation to Native American students who are enrolled members of federally recognized tribes. A representative from the school who is an enrolled member of a federally recognized tribe should apply at the beginning of the school year under the miscellaneous eagle feather category, which has the shortest turn around time. More than one representative may apply; however, **only one order per applicant** (including requests for feathers for personal use) may be placed or awaiting shipment at a time. Upon receipt of feathers, applicants may reorder and may continue to do so throughout the year until the number of feathers needed have been acquired.

How long does it take the Repository to fill orders?

The demand for eagle carcasses, parts, and feathers is high, and supplies are limited. The time needed to fill requests will vary depending on the items ordered. **Estimated** time frames for

various items are provided below. (Please note that requests are filled based on current inventory.)

Whole immature golden eagles	Approximately 5 years
Whole adult golden eagles	Approximately 4½ years
Whole adult and immature bald eagles	Approximately 2½ years
Whole tail only – golden eagle	Approximately 4 ½ - 5
Whole tail only – bald eagle	Approximately 2 – 2 ½ years
Pair of eagle wings	Approximately 1 year
10 loose quality feathers	Approximately 6 months
20 miscellaneous feathers	Approximately 3 months
Trunks only	On receipt of request
Head only	On receipt of request
Talons only	On receipt of request

For information about permit requirements, contact:

The Permit Office responsible for your State
(see attached list of Migratory Bird Permit Offices).

For more information about the Repository, contact:

U.S. Fish and Wildlife Service
National Eagle and Wildlife Property Repository
Rocky Mountain Arsenal, Building 128
6550 Gateway Road
Commerce City, Colorado 80022
(303) 287-2110
<http://www.fws.gov/le/Natives/EagleRepository.htm>

July 20, 2011



Department of the Interior
 U.S. Fish and Wildlife Service
EAGLE PARTS FOR NATIVE AMERICAN RELIGIOUS PURPOSES
Permit Application
& First Order

OMB Control #1018-0022
 Expires 02/28/2014
OFFICE USE ONLY
 Date Completed Request
 rec'd in Regional Office
 ____/____/____
 Initials: _____

Please see reverse for instructions

Last Name		First Name	Middle Name	Suffix (Sr., Jr., etc.)
Physical address (Street address; Apartment #, Suite #; no P.O. Boxes)				
City		State	Zip code/Postal code	
Mailing Address (if different than physical address)				
City		State	Zip code/Postal code	
Date of Birth	Social Security Number		Name of Contact Person (if you have no phone)	
Home Phone Number		Work Phone Number	Phone Number of Contact	
Permit Number (Not applicable for First Order)		Cellular Phone Number	E-Mail Address	

DESCRIPTION OF REQUESTED MATERIAL *(You can only make one request at a time.)*

<u>Item</u>	<u>(May not exceed parts of one whole eagle)</u>	<u>Approximate Waiting Period</u>	<u>Species</u>	<u>Age</u>
<input type="checkbox"/>	Whole Carcass – Golden Eagle	4 ½ - 5 years	<input type="checkbox"/> Golden	<input type="checkbox"/> Adult
<input type="checkbox"/>	Whole Carcass – Bald Eagle	2 - 2 ½ years	<input type="checkbox"/> Bald	<input type="checkbox"/> Immature
<input type="checkbox"/>	Pair of Whole Wings	1 year	<input type="checkbox"/> Either	<input type="checkbox"/> Either
<input type="checkbox"/>	Whole Tail--Golden Eagle	4 ½ - 5 years	(Orders for golden eagle take longer to fill than bald eagles.)	See page 3 for examples (Orders for immature golden eagles take the longest to fill.)
<input type="checkbox"/>	Whole Tail --Bald Eagle	2 - 2 ½ years		
<input type="checkbox"/>	10 Quality Loose Feathers (8 wing; 2 tail)	6 months		
<input type="checkbox"/>	20 Miscellaneous Loose Feathers (lower quality mixed)	90 days		
<input type="checkbox"/>	Pair of Talons	Minimal		
<input type="checkbox"/>	Head	Minimal		
<input type="checkbox"/>	Trunk (body without head, feet, wings or tail)	Minimal		

Name of Your Tribe:	Enrollment No.
---------------------	----------------

Name of Religious Ceremony in which these materials will be used. (You may choose not to provide the name of the religious ceremony if doing so will violate your religious beliefs.)

I hereby certify that I am requesting an eagle items for religious purposes and that the information submitted herein is complete and accurate to the best of my knowledge. I understand that false statements made here may subject me to criminal penalties.

Signature: _____ Date: _____

===== **OFFICE USE ONLY BELOW HERE** =====

APPLICANT CONTACT NOTES	
Date shipping request forwarded to Eagle Repository: : ____/____/____	Initials: _____
Date shipping request received at Eagle Repository: ____/____/____	Initials: _____
Date of shipment to applicant: ____/____/____	Initials: _____



Department of the Interior
U.S. Fish and Wildlife Service
Division of Migratory Birds

Eagle Permit Applicant:

(Please print)

Name: _____

Address: _____

TELEPHONE NUMBER: _____

CERTIFICATION OF ENROLLMENT IN A U.S. FEDERALLY RECOGNIZED TRIBE

(By Certifying Tribal Official)

The U.S. Fish and Wildlife Service administers the Bald and Golden Eagle Protection Act, the Federal law protecting eagles. This law provides for Native American use of eagle feathers for religious purposes. Eagles and eagle feathers are accumulated by the Service's National Eagle Repository and made available to Native Americans.

Application for a permit to acquire eagle feathers requires certification that the requesting individual is an enrolled member of an Indian tribe that is **federally recognized** under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a-1, 108 Stat. 4791 (1994). The certificate must be signed by the tribal official who is authorized to certify that an individual is a duly enrolled member of that tribe, and must include the official title of that certifying official. (50 CFR 22.22)

Name of certifying official (print): _____

I certify that _____ is an enrolled member of the
_____ Tribe, Enrollment # _____

I understand that making a false statement can make me subject to the criminal penalties of 18 U.S.C. 1001.

Signature: _____ Date: _____

Title: _____ Office phone no. (____) _____ - _____

NOTE TO CERTIFYING OFFICIAL: Please expedite this completed Certification of Enrollment to the applicant at the above address.

APPLICANT: Attach this completed certification to your Eagle Permit application and mail them to the U.S. Fish and Wildlife Service Regional Migratory Bird Permit Office responsible for your state.

**INSTRUCTIONS FOR APPLYING FOR
A PERMIT & EAGLE PARTS
FOR NATIVE AMERICAN RELIGIOUS PURPOSES**

IMPORTANT: Use this “Permit Application/First Order” form only if you do not already have a U.S. Fish and Wildlife Service permit to possess eagle carcasses, feathers and other parts from the National Eagle Repository (Repository). Do **not** use this application form if you already have a permit from the Service to possess eagle parts from the Repository. If you already have a permit, you must use the Re-Order Request Form (3-200-15B) and send it directly to the Repository for filling. See instructions below under “Re-Ordering Eagle Parts and Feathers from the Repository.”

The U.S. Fish and Wildlife Service (Service) administers the Bald and Golden Eagle Protection Act, the primary Federal law protecting bald and golden eagles. This law provides for the use of eagle parts and feathers for religious purposes by Native Americans. Eagle carcasses, feathers and other parts are accumulated by, and made available to, Native Americans through, the Repository. In order to receive material from the Repository, you must first obtain a permit from the Service Regional Migratory Bird Permit Office that serves your State, using this application form. You only need to obtain a single permit, which will authorize all future shipments of eagle parts that you receive from the Repository. Once you have that permit and have received your first order, you may make future requests directly to the Repository using a Re-Order Request Form (Form 3-200-15B) (see instructions below under “Re-Ordering Eagle Parts and Feathers from the Repository”). *Please do not submit re-order requests to your permit-issuing office.*

The Repository serves Native Americans of federally recognized tribes throughout the United States. Shipments of feathers are prioritized according to the date the Repository receives a properly completed Order. You can avoid delays in the processing of your Order by ensuring that your form is **signed** and the information you provide is **complete and legible**. We must have your current address and telephone number for the Repository to contact you when your request is ready to be filled. *****IMPORTANT: Please notify the Repository at (303) 287-2110 if you change your address or telephone number.** The Repository will **not** ship any orders without prior address verification.

Due to the limited supply of eagle carcasses, parts and feathers, **all applicants are allowed only one pending order at a time.** Each order for parts may not exceed the quantity of one whole bird. Applicants ordering a whole bird may not order additional parts. Requests for a whole carcass average 2-2½ years to fill for a bald eagle and 4½ - 5 years to fill for a golden eagle. Feather orders are as follows: Ten “quality loose feathers”, which usually consist of 8 wing feathers and 2 tail feathers, are filled within 6 months. Twenty “miscellaneous loose feathers” usually consist of a mixture of lower quality feathers that are **not exchangeable or returnable** and are filled within 90 days. Please refer to page 4 for descriptions of eagle feathers.

When filling out your Application/First Order form, make sure you request either a whole bird or parts. Do not ask for both. Make sure your form is completed with all information requested and signed. If your form is incomplete, it will be returned to you and your order will be delayed.

Mail your completed Application/First Order form and Certification of Enrollment to the Regional Migratory Bird Permit Office that serves the State where you live. The Regional Migratory Bird Permit Office addresses and contact information are listed on page 4. After you have received your permit, any questions about the status of your order should be directed to the Repository at **(303) 287-2110**.

To qualify for a permit, you must be a member of a federally recognized tribe, band, nation, or other organized group or community recognized by, and eligible to receive services from, the Bureau of Indian Affairs. You must submit with your permit application a Certification of Enrollment in a Federally Recognized Tribe completed by a tribal official who is authorized to certify that an individual is a duly enrolled member of your tribe. You must be at least 18 years old to apply for a permit.

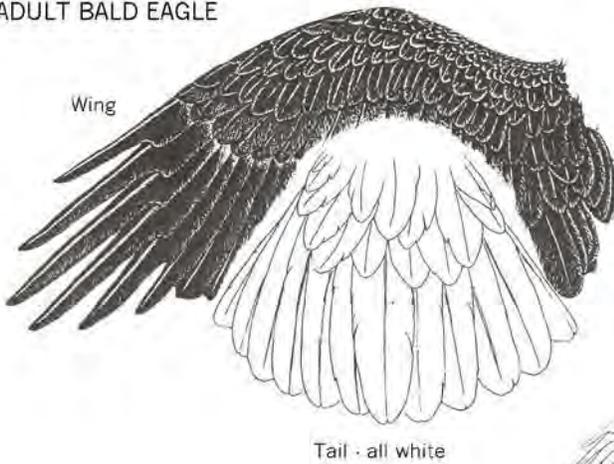
Re-Ordering Eagle Carcasses, Parts, and Feathers from the Repository

If you already have a permit and wish to re-order eagle carcasses, parts, or feathers, use a Re-Order Request Form (3-200-15B) and submit it directly to the Repository. You can obtain that form online at <http://www.fws.gov/forms/3-200-15b.pdf>, or contact your Regional Migratory Bird Permit Office to request that one be mailed to you.

MIGRATORY BIRD PERMIT OFFICES

FWS Region	Area of Responsibility	Mailing Address	Telephone Number & Email Address
1	Hawaii, Idaho, Oregon, Washington, Pacific Island Territories	911 N.E. 11 th Avenue Portland, OR 97232-4181	(503) 872-2715 permitsR1MB@fws.gov
2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	(505) 248-7882 permitsR2MB@fws.gov
3	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin	5600 American Blvd. West Suite 990 Bloomington, MN 55437-1458	(612) 713-5436 permitsR3MB@fws.gov
4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, U.S. Virgin Islands	P.O. Box 49208 Atlanta, GA 30359	(404) 679-7070 permitsR4MB@fws.gov
5	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	(413) 253-8643 permitsR5MB@fws.gov
6	Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming	P.O. Box 25486, DFC Denver, CO 80225-0486	(303) 236-8171 permitsR6MB@fws.gov
7	Alaska	1011 East Tudor Road (MS 201) Anchorage, AK 99503	(907) 786-3693 permitsR7MB@fws.gov
8	California, Nevada	2800 Cottage Way Sacramento, CA 95825	(916) 978-6183 permitsR8MB@fws.gov

ADULT BALD EAGLE

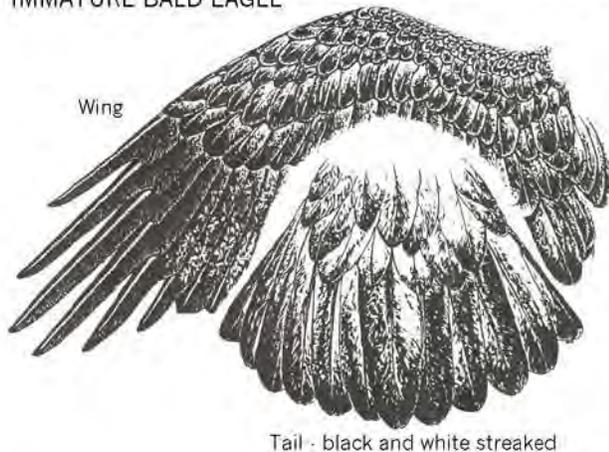


ADULT GOLDEN EAGLE

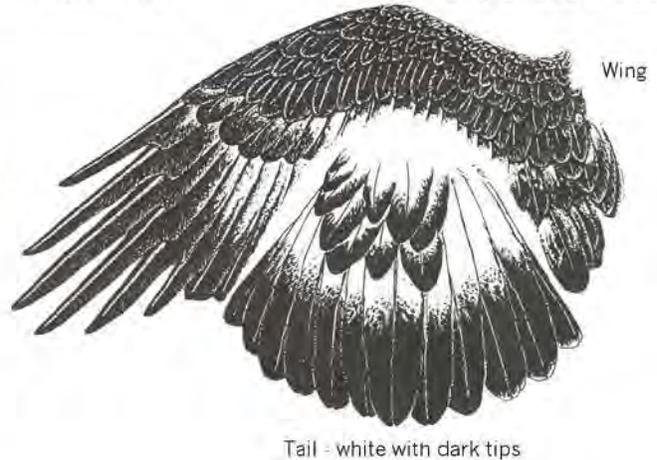


Spikes/Primaries Secondaries

IMMATURE BALD EAGLE



IMMATURE GOLDEN EAGLE



APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT

Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) & the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), [Title 50, Code of Federal Regulations, Part 22 \[50 CFR 22\]](#);
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), [50 CFR 17.1 to 17.95\(b\)](#), [50 CFR 17.95\(c\)](#), [50 CFR 17.96 to 17.99](#), and [50 CFR 17.99 to end](#);
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), [50 CFR 21](#);
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et seq.*), [50 CFR 18](#);
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), [50 CFR 15](#);
 - f. Lacey Act (18 U.S.C. 42); Injurious Wildlife, [50 CFR 16](#);
 - g. [Convention on International Trade in Endangered Species of Wild Fauna and Flora \(TIAS 8249\)](#); [50 CFR 23](#);
 - h. General Provisions, [50 CFR 10](#);
 - i. General Permit Procedures, [50 CFR 13](#); and
 - j. Wildlife Provisions (Import/export/transport), [50 CFR 14](#).
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. Response is not required unless a currently valid Office of Management and Budget (OMB) control number is displayed on the form.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and federal, state, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing Federal Register notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to federal, state, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to federal, state, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate federal, state, tribal, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the General Accounting Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for an **Eagle Indian Religious Permit Application & First Order** application is 1 hour. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].



DEPARTMENT OF THE INTERIOR
U S FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

2 AUTHORITY-STATUTES
16 USC 668a

REGULATIONS
50 CFR Part 13
50 CFR 22.22

1 PERMITTEE



3 NUMBER

MB [REDACTED]

4 RENEWABLE

YES
 NO

5 MAY COPY

YES
 NO

6 EFFECTIVE
03/10/2014

7 EXPIRES
INDEFINITE

8 NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

9 TYPE OF PERMIT

INDIAN RELIGIOUS PURPOSES - LIFETIME

10 LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Within the United States

11 CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. This permit authorizes you to possess and transport Bald Eagle and Golden Eagle carcasses and parts you obtain from the U.S. Fish and Wildlife Service (Service), National Eagle & Wildlife Property Repository (Repository) only, for Indian religious purposes.

E. Eagle carcasses and parts obtained under this permit are not transferable, except that they may be handed down from generation to generation or from one Indian to another in accordance with tribal or religious customs. Under no circumstances may eagle parts or carcasses be sold, bartered or traded.

F. You must maintain a record of carcasses and parts you receive from the Repository and of any of these carcasses or parts you transfer to someone else or dispose of. Your records must include the transmittal letter that accompanies your shipment from the Repository as well as the name and address of anyone you transfer carcasses or parts to, the items transferred, and the date of transfer.

G. You must retain this permit with your records and display it upon the request of any duly authorized representative of the Service.

H. You must notify your Migratory Bird Permit Issuing Office in writing if your legal name, mailing address, or contact information (e.g., telephone number) changes. If you want a new permit with the new information, you must request this in your notification to the Permit Issuing Office.

This permit does not authorize export/transport from or reimport/transport to the United States under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) or the Bald and Golden Eagle Protection Act (BGEPA) for which separate permits may be required. Visit the Service's website or contact your Permit Issuing Office for current information on additional permits and other requirements for taking your eagle items to Canada, Mexico, or abroad: <http://www.fws.gov/le/Natives/transportofeagleitems.htm>

Contacts: National Eagle & Wildlife Property Repository: RMA, Bldg. 128, 6550 Gateway Road, Commerce City, CO 80022-0001 (telephone: 303/287-2110)

Migratory Bird Permit Office: 303-236-8171

Website: <http://www.fws.gov/le/Natives/NativeInfo.htm>

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12 REPORTING REQUIREMENTS

No annual report

ISSUED BY

TITLE

CHIEF, MBPO, REGION 6

DATE

03/10/2014



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

[Redacted]

2. AUTHORITY-STATUTES

16 USC 668a

REGULATIONS

50 CFR Part 13

50 CFR 22.22

3. NUMBER

[Redacted]

6. EFFECTIVE

03/10/2014

7. EXPIRES

INDEFINITE

9. TYPE OF PERMIT

INDIAN RELIGIOUS PURPOSES - LIFETIME

11. CONDITIONS AND AUTHORIZATIONS BELOW

(fold)

11. CONDITIONS AND AUTHORIZATIONS (excerpts from signed permit)

D. This permit authorizes you to possess and transport bald and golden eagle carcasses and parts you obtain from the U.S. Fish and Wildlife Service National Eagle & Wildlife Property Repository only, for Indian Religious Purposes.

E. You may not sell, barter, or trade any eagle carcasses or parts.

G. You must display this permit upon the request of any duly authorized representative of the Service.

I. This permit does not authorize export or import from/to the United States.

The conditions of the following permit are incorporated by reference Eagle Indian Religious Purposes-Lifetime permit [Redacted]
Issuing Office (as noted on the original permit)

CHIEF, MBPO, REGION 6

This pocket permit is provided for your convenience. You may aminate it to place in a wallet. You must keep your original full size permit on file.

Eagle Summit III

Eagle Reference Book

Section 4:

Eagle Repository

- Possession of Eagle Parts and Feathers
Fact Sheet
- Order Instructions and Re-Order
Application Form 3-200-15b
- Eagle Repository Changes and
Consolidated Comments



U.S. Fish & Wildlife Service

Possession of Eagle Feathers and Parts by Native Americans

Eagles are directly protected under two Federal laws: the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. These laws generally prohibit the possession, use, and sale of eagle feathers and parts as well as a number of other activities.

Such restrictions help ensure the future viability of eagles in the wild. The U.S. Fish and Wildlife Service, however, has long recognized the religious and cultural significance of eagles to Native Americans and works to accommodate these special needs.

The Service operates the National Eagle Repository as a clearinghouse for eagles and eagle parts to provide Native Americans with eagle feathers for religious use. The Repository collects dead eagles salvaged by Federal and State agencies, zoos, and other organizations. Enrolled members of federally recognized tribes (as established under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. Section 479a, 108 Stat. 4791) may obtain a permit from the Service authorizing them to receive and possess eagle feathers and parts from the Repository. Permit applications must include certification of tribal enrollment from the Bureau of Indian Affairs. Because demand is high, waiting periods exist.

Native Americans may also legally possess eagle feathers and parts acquired through certain other means. Such items include any owned before eagles were first protected by Federal law (1940 for bald eagles, and 1962 for golden eagles) and feathers and parts passed down within a family or received as gifts from other Native Americans.

Native Americans may wear feathers legally in their possession or make them into religious or cultural items

for their own or tribal use. They may transfer feathers to tribal craftsmen to be fashioned into such objects; no money may be received for the feathers, but craftsmen may be compensated for their work.

Native Americans may give feathers or other eagle items as gifts to other Native Americans and may hand them down within their families. They may not, however, give them to non-Native Americans.

No person — including Native Americans — may kill or capture eagles without a permit from the Service. Nor may anyone buy, sell, barter, trade, import, or export eagle feathers or items made from them. These prohibitions cover all feathers and parts, including those that “pre-date” Federal protections and others that are legally possessed. (Native Americans, however, can obtain permits to travel overseas with eagle items for religious use.)

Service law enforcement efforts focus on the illegal take and commercial exploitation of eagles by anyone attempting to profit at the expense of these birds. Service officers who encounter individuals with noncommercial quantities of eagle feathers that are being used as personal or religious items will generally take no action if the individuals possess a valid Service permit or reasonably demonstrate that they are enrolled members of a federally recognized tribe. The production of a certificate of enrollment card would be one way for individuals to easily document their tribal affiliation, but this is not a legal requirement. An individual’s possession of such a card would, of course, tend to facilitate the resolution of any questions about the legality of his or her ownership and personal use of eagle feathers.



For More Information

If you have questions about possession and use of eagle feathers and parts, please contact:

**U.S. Fish & Wildlife Service
Office of Law Enforcement
4401 N. Fairfax Drive, MS-3000
Arlington, Virginia 22203
Phone: 703- 358-1949
Email: lawenforcement@fws.gov**

Additional information on how Native Americans may acquire eagle feathers and parts from the Service is available from the agency’s Regional Migratory Bird Permit Offices or by contacting:

**National Eagle Repository
U.S. Fish and Wildlife Service
Rocky Mountain Arsenal, Building 128
Commerce City, Colorado 80022
Phone: 303-287-2110**

February 2009



Ordering Eagle Parts and Feathers from the National Eagle Repository

For hundreds of years, Native Americans have used eagle parts and feathers for religious and cultural purposes, including healing, marriage, and naming ceremonies. Recognizing the significance of eagles to Native Americans, the U.S. Fish and Wildlife Service (Service) established the National Eagle Repository (Repository) in the early 1970s to provide Native Americans with the carcasses, parts and feathers of golden and bald eagles for religious purposes.

Who may obtain eagle carcasses, parts, and feathers from the Repository?

Only enrolled members of federally recognized tribes may apply to receive and possess eagle carcasses, parts, and feathers from the Repository for religious purposes.

How do I apply for these items from the Repository?

To apply for an eagle carcass or parts or feathers from the Repository for the first time, you must submit a Permit Application & First Order request, and a Certificate of Enrollment in a Federally Recognized Tribe (Form 3-200-15A) to the Regional Migratory Bird Permit Office responsible for the State in which you live. The Permit Office will process your permit application and, if approved, issue you a permit to possess for religious purposes eagle carcasses or parts (including feathers) provided by the Repository. The Permit Office will simultaneously transmit your First Order to the Repository for filling. If you wish to order additional carcasses or parts at a later time, you must submit a Re-order Request (Form 3-200-15B) directly to the Repository.

Did the permit process change recently?

Yes, the Service recently streamlined the permitting process for eagle carcasses and parts.

Previously, a first-time applicant submitted a permit application and shipping request to his/her Regional Migratory Bird Permit Office and the Permit Office transmitted the order to the Repository. The applicant did not receive his/her permit until after receiving the shipment and mailing back a signed Acknowledgement of Receipt to the Permit Office. Each subsequent shipping order was sent to the Permit Office to be forwarded to the Repository. The permit was amended when the Permit Office received the signed Acknowledgement of Receipt for the re-order.

Now, the Permit Office will process only the initial permit application and, if approved, issue the permit right away. The permit will authorize the applicant to possess eagle carcasses and parts provided by the Repository and will be the only permit needed, regardless of the number of requests filled by the Repository. The Permit Office will then forward the first order to the Repository for filling. An applicant will not have to send an Acknowledgement of Receipt to the Permit Office in order to get their permit. Permit holders will send any subsequent Re-Order

Requests directly to the Repository. The permit will not have to be amended to cover re-orders. The original permit will be valid for the life of the permit holder.

In summary, now you will obtain your life-time permit from your Regional Migratory Bird Permit Office. After your first order has been filled, you will deal directly with the Repository for any re-orders. You will contact your Permit Office **only** if you wish to make name or address amendments to your permit.

What items may Native Americans order from the Repository?

Native Americans may order up to one whole golden or bald eagle or equivalent parts at a time. They may also order specific eagle parts or loose eagle feathers.

What kinds of parts are available?

Orders may be placed for a pair of wings, tail, head, pair of talons, or trunk. You may not order more of any part than is found in one whole eagle.

How many loose eagle feathers may an individual request?

There are two types of loose feather requests:

- **10 Quality Loose Feathers:** These consist of 8 wing feathers and 2 tail feathers which are hand picked. Because supplies are limited, no more than 2 tail feathers will be provided per order. Wing feathers will be selected half from the left and half from the right wing, unless specified all from one side. Spike feathers will be utilized. Efforts are made to match the best quality feathers.
- **20 Miscellaneous Eagle Feathers:** These consist of assorted bald or golden eagle feathers and may include various size feathers (such as primaries, secondaries, tail, and plumes). Quality may vary. **Applicants may not customize orders.**

May a school request eagle feathers for graduation?

Yes, schools may request eagle feathers to present at graduation to Native American students who are enrolled members of federally recognized tribes. A representative from the school who is an enrolled member of a federally recognized tribe should apply at the beginning of the school year under the miscellaneous eagle feather category, which has the shortest turn around time. More than one representative may apply; however, **only one order per applicant** (including requests for feathers for personal use) may be placed or awaiting shipment at a time. Upon receipt of feathers, applicants may reorder and may continue to do so throughout the year until the number of feathers needed have been acquired.

How long does it take the Repository to fill orders?

The demand for eagle carcasses, parts, and feathers is high, and supplies are limited. The time needed to fill requests will vary depending on the items ordered. **Estimated** time frames for

various items are provided below. (Please note that requests are filled based on current inventory.)

Whole immature golden eagles	Approximately 5 years
Whole adult golden eagles	Approximately 4½ years
Whole adult and immature bald eagles	Approximately 2½ years
Whole tail only – golden eagle	Approximately 4 ½ - 5
Whole tail only – bald eagle	Approximately 2 – 2 ½ years
Pair of eagle wings	Approximately 1 year
10 loose quality feathers	Approximately 6 months
20 miscellaneous feathers	Approximately 3 months
Trunks only	On receipt of request
Head only	On receipt of request
Talons only	On receipt of request

For information about permit requirements, contact:

The Permit Office responsible for your State
(see attached list of Migratory Bird Permit Offices).

For more information about the Repository, contact:

U.S. Fish and Wildlife Service
National Eagle and Wildlife Property Repository
Rocky Mountain Arsenal, Building 128
6550 Gateway Road
Commerce City, Colorado 80022
(303) 287-2110
<http://www.fws.gov/le/Natives/EagleRepository.htm>

July 20, 2011



Department of the Interior, U.S. Fish and Wildlife Service
 National Eagle Repository
 RMA, Building 128, 6550 Gateway Road
 Commerce City, CO 80022-1798
 (303) 287-2110

OMB Control # 1018-0022
 Expires 02-28-2014
OFFICE USE ONLY
 Date Completed Request
 received in NER
 ____/____/____
 Initials: _____

RE-ORDER REQUEST
EAGLE PARTS FOR NATIVE AMERICAN RELIGIOUS PURPOSES

Please see reverse for instructions

Last Name		First Name	Middle Name	Suffix (Sr., Jr., etc.)
Physical address (Street address; Apartment #, Suite #; no P.O. Boxes)				
City		State	Zip code/Postal code	
Mailing Address (if different than physical address)				
City		State	Zip code/Postal code	
Date of Birth	Social Security Number		Name of Contact Person (if you have no phone)	
Home Phone Number		Work Phone Number	Phone Number of Contact	
Permit Number MB	Cellular Phone Number		E-Mail Address	

DESCRIPTION OF REQUESTED MATERIAL *(You can only make one request at a time.)*

Item	(May not exceed parts of one whole eagle)	Approximate Waiting Period	Species	Age
<input type="checkbox"/>	Whole Carcass – Golden Eagle	4 ½ - 5 years	<input type="checkbox"/> Golden	<input type="checkbox"/> Adult
<input type="checkbox"/>	Whole Carcass – Bald Eagle	2 - 2 ½ years	<input type="checkbox"/> Bald	<input type="checkbox"/> Immature
<input type="checkbox"/>	Pair of Whole Wings	1 year	<input type="checkbox"/> Either	<input type="checkbox"/> Either
<input type="checkbox"/>	Whole Tail – Golden Eagle	4 ½ - 5 years	(Orders for golden eagles take longer to fill than bald eagles.)	See page 3 for examples (Orders for immature golden eagles take the longest to fill.)
<input type="checkbox"/>	Whole Tail – Bald Eagle	2 - 2 ½ years		
<input type="checkbox"/>	10 Quality Loose Feathers (8 wing; 2 tail)	6 months		
<input type="checkbox"/>	20 Miscellaneous Loose Feathers (lower quality mixed)	90 days		
<input type="checkbox"/>	Pair of Talons	Minimal		
<input type="checkbox"/>	Head	Minimal		
<input type="checkbox"/>	Trunk (body without head, feet, wings or tail)	Minimal		

NAME OF YOUR TRIBE:	ENROLLMENT NO.
---------------------	----------------

I hereby certify that I am requesting an eagle items for religious purposes and that the information submitted herein is complete and accurate to the best of my knowledge. I understand that false statements made here may subject me to criminal penalties.

Signature: _____ Date: _____

===== **OFFICE USE ONLY BELOW HERE** =====

APPLICANT CONTACT NOTE:	REQUEST # _____
-------------------------	-----------------

Date of shipment to applicant: ____/____/____ Initials: _____

**INSTRUCTIONS FOR RE-ORDERING
EAGLE PARTS FOR NATIVE AMERICAN RELIGIOUS PURPOSES**

IMPORTANT: Use this Re-Order Request (Form 3-200-15B) only if you already have a permit to possess eagle carcasses, parts, and feathers from the National Eagle Repository (Repository). If you do not already have a permit, **do not** use this form. Instead, you first need to apply to the U.S. Fish and Wildlife Service Migratory Bird Permit Office that serves the State where you live to obtain a permit. See instructions for “Applying for a Permit” below.

The U.S. Fish and Wildlife Service administers the Bald and Golden Eagle Protection Act, the primary Federal law protecting bald and golden eagles. This law provides for the use of eagle parts and feathers for religious purposes by Native Americans. Eagle carcasses, parts, and feathers are accumulated by, and made available to Native Americans through, the Repository. **In order to receive material from the Repository, you must first obtain a permit from the Service Regional Migratory Bird Permit Office responsible for your State.** You only need to obtain a single permit, which authorizes all future shipments of eagle carcasses, parts, and feathers from the Repository. **Once you have that permit, you may make future requests directly to the Repository using this Reorder Request form each time. If you do not have a permit yet, see the instructions for “Applying for a Permit” below.**

The Repository serves Native Americans of federally recognized tribes throughout the United States. Shipments are prioritized according to the date the Repository receives a completed Re-Order Request form. You can avoid delays in the processing of your Re-Order Request by ensuring that your form is **signed** and the information you provide is **complete and legible**. We must have your current address and telephone number so the Repository can contact you when your request is ready to be filled. *****IMPORTANT: Please notify the Repository at (303) 287-2110 if you change your address or telephone number.** The Repository will **not** ship any orders without prior address verification.

Due to the limited supply of eagle carcasses, parts and feathers, **all applicants are allowed only one pending order at a time.** Each order for parts may not exceed the quantity of one whole bird. Applicants ordering a whole bird may not order additional parts. Requests for a whole carcass average 2-2½ years to fill for a bald eagle and 4½ - 5 years to fill for a golden eagle. Feather orders are as follows: Ten “quality loose feathers”, which usually consist of 8 wing feathers and 2 tail feathers, are filled within 6 months. Twenty “miscellaneous loose feathers” usually consist of a mixture of lower quality feathers that are **not exchangeable or returnable** and are filled within 90 days. Please refer to page 3 for descriptions of eagle feathers

Use this Re-Order Request (Form 3-200-15B) only if you already have a permit. (If you do not have a permit yet, see instructions below.) When filling it out, make sure you request either a whole bird or parts. Do not ask for both. **Make sure your re-order form is completed with all information, including permit number, and signed.** If your form is incomplete, it will be returned to you and your order will be delayed. You do not need to resubmit your Certification of Enrollment. Mail your completed and signed Reorder Request to:

**USFWS National Eagle Repository
RMA, Building 128
6550 Gateway Road
Commerce City, CO 80022-1798**

Applying for a Permit.

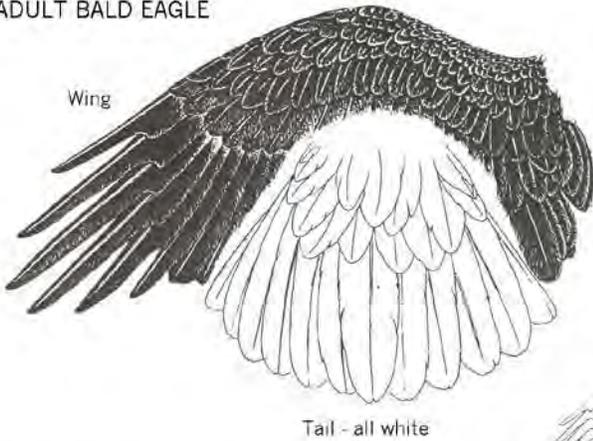
Applying for a Permit. If you do not already have a permit, complete a “Permit Application & First Order” form (Service form 3-200-15A) available online at www.fws.gov/forms/3-200-15a.pdf or contact the Service Regional Migratory Bird Permit Office that serves the state where you live to request one be mailed to you. Submit your complete application to your Migratory Bird Permit Office (see addresses below). If it is approved, the Permit Office will send you a permit and forward your First Order to the Repository to fill.

To qualify for a permit, you must be a member of a federally recognized tribe, band, nation, or other organized group or community recognized by, and eligible to receive services from, the Bureau of Indian Affairs. You must be at least 18 years old to apply for a permit.

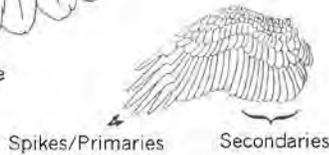
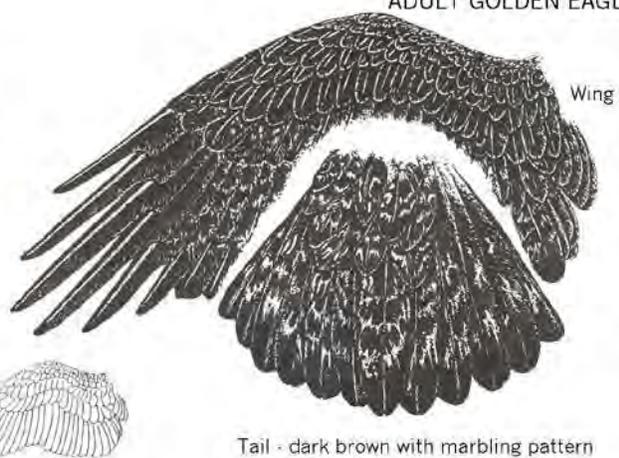
REGIONAL MIGRATORY BIRD PERMIT OFFICES

FWS Region	Area of Responsibility	Mailing Address	Telephone Number & Email Address
1	Hawaii, Idaho, Oregon, Washington, Pacific Island Territories	911 N.E. 11 th Avenue Portland, OR 97232-4181	(503) 872-2715 permitsR1MB@fws.gov
2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	(505) 248-7882 permitsR2MB@fws.gov
3	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin	5600 American Boulevard West Suite 990 Bloomington, MN 55437-1458	(612) 713-5436 permitsR3MB@fws.gov
4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, U.S. Virgin Islands	P.O. Box 49208 Atlanta, GA 30359	(404) 679-7070 permitsR4MB@fws.gov
5	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	(413) 253-8643 permitsR5MB@fws.gov
6	Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming	P.O. Box 25486, DFC Denver, CO 80225-0486	(303) 236-8171 permitsR6MB@fws.gov
7	Alaska	1011 East Tudor Road (MS 201) Anchorage, AK 99503	(907) 786-3693 permitsR7MB@fws.gov
8	California, Nevada	2800 Cottage Way Sacramento, CA 95825	(916) 978-6183 permitsR8MB@fws.gov

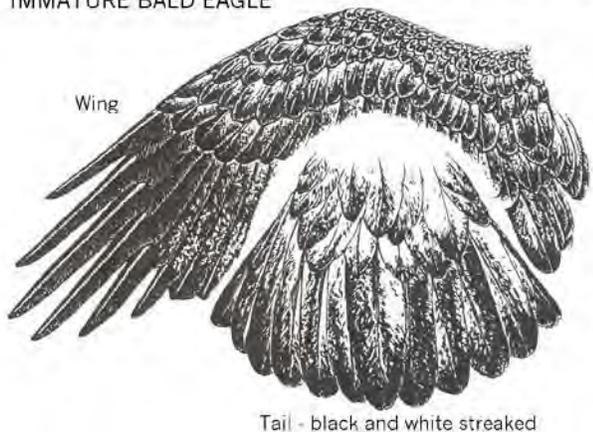
ADULT BALD EAGLE



ADULT GOLDEN EAGLE



IMMATURE BALD EAGLE



IMMATURE GOLDEN EAGLE



APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT

Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) & the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), [Title 50, Code of Federal Regulations, Part 22 \[50 CFR 22\]](#);
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), [50 CFR 17.1 to 17.95\(b\)](#) , [50 CFR 17.95\(c\)](#) , [50 CFR 17.96 to 17.99](#) , and [50 CFR 17.99 to end](#);
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), [50 CFR 21](#);
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), [50 CFR 18](#);
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), [50 CFR 15](#);
 - f. Lacey Act (18 U.S.C. 42); Injurious Wildlife, [50 CFR 16](#);
 - g. [Convention on International Trade in Endangered Species of Wild Fauna and Flora \(TIAS 8249\)](#) ; [50 CFR 23](#);
 - h. General Provisions, [50 CFR 10](#);
 - i. General Permit Procedures, [50 CFR 13](#); and
 - j. Wildlife Provisions (Import/export/transport), [50 CFR 14](#).
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. Response is not required unless a currently valid Office of Management and Budget (OMB) control number is displayed on the form.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and federal, state, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing Federal Register notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to federal, state, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to federal, state, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate federal, state, tribal, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the General Accounting Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for an **Eagle Indian Religious – Reorder Request** application is 30 minutes. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].

U.S. Fish and Wildlife Service Responses to Tribal Comments Received During the 2012 National Eagle Repository Consultations

March 20, 2014

BACKGROUND

The U.S. Fish and Wildlife Service (Service) manages and operates the National Eagle Repository (Repository), a facility in Colorado that distributes eagles, their feathers and parts, to members of Federally Recognized Tribes for religious purposes. The facility is operated partly to implement provisions of the Bald and Golden Eagle Act, which authorizes the Service to provide access to eagle feathers for religious purposes by Native Americans. The Service recognizes the importance of eagles in the cultural and religious pursuits of many Tribal members, and is committed to facilitating those pursuits through the fair and efficient distribution of eagles and their parts by the Repository.

Applications received by the Repository are processed on a first-come/first-served basis, and thousands of eagle orders are filled each year. Only members of Federally Recognized Tribes (FRT) are eligible to obtain eagles or their feathers or parts from the Repository. The wait times for different eagle parts vary widely, from one month for certain eagle parts to up to four and a half years for a whole immature golden eagle. This is because the demand (orders) exceeds our supply (the number of eagles needed to fill those orders). It is also species related, the wait times for golden eagles, especially immature golden eagles with black and white tail feathers, is the longest due to the high demand for those feathers.

The Repository realized the need to change its distribution processes in an attempt to decrease current wait times for eagles, their parts and feathers. As these changes would impact Federally Recognized Tribes and their members, the Service conducted government- to- government consultations in 2012 to solicit ideas from Tribes on how to best accomplish any changes. The ideas and discussions from those consultations, along with written comments that were submitted, helped shape and inform our decisions about how to make the Repository more effective.

The Service announced its intent to consider Repository changes in a letter which was sent to all FRTs on or about May 30, 2012. Participation by Tribal representatives was encouraged either by telephone consultation, by submission of a written statement, or by attending one of five consultation meetings set up in different locations throughout the United States. The Repository received many insightful and helpful comments on how to improve its processes which were grouped and summarized along with the Service's responses.

In late October, 2012, the Service held a consultation meeting at the National Congress of American Indians convention in Sacramento, CA. At that Consultation, the Service agreed to provide a second comment period to review proposed changes prior to final implementation. An additional 90-day comment period was provided to all FRTs. After careful consideration of all comments received, the Service intends to implement the following changes.

REPOSITORY CHANGES

The Repository will implement the following changes to orders received on or after June 1, 2014, and then monitor the changes for two years to determine whether they have the desired effect of decreasing wait times. All orders received prior to that date will be filled following the current distribution procedures, and all order requests received after June 1, 2014 will follow the new distribution processes. Robust outreach will occur with all Tribes to notify them of the Consultation's results and the new Repository distribution processes. If additional changes to decrease wait times are necessary after the monitoring period, the Repository may also institute changes at that time or some point in the future. Any changes which occur will be informed by the comments obtained during the 2012/2013 consultations and written comments received from Tribes.

- The Service will limit the number of orders filled for inmates to one order only, either feathers or parts, up to one whole eagle, until they are released from incarceration or the facility's maximum feather possession amount per individual increases. We will only distribute to inmates the maximum allowed by one person at their correctional facility, up to the maximum amount the Repository will distribute to non-incarcerated individual applicants. This one order limit will alleviate the high number of back to back re-orders received from some inmates, and thus maximize the ability of all Native Americans to receive at least some of the feathers needed for their ceremonial, cultural and religious activities.
- The Service will process replacement orders (not re-orders) from inmates whose longtime use of feathers has caused them to need replacement. This will typically apply only to inmates who are incarcerated for very long periods of time. The Service will work with the applicant and where necessary make contact with prison authorities to ensure circumvention of the one order per inmate limit does not occur.
- The Service will continue the process of updating the Repository's website to provide more easily accessible information on wait times, order category descriptions with pictures and ordering information.
- The Service will diligently pursue a system for online re-ordering, in an effort to decrease the administrative burden on both applicants and the Repository.
- The Service will update our application form to more clearly advise applicants that they are not required to order the maximum amount of feathers allowed per order, they have the option of ordering a lesser amount if the maximum is not needed. We will also request applicants consider ordering loose feathers and other parts instead of whole birds, unless a whole bird is necessary to fulfill their religious need. Lastly, the application form will include a comment block, where applicants may list specific requests for their order.
- The Service will **not** require Tribal certification of the religious need for applicants requesting a whole eagle. In the future the Service might explore such an option, but only in a situation where a Tribe enacts a law requiring Tribal certification from its' designated Tribal officials, notifies the Service of that law, and provides a copy of that

law to a designated Service employee at the National Eagle Repository. The Service is not aware of any Tribes currently prohibiting whole eagle possession by its members, but did hear a substantial number of Tribes comment that they wanted more influence into which individuals get whole birds as not all members in their Tribe are qualified to perform the necessary ceremony with whole birds.

Consolidation of Tribal comments received during Consultations and Service responses

INMATE REQUESTS

1. Comment: Some inmates have ceremonies and need feathers but the number of ceremonies is less than those held outside of prison facilities. Feathers should be for the inmate's use and not sent out to extended family or others. Tribes agree with limiting Native American inmates to one order per inmate, up to the maximum allowed by that institution. Reorders may be processed after the inmate is either discharged, or after he or she is transferred to another facility allowing more feathers or parts.

Service Response: The Service intends to limit the number of orders allowed by inmates to one order, until they are released or their correctional facility changes. We will continue to distribute to inmates the maximum allowed by one person at their correctional facility, up to and including one whole eagle if the facility allows it. This will alleviate the back to back re-orders received from some inmates and will make at least some feathers more widely available to the greatest number of Tribal members.

2. Comment: Inmates should not be allowed to request or possess a whole eagle while incarcerated. There is concern that because of their limitations, inmates cannot handle a whole eagle in the proper manner, i.e., provide a proper burial, etc. There is also concern that ceremonies conducted in prisons are being conducted in an inappropriate manner.

Response: The Service recognizes and respects the insight of Tribes giving this comment; however, the Service has determined that the Service is not in a position to evaluate the religious needs of Tribal members, whether or not they are inmates.

3. Comment: The Service should limit the number of individual feathers inmates can possess while incarcerated, from one to four per person for the entire time incarcerated.

Response: The Service recognizes and respects the insight of Tribes giving this comment, however the Service is not in a position to evaluate the religious needs of inmates. Although we understand the logic and intent behind this comment, we will not be implementing this suggestion. Most prisons have their own restrictions on the number and type of eagle parts they will allow, for safety and storage reasons. The Service will continue to send only the number of feathers or parts a correctional facility allows for an individual.

4. Comment: You really monitor us, but you don't really monitor your own feathers that you give to the inmates. The Service should be tracking the feathers distributed to inmates that are sent outside of the facility. That's part of your responsibility.

Response: The Service does not have the resources to track the movement of eagle feathers inside and from correctional facilities. There are thousands of prisons in the United States, run by Federal, State, and local authorities, and tracking the outbound mail of all Native American inmates is not feasible or appropriate for the Service. The Service does not "monitor" Tribal members, whether incarcerated or not. Where potential violations of law involving selling or unauthorized taking of eagles occur, the Service does and will continue to investigate and take appropriate enforcement action. Such activities are a high priority of the Service because they potentially impact both the conservation of eagles and the supply of eagle feathers available to other Native Americans from the National Eagle Repository.

5. Comment: The Service should allow the Tribes to make the determination for feather distribution to inmates and have a signature line put on the application for Tribal signature. The Tribe knows best what they have done, what violations they have committed.

Response: The Service appreciates the willingness of some Tribes to approve or disapprove their incarcerated members getting feathers, however, we also suspect that adding an additional step to processing inmate requests would cause a longer turn-around time for those inmates who are approved. Moreover, inmates have the ability to assert an infringement on their statutory and Constitutional religious freedoms as individuals, opening the Service and the Tribe to unnecessary critiques and litigation. This suggestion will not be implemented.

6. Comment: Is it necessary to add another layer of restrictions to inmates and their already limited civil liberties? How would you address an inmate doing life who acquires feathers and overtime has worn them out and they need replacing? Some inmates may also have certain head of household responsibilities and are legitimately sending feathers out to family.

Response: The Service intends to restrict inmates to one order per inmate (no-re-orders), but allowing replacement orders from inmates whose longtime use of feathers has caused them to wear out or otherwise need replacement. We will do so in a way that ensures replacement of the feathers does not circumvent the one order limit for inmates that we intend to implement. Family members who are eligible to apply for an eagle feather permit may apply for their own feathers. The feathers sent to inmates are presumably for their own personal religious use. The Service minimizes its inquiry into private religious practices whenever possible.

7. Comment: Discontinue giving eagle feathers to inmates and allow our military to take one or two when they go into the battlefield.

Response: The Service will not infringe on the religious freedoms of any Federally recognized Tribal members, incarcerated or not. To accomplish this, the Service must continue to issue feathers to incarcerated Tribal members for their personal religious use.

The Service also recognizes the need to facilitate the export and re-import of eagle feathers by Native American military personnel who are deployed. This issue is not easily solved, there is an international treaty and implementing regulations that limit the length of time a permit may authorize the import and export of eagle feathers to six months from the date of export, and the foreign country they are deployed to may not issue the foreign export permit they would need to legally import their feathers back into the U.S. The Service is currently working with our solicitors to develop a policy solution to this problem.

8. Comment: Are the inmates the cause for forcing reductions in quantities and long wait times?

Response: At our last review, inmates were responsible for over one-half of the applications we received for feather orders, with some inmates submitting back to back re-orders many times. That being said, there are also other factors leading to the high demand for Repository feathers by Tribal members. We hope that taking reasonable steps to decrease wait times for feathers will help us better meet our goal of facilitating the religious pursuits of all Federally Recognized Tribal members who need eagle feathers.

9. Comment: Reduce the amount of feathers distributed to inmates and it will reduce wait times for entirety of Tribal members throughout the United States.

Response: The Service proposes to limit inmate orders to one, while continuing to allow up to the maximum number of feathers allowed by that facility and the Service.

10. Comment: Do not restrict inmate requests to a one time order, but limit the number of times they can order to once or twice a year to provide first-time applicants a quicker turn-around time.

Response: During our consultations Tribes overwhelmingly supported restricting inmate orders to one, which we intend to do. This will facilitate inmates own personal religious use of feathers, but it is hoped this will end the practice of some inmates re-ordering endlessly and transferring the feathers to others.

INCREASING EAGLE INVENTORY

11. Comment: The Service should allow members of Federally Recognized Tribes who use eagle feathers for regalia for ceremonies to collect feathers themselves off the ground or water or get a repository in the State of Alaska so that we know we are getting locally acquired feathers.

Response: The collection of migratory bird feathers which are naturally molted or fallen is now allowed by Department of Justice and Service policy. These policies apply to members of Federally Recognized Tribes and do not allow the collection of carcasses, only naturally molted or fallen feathers. The Service also goes to great lengths working with State, local, and private partners to ensure that all usable eagles are sent to the Repository for distribution to Tribal members. Over 2,500 eagles are sent to the Repository every year as a result of our efforts.

12. Comment: The Service should allow eagles found on Indian land to be retained by the Tribe for distribution to Tribal members. This would alleviate some of the orders the Repository receives.

Response: The Service understands the desire of some Tribes to retain eagles found on Indian land, however, to maintain a fair and equitable distribution of eagle feathers to all Federally Recognized Tribes the Service must fill orders on a first-come, first-served basis, and require that all usable eagles be sent to the Repository for distribution in this manner. Any eagles that do not come to the Repository would decrease the number of eagles available to other Tribal members, and may unfairly impact some Tribes while benefitting others. Moreover, the Service needs to investigate and document eagle mortality in order to implement appropriate conservation policy. We do not intend to implement this comment.

13. Comment: It appears that a lot of eagles are being stored in freezers in field offices around the country and people do not know what to do with them. The Service should contact the State wildlife offices, local zoos and museums on a monthly or quarterly basis to ascertain if they have eagles in their freezers or drop feathers and prompt them to send them to the Repository to increase the feather supply. In addition, the Service needs to provide training to various land management agencies on collecting dead eagles and the process to send them to the Repository.

Response: Although the Service has formal policy requiring its employees to send eagles to the Repository, the Service will institute a more formal protocol to notify State and Federal offices about how to ship eagles to the Repository. In addition, the Service will continue to provide information and training to various land management agencies on the process of shipping eagles to the Repository in a suitable and timely manner. In many cases eagles must remain as evidence in field law enforcement offices until an investigation is complete and any prosecution is concluded, however we will ensure that those eagles are also sent to the Repository as soon as they are no longer required.

14. Comment: The Service should look at establishing outreach processes to ensure power and wind energy companies are actively monitoring their lands and turning in eagles and feathers to increase supply.

Response: The Service has conducted outreach with many electrical utilities, including wind power companies, to actively monitor their facilities and report killing or injuring of eagles. Some companies are more diligent about monitoring and reporting than others. In addition, companies have been investigated and prosecuted for unlawful take (killing) of eagles, and the Service will continue to uphold its responsibility to protect eagles from unlawful take, including take by industries.

15. Comment: The Service should look at other sources to increase the supply of eagles, maybe Canada where a lot of eagles are located.

Response: The Service has approached officials in Canada about this idea. Eagles in Canada are used by Native Americans who reside there, and having eagles in Canada

imported into the United States for Tribal member's use does not appear to be a viable alternative.

TRIBAL INVOLVMENT

16. Comment: Some Tribes feel there should be Tribal control on feather orders by putting a signature line on the application for the Chief or Tribal Governor to sign so they can control the amount of feathers that an individual has based on their traditional practices. Right now it's wide open to anybody who wants to get eagle feathers.

Response: The Service appreciates the willingness of Tribes to control their members getting feathers; however, we also suspect that adding an additional step to approving requests will cause an additional delay for those members who are approved. Moreover, if their access to feathers is unnecessarily restricted some Tribal members may assert an infringement on their protected religious freedoms, opening the Service and the Tribe to unnecessary critiques and litigation. We will not be pursuing this comment for implementation.

17. Comment: Requiring Tribal certification for whole bird orders would place unforeseen burdens on tribes which need to be considered, i.e. creating systems to handle certification; More than half of all enrolled tribal members live off the reservation and accessing their tribal government to seek permission to obtain an eagle will be added to an already cumbersome and timely process; Individuals who are not "known" by tribal officials would be denied either due to low-level tribal employees or due to lack of knowledge about traditional practices or hostility to a particular faith; Many tribes may not have the capability to readily assist their members with this requirement.

Response: The Service concurs and will not be implementing this change.

18. Comment: Tribes will be charged with developing systems for certifying practitioners and medicine people which could subject them to scrutiny and prejudice.

Response: The Service concurs and will not be implementing this change.

19. Comment: Requiring bureaucratic approval (Tribal certification of the religious need for a whole bird) for a traditional religious leader would not be culturally appropriate;

Response: The Service concurs and will not be implementing this change.

20. Comment: The Service should help Tribes have their own Repository

Response: Permitting other eagle Repositories would undermine the first-come, first-served strategy that is in place and would decrease the number of eagles going to the National Eagle Repository, exacerbating wait times for applicants. We do not intend to permit additional eagle repositories. The National Eagle Repository will fairly and equitably serve all Federally Recognized Tribes. That being said, there are other opportunities for Tribes to secure their own feathers. The new DOJ and Service policies allow Federally Recognized Tribes' members to collect naturally molted or fallen feathers. There are also two non-eagle repositories that are distributing migratory bird

feathers to Native Americans. Last but not least, there are Tribally-run eagle aviaries that house non-releasable injured eagles, and the Tribes that maintain these aviaries are allowed to keep the feathers of those eagles and distribute them to Tribal members.

21. Comment: The Service should authorize more Tribes to have Tribal eagle aviaries to alleviate the demand on the National Eagle Repository.

Response: The Service agrees that Tribal aviaries provide additional eagle feather resources to the Tribes operating those aviaries. If any Federally Recognized Tribes desire to be permitted to run their own eagle aviary, we encourage them to contact their regional Service migratory bird permit office for more information on how to accomplish that.

22. Comment: Some Tribes would like to acquire eagle feathers from rehabilitators for special events, e.g., veterans.

Response: Rehabilitators and zoos, along with most non-Tribal entities, must send their eagle feathers and eagle carcasses to the Repository. Deviating from this would undermine our first-come, first-served strategy and would decrease supply at the Repository and increase wait times. We encourage Tribes who need feathers for a special event (graduation, returning veterans) to have members apply for feathers from the Repository in time for us to fill that order before the event.

23. Comment: The Service should allow Tribes to request eagles for distribution, within the Tribe, to individuals in need of them for specific ceremonies. The Tribe could hold on to them to give as needed, and be responsible for who is doing what with the feathers. It could work better for smaller Tribes than bigger Tribes.

Response: Tribes may request eagles for distribution, although individual Federally Recognized Tribal members must be the applicants. We encourage Tribes who need feathers for a special event (graduation, returning veterans) to have members apply for feathers from the Repository in time for us to fill that order before the event.

24. Comment: Allow Tribes to track applicant requests by notifying the Tribes when a Tribal member has many re-orders. Review application and consider changing for Tribal review as a courtesy.

Response: Although the Service understands the insight and logic behind this request, we are unable to fulfill this request. Privacy Act restrictions may prohibit this, as could the tenets of the Religious Freedom Restoration Act and the Religious Freedom for Institutionalized Persons and Land Use Act. In addition, the Repository receives thousands of order requests each year, and implementing an approval system with individual Tribes would be very time consuming, a function that we do not have the resources to complete. Tribes may wish to explore enacting their own Tribal law if they wish to restrict the actions of their members or set up an internal review process for applications.

QUANTITY AND ORDER LIMITATIONS

25. Comment: By reducing the number of feathers per loose feather category, more and more people (including family members) are likely to order loose feathers, at the same time, to be able to acquire the number needed for a ceremony, i.e., 40-60, which may defeat the purpose of reducing the number of feathers per order.

Response: We understand the logic and insight behind this comment. At this time, the Service will not be restricting the amount of loose feathers an applicant can request, other than the current maximums of 20 miscellaneous feathers or ten quality feathers per order. We will, however, be amending our application form to more clearly indicate that members may request a lesser amount of feathers than the maximums of 20 miscellaneous or ten quality feathers.

26. Comment: Feathers used for social activities, i.e., pow-wow vs. ceremonial activities should be limited to one order every four years.

Response: The Service is not well situated to regulate, restrict, or monitor the religious, cultural, or personal uses of feathers by Tribal members. In addition, we have heard that the feathers from some orders may be used for different purposes at different times. In short, we understand the desire to prioritize the limited amount of feathers for religious activities, but we are not in a position to regulate or monitor the lawful ceremonial activities of Tribal members.

27. Comment: Some Tribes are under the impression feather orders were being requested once a year or every so many years and had no knowledge applicants were ordering two to three times in one year. Some Tribes feel orders should be limited to every two to three years to preserve the inventory and allow the Tribes to be more mindful of how feathers are being used.

Response: The Service recognizes and respects the insight of Tribes when considering this comment, however we do not intend to restrict re-orders at this time, other than for inmates.

28. Comment: Limiting requests and the number of feathers being requested per person has the potential to have a direct impact on the customs and traditions of Native people, especially the Pueblos.

Response: The Service recognizes the importance of eagle feathers to many Federally Recognized Tribes and is striving to make the limited inventory of eagle feathers reach as many individuals as possible per year. At this time, the Service will not be restricting the amount of loose feathers an applicant can request, other than the current maximum of 20 miscellaneous feathers or ten quality feathers per order. We will, however, be amending our application form to more clearly indicate that members may request a lesser amount of feathers than the maximums of 20 miscellaneous or ten quality feathers.

29. Comment: Tribes feel if they could get the loose feathers they needed in very good condition (not perfect), it would cut down on the number of times individuals would have to submit re-orders.

Response: Most eagles sent to the Repository are salvaged from the wild and are in various stages of degeneration. The Repository recognizes the importance and need of feathers to Native Americans and works hard to salvage and distribute all usable parts, many of which are in need of some sort of work whether it is cleaning, trimming, or drying. The Service proposes to amend its application to more clearly indicate that specific information may be included with the application, i.e., intact quills requested for that particular order.

30. Comment: Regarding decreasing the number of immature golden eagle feathers per order from ten to five. The Tribe would like to discuss further with cultural individuals to make sure the limitation would not preclude an individual from requesting ten feathers to make a fan. If he/she were restricted to five feathers, the question is would the order not be as useful to them? The Tribe would like to see the Service consider this also.

Response: We understand and appreciate your concerns, and at this time the Service will not be restricting the amount of loose feathers an applicant can request, other than the current maximum of 20 miscellaneous feathers or ten quality feathers per order. We will, however, be amending our application form to more clearly indicate that members may request a lesser amount of feathers than the maximums of 20 miscellaneous or ten quality feathers.

31. Comment: First time applicants should still be able to fill their requests and thereafter be subject to the limiting rules.

Response: The Service will continue to fill requests on a first-come, first-served basis. While we understand the rationale behind giving preferential treatment to first time orders, it would undermine our contention that the fairest way to implement this program for all applicants is to continue first-come, first-served as our model for filling orders.

32. Comment: Restrict the number of whole bird orders to one per person for a lifetime. Only allow loose feather orders from then on.

Response: Restricting whole bird orders to one per lifetime would likely decrease the demand for whole birds substantially, although it's unclear whether it would increase the loose feather orders in response. We will not be restricting whole bird orders at this time; however, we may need to do so in the future. We intend to amend our application to state that loose feather orders should be carefully considered before submitting a request for a whole bird, in an effort to help alleviate the high demand and longer wait times for whole birds. We also will not knowingly violate any Tribal law that requires Tribal certification that a whole bird is necessary to fulfill the applicant's religious needs.

33. Comment: Some Tribes don't feel the Repository should limit re-orders as Indian people need feathers and without the ability to re-order back to back, people with certain Tribal responsibilities, who are approached by Tribal members asking for feathers, would not have access to enough feathers to fulfill their obligations.

Response: At this time, the Service does not intend to limit re-orders; however this may become necessary in the future if demand for eagles continues to increase faster than supply.

34. Comment: It's important to get a complete bird, but just one bird, not a bird with parts off another one. The Repository should just use those completely damaged birds as the loose feathers. If a bird is only missing a couple of feathers, don't see that as a big deal, even in the wild you're not going to get a bird with every feather perfect or even every feather on the bird.

Response: The Repository utilizes birds and parts with more than half of the feathers missing or damaged for loose feather orders. Birds and parts with less than half of the feathers missing or damaged will obtain replacement feathers to complete a whole bird order. Prior to shipment, the Repository provides one-on-one customer service to applicants with whole bird orders by calling them and providing verbal descriptions of the condition of individual birds available to fill their order at that time. Applicants have a chance to accept or decline what is available, and if they decline they wait for more suitable birds to become available.

35. Comment: Back to back re-orders are submitted in order to acquire the number of feathers needed for graduation. Also, various individuals are making outfits for others and require more than ten feathers. The wait time for more feathers from parts is too lengthy, hence back to back loose feather orders. Do not want to see re-orders limited.

Response: The Service recognizes the significance of graduation and has provided thousands of feathers to school graduates over the years. Many schools apply early in the year through several representatives of the school to acquire the number of feathers needed. The Service does not intend to limit re-orders at this time; however, it may become necessary in the future if demand continues to exceed supply of feathers.

36. Comment: Under the miscellaneous category, maybe put in subsections for individuals to request items or feathers for costumes or regalia, or maybe designate for spiritual or religious use, which would entail having the feather fully intact from the quill to the tip, which has a little bit more religious or spiritual emphasis to it.

Response: The Repository established two categories of loose feathers; the quality loose feathers are individually hand-picked and matched as much as possible, half from the left side of the eagle and half from the right side of the eagle. The miscellaneous category is a random selection of feathers (of lower quality) which may include cut shafts and require more work to clean. The Service will ensure detailed information is better provided in all publications, including the application. The Service will also try to accommodate requests that specify the feather should be intact from quill to tip.

37. Comment: Give priority to first time immature golden eagle feather orders and rotate each year with immature golden eagle re-orders.

Response: The Service appreciates this idea and understands the high demand and long wait times for immature golden eagle feathers and carcasses. We have heard many comments, both for and against, restricting re-orders, including immature golden eagle requests. The Service does not intend to limit re-orders at this time; however, it may become necessary in the future.

38. Comment: Impose re-order limitations based on the need as a one-time use request vs. an annual need request. Annual need by medicine men that use feathers all year serving entire nation vs. one-time need for regalia.

Response: In considering this comment, the Service must consider its responsibility to distribute eagles, parts and feathers in a fair and equitable fashion to all eligible applicants. While we understand a desire to prioritize religious or spiritual use of feathers over regalia use, we are not in a position to regulate, monitor, or enforce that. The Service does not intend to limit re-orders at this time; however, it may become necessary in the future.

39. Comment: There is concern if somebody is requesting the whole bird and you're only taking what you want to use out of that, and then dismiss the whole thing, there are others that could use all of it. I hate to put in that application and say, "Are you going to use everything?" Whether it is talons or beaks.

Response: The Service agrees the eagle inventory would go further if everyone ordered just what they needed. The Repository encourages applicants to request only what they need when discussing eagle inventory, and will more clearly state this request on our updated application form. In addition, the Service initially proposed to require Tribal certification on a whole bird order, i.e. Tribal certification that the whole bird is necessary to fulfill that individual's religious needs. The majority of Tribal responses opposed requiring Tribal certification, and consequently the Service will not be requiring Tribal certification unless the Tribe enacts a law to that effect.

40. Comment: I heard that you clip the feathers off when you're sending them to people. Do your people understand how to respect the bird as they are doing this? And do they say a prayer for the spirit of the bird? It is a life. It's not just a thing. You're now taking a life and you're taking from it. It needs to be done respectfully. So when your people are doing this, they need to have the proper feeling. It is not like you're cutting up a cow. I just wonder if they're properly trained in that. Because that makes a difference if you're sending them out to individuals using it for spiritual reasons. If you don't do it respectfully, you have laid something on the feather. So I just think that is something that is very important, that I really hope that you're doing and if you're not, I hope you will.

Response: The Service respects and facilitates Native American's religious use of eagle feathers, and operates the Repository in a manner that we feel is both respectful and efficient. Unfortunately, many of the eagles we receive have been killed and did not die of natural causes, either directly by incidents like shooting, or indirectly by incidents like electrocution, vehicle strikes, poisoning, or a variety of other factors. The Service takes its responsibility to protect eagles very seriously, and eagle deaths are routinely investigated and responsible individuals or companies are prosecuted. When eagles arrive at the Repository we take all available steps to ensure those birds are not unnecessarily damaged or degraded while they are in our control and when they are sent out to fill orders. This includes an extensive outreach program for freezing and shipping birds to the Repository, a well trained staff who efficiently and effectively processes birds for filling orders, and using an express carrier to ship orders out to maintain accountability and ensure quick delivery. It would not be possible for us to fulfill each individual Tribe's requests for how to handle or dispose of birds according to their

culture; however we can and do follow some protocols to ensure we provide good service in a manner that is hopefully respectful to all Tribes, while operating within our logistical and financial means. For example, we inspect each feather and bird before it is sent to fill an order. We do not unnecessarily clip feathers from birds; however some feathers may have a damaged quill and require clipping to salvage them. We replace damaged feathers on whole bird orders to ensure applicants receive something akin to what they requested, and we call applicants before filling whole bird orders to describe the condition of the bird and give them an opportunity to accept a bird that's currently available or wait for a more acceptable bird. We also continuously work with Service employees and State, local, and private partners to ensure all available eagles are sent to the Repository (we have policy requiring this of Service employees), and we fund Repository operations almost entirely out of fines and penalty monies secured during Service law enforcement prosecutions. In short, it is an honor for us to provide this valuable service to Federally Recognized Tribal members, and we strive to do it in a manner that is culturally and religiously acceptable to all Tribes.

41. Comment: The National Eagle Repository should process requests for State recognized Tribes as well.

Response: The Repository is bound by Federal laws and regulations which provide for distribution to members of Federally Recognized Tribes only. At this time we do not intend to expand this service to members of State Recognized Tribes

42. Comment: Some Tribes requested additional consultation meetings at some of their respective nations to allow tribal elders to attend and provide input.

Response: The Repository has strived to make this endeavor (improving Repository distribution processes to decrease wait times) a collaborative effort with all Tribes who wish to participate. We hosted five meetings at different locations around the country in an effort to obtain in-person discussions on these important issues. We also encouraged phone consultations and comments to be submitted in writing. Unfortunately, we have a very limited travel budget and do not have the resources to travel to individual Tribes to conduct consultation meetings.

43. Comment: What about State Tribes being their own repository for birds found in their areas? We get an average of two a year. So it wouldn't, you know decrease the number of eagles going to the National Repository for those that have very few eagles in their own area. It would at least stop the applications from going to the National Repository.

Response: The Service understands the desire of some Tribes to retain eagles found on Indian land, however, to maintain a fair and equitable distribution of eagle feathers to all Federally Recognized Tribes the Service must require that all usable eagles be sent to the Repository for distribution in this manner. State recognized Tribes do not meet the criteria in Federal law to apply for eagles through the Repository.

44. Comment: The Service should provide more information to the Native American community regarding process, wait times, request status, shipping information, etc. Also,

do a webcast on the process and provide training to Tribal representatives to assist Tribal members.

Response: The Repository is in the process of updating its website to include better information regarding processes and application procedures and wait times. We are also pursuing the possibility of online applications, and other strategies to more efficiently fill orders and decrease the burden on the applicants, all while maintaining accountability and integrity in this program.

45. Comment: Tribes requested copies of Repository annual statistics of eagles/parts received and shipped by region. Also, requested copies of the Service's draft decision for Repository changes for review and comment prior to final changes implemented.

Response: The Service will provide annual Repository statistics on the Repository website. This document constitutes the 2014 decisions regarding Repository changes, and the background for those decisions. All Federally Recognized Tribes will be notified of the Repository's changes, and these changes will be publicized on our website and application venues.

46. Comment: Do not approve of posting pictures of feathers and eagles with order descriptions. Raptor remains are viewed as human and should be afforded the same dignity and respect in their handling as a human being would receive.

Response: The Service recognizes and respects the insight of Tribes giving this comment and will take it into consideration.

47. Comment: Support proposed solutions to decrease backlogs; limit the number of re-orders allowed by an individual per year, one per year for quality feather orders and two per year for miscellaneous feather orders; decrease the number of feathers allowed per order, reduce number of quality feathers from 10 to 6 and miscellaneous from 20 to 12; reduce the number of immature golden eagle feathers to 5.

Response: The Service will monitor the proposed changes for two years. If additional changes to decrease wait times are necessary after the monitoring period, the Repository may also institute changes at that time or some point in the future.

Eagle Summit III

Eagle Reference Book

Section 5:

Non-Eagle Repository

- Requesting Non-Eagle Feathers
- Donating and Sending Items
- Q&As on Non- Eagle Repositories
- SIA application
- Liberty Application

Non-Eagle Feather Repositories

Requesting Non-Eagle Feathers

July 2013

How do I request non-eagle feathers or parts?

You can obtain a request form from either of the two Repositories participating in the U.S. Fish & Wildlife Service's (Service) Southwest Region program, or by contacting the Region 2 Migratory Bird Permits Office, or Native American Liaison. See contact information below.

Is there a difference between the Repositories?

Yes. Sia Essential Species Repository is operated directly by Native Americans of the Comanche Nation. They also manage the Sia Eagle Aviary and Raptor Program. The other, Liberty Non-Eagle Repository, is a non-tribal wildlife rehabilitation and conservation education center that regularly consults on tribal issues with a Native American advisory committee on tribal issues. The two Repositories operate independently of each other and, as such, have different applications, methods of processing requests and timeframes for distribution. Please contact them directly to learn more.

Where do the Repositories get their feathers?

The Repositories can use naturally shed, or 'molted' feathers gathered under their own permits, such as Liberty's rehabilitation permit and Sia's live possession of raptors permit. They can also use the feathers from birds that die of natural causes that they possess under these permits. Feathers, parts and whole birds are also donated from other Service permitted entities.



Red-tailed hawk wing feather dance bustle and Hopi kachina doll with American kestrel feathers.

Do I need a permit to obtain feathers?

The Service will not be issuing federal permits for possession of non-eagle feathers and parts. However, the recipient of these items will receive a Letter of Authorization that allows for their legal possession. Proof of enrollment in a federally recognized (BIA) tribe is required for the Letter of Authorization and the possession of migratory bird feathers and parts.

Can I apply to both Repositories?

Not at the same time. You can choose which Repository you wish to obtain feathers from, and they will contact you regarding your order request. If you have a pending request with one Repository and decide you would like to send it to the other repository instead, you may withdraw your original request at any time, and for any reason. You may NOT have two requests submitted for processing simultaneously.



Can I get eagle feathers from the Repositories?

You cannot receive eagle feathers from the Non-eagle Repositories. However, the Sia Essential Species Repository currently holds an Indian Religious Use permit that authorizes them to distribute eagle feathers from their facility for religious purposes. You may contact them for more information. You may also contact the Service's National Eagle Repository to request eagle feathers, parts or whole birds at:

<https://www.fws.gov/national-eagle-repository.html>

For additional information on the non-eagle repositories, contact:

Oklahoma

William Voelker, Director/Founder,
Sia Essential Species Repository
<http://www.comancheeagle.org>
or 580-464-2750

Arizona

Megan Mosby, Executive Director,
Liberty Repository
<http://www.non-eaglefeathers.net>
or 480-998-5550

U.S. Fish & Wildlife Service
Southwest Region

Migratory Bird Permits Office at
permitsR2MB@fws.gov
or 505-248-7882

Joe Early, Native American Liaison
at joe_early@fws.gov
or 505-248-6602

For more information on how
Southwest Region works with Tribes,
please visit:

[http://www.fws.gov/southwest/NAL/
index.html](http://www.fws.gov/southwest/NAL/index.html)

Connect with Us in the Southwest Region

Regional Website:
www.fws.gov/southwest/

Regional Facebook site:
[http://www.facebook.com/
USFWSSouthwest](http://www.facebook.com/USFWSSouthwest)



Regional Twitter page:
[http://twitter.com/USFWS_
Southwest](http://twitter.com/USFWS_Southwest)



Regional Flickr page:
[http://www.flickr.com/
photos/usfws_southwest/](http://www.flickr.com/photos/usfws_southwest/)



U.S. Fish & Wildlife Service
<http://www.fws.gov>

July 2013



Non-Eagle Feather Repositories

Donating and Sending Items

July 2013

How do the Repositories get their non-eagle feathers?

Each Repository is authorized to acquire feathers, parts and/or carcasses of migratory birds – other than eagles – from any U.S. Fish and Wildlife Service (USFWS) permittee specifically allowed to donate these items. Certain zoological, scientific, and educational institutions that are lawfully exempt from permit requirements may also provide these items.

Can I send feathers or dead birds that I find, even though I do not have a permit?

No. A salvage permit is required to pick up, possess and transport any federally-protected migratory bird feathers, parts and/or carcass.

Why is it illegal to salvage a bird without a permit?

Unfortunately, birds are often killed by illegal activities such as shooting, poisoning, or lethal hazing. Even deaths that result from unintentional causes like disease, collisions or electrocutions may require the proper authorities to be involved. If the bird is moved, it is difficult to survey the scene and accurately assess what might have happened. Permits became necessary when poaching and market hunting put many migratory bird populations at risk. To ensure that birds have not been taken illegally, no person may possess or transport a salvaged bird without the proper permit.

What does “permit-exempt” mean?

Veterinarians and certain institutions are not required to have a FWS permit to possess migratory birds. The Code of Federal Regulations allows accredited institutional members of the



Left to Right: Woodpecker feathers on rattle, American kestrel tail fan, Red-tailed hawk fan, Anhinga tail fan with macaw feather, Scissor-tailed flycatcher fan, Red-shafted flicker tail fan.

American Association of Zoological Parks and Aquariums (AAZPA) and some public scientific or educational institutions exemption from the permit requirement, provided that state regulations are met. Contact your Regional Migratory Bird Permits Office for further information.

What if my business or institution is permit-exempt?

If you are an entity that has been determined to be exempt from the permit requirement, per 50 CFR 21.12(b), please request a copy of a Letter of Authorization (LOA) from your Regional Migratory Bird Permits Office. Include this with the shipment and the other required information. Repositories cannot accept shipments without a FWS permit number or copy of the LOA as proof that items are legal to accept for distribution.



What should I do if I want to report a dead bird?

You may contact the USFWS, your State Fish and Game office, or a Repository to report the bird's location. These entities can salvage the bird or attempt to locate another salvage permit holder that may be in a nearby location.

What bird species do the Repositories accept?

The Repositories operate as a collection point for feathers, parts and carcasses that have religious and cultural significance to Native

Americans. Because there are so many Native American nations and tribes in the United States, virtually any species could be of cultural value and requested as an integral part of a traditional ceremony. It is up to the individual Repository to accept items according to anticipated demand and storage space.

How can a permittee donate birds and feathers?

The conditions on your permit will show the authorized methods of disposal or donation. If you are unsure about what your permit covers in regard to disposal or donation, contact your Regional Migratory Bird Permits Office to be sure you are allowed to donate.

How should the items be packed for shipment?

Separate containers should be used for loose feathers, birds parts (such as talons), and from whole bird carcasses. Clearly mark the bags/containers to appropriately identify contents.

How should the bags/containers be marked?

Write the permit number and species of bird on each separate container. If you are not sure of the species, do not guess—indicate that it is “species unknown.” If you know the location where the item was found (city/county/state), please include that information as well.

What information is needed for each shipment?

The Repository will need the name of the business or institution, principal officer's name, address, telephone number, and fax and email, if applicable. Provide your permit number authorizing the disposition of feathers and/or parts of migratory birds. Include the type of permit, and the expiration date of the permit.

Are mailing boxes or postage provided?

No. Contact either Repository for suggestions on combining shipments or other methods to minimize costs. Each Repository is their own non-profit organization, however they may be able to assist with shipping/handling costs.

For additional information on the non-eagle repositories, contact:

Oklahoma

William Voelker, Director/Founder,
Sia Essential Species Repository
<http://www.comancheeagle.org>
or 580-464-2750

Arizona

Megan Mosby, Executive Director,
Liberty Repository
<http://www.non-eaglefeathers.net>
or 480-998-5550

U.S. Fish & Wildlife Service
Southwest Region
Migratory Bird Permits Office
at permitsR2MB@fws.gov
or 505-248-7882

Joe Early, Native American Liaison
at joe_early@fws.gov
or 505-248-6602

For more information on how Southwest Region works with Tribes, please visit:

<http://www.fws.gov/southwest/NAL/index.html>.

Connect with Us in the Southwest Region

Regional Website:
www.fws.gov/southwest/

Regional Facebook site:
<http://www.facebook.com/USFWSSouthwest>



Regional Twitter page:
http://twitter.com/USFWS_Southwest



Regional Flickr page:
http://www.flickr.com/photos/usfws_southwest/



U.S. Fish & Wildlife Service
<http://www.fws.gov>

July 2013





Qs & As

Non-Eagle Feather Repository Pilot Program USFWS Southwest Region

Can Native Americans collect their own feathers?

No. As a result of years of habitat loss, poaching, and market hunting, populations of some migratory birds declined. In an effort to protect these birds, the United States Congress passed the Migratory Bird Treaty Act in 1918. This Act prohibits the take, possession, transport, sale, purchase, barter (or offer for sale, purchase, or barter), trade, import and export of any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. For a list of migratory birds protected by the Act, go to: <http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtintro.html>

Why are these non-eagle repositories necessary?

U.S. Fish and Wildlife Service (FWS) permits are not typically issued for the take of migratory birds, excluding the hunting of migratory game birds, during times of depredation, or human safety. Native Americans are not exempt from the permitting process. However, the FWS acknowledges the legitimate needs of tribal members to lawfully acquire and possess various migratory birds, or the feathers and parts of such birds, for religious purposes. By providing tribal members with legal access to migratory birds, feathers and parts for religious and cultural use through the FWS Southwest Region's two non-eagle repositories, the FWS also aims to discourage and deter the illegal trade and take of birds from the wild.

How do the non-eagle repositories benefit wildlife?

The salvage efforts of the repositories and FWS provide a legal means for Native Americans to acquire migratory birds, other than eagles, or their feathers or parts for religious purposes. Providing these items to Native Americans reduces the pressure to take birds from the wild, thereby protecting bird populations.

How do the non-eagle repositories get their birds, feathers, or parts?

The repositories will serve as a collection point, primarily for the collection of naturally molted feathers from live birds that are held by FWS permitted sources, like zoos, bird rehabilitators and falconers. Should a bird die or be salvaged and come into the possession of the FWS, these birds may also be transferred to the repositories. Many of these birds have died as a result of power line electrocution, vehicle collisions, unlawful shooting and trapping, or from natural causes.

Will falconers and others with valid migratory bird permits be able to donate feathers to the repositories?

In some states, falconry permits and other migratory bird permits already allow for such non-eagle feather donations. We anticipate that all falconry permits will soon provide for this opportunity. If you are a falconer wishing to donate non-eagle feathers to either of the

repositories but are concerned that doing so would violate your current permit, please contact the Migratory Bird Permits Office in your FWS Region.

How will shipments be tracked and monitored?

All birds, feathers, or parts shipped to the repositories will be assigned a number for tracking and accountability purposes, and information about each item (i.e. birds, feathers, parts) is entered into a database. The condition of each shipped item is noted, and the species recorded. Each item is then properly stored until it is readied for distribution to a Native American tribal member. The repositories will assure that shipments of feathers, parts, or carcasses comply with all State and Federal legal requirements for acquisition and distribution of those materials.

Who can obtain a bird or their feathers or parts from the repository?

Only enrolled members of a federally recognized Indian tribe (Federally Recognized Tribal List Act of 1994) can obtain a Federal permit from the non-eagle feather repositories authorizing them to receive and possess the carcass, feathers or parts of a migratory bird, other than eagles, from the repository for religious or cultural purposes.

I'm a federally enrolled tribal member. Can I obtain eagle feathers from the two repositories that are participating in this pilot program?

No. These repositories are permitted to provide only non-eagle migratory bird feathers and parts. If you are interested in obtaining eagle feathers, contact the National Eagle Repository, Commerce City, Colorado at: www.fws.gov/le/Natives/EagleRepository.htm, 303-287-2110.

How can I obtain a bird or its feathers or parts?

Non-eagle migratory bird carcasses, feathers or parts for Indian religious and cultural use are currently available only from the two repositories enrolled in the FWS Southwest Region's pilot program. You can obtain a permit application from either repository, from the FWS Southwest Region Migratory Bird Permit Office, or from the FWS Southwest Region Native American Liaison (see contact information below). Each application must include certification of tribal enrollment from the Bureau of Indian Affairs or Tribal Enrollment Office. Bird carcasses, feathers and parts received from the repositories may subsequently be gifted (but not bartered, traded or sold) from one enrolled tribal member to another without the need of a permit authorizing the transfer. It is advisable to keep a written record verifying the transfer.

For applications, contact any of the following:

Bill Voelker, Director
Sia Comanche Nation
Sia Essential Species Repository
580-464-2750
www.comancheeagle.org

Megan Mosby, Executive Director
Liberty Wildlife Rehabilitation Foundation
Liberty Repository
480-998-5550
www.non-eaglefeathers.net

Joseph Early
USFWS Southwest Region
Native American Liaison
Joe_Early@fws.gov
505-248-6602
www.fws.gov/southwest/NAL/index.html

Michele Gallagher
USFWS Southwest Region
Migratory Bird Permit Specialist
Michele_Gallagher@fws.gov
505-248-7882

On the application, you must specify which species of migratory bird you are requesting. You must also indicate whether you are requesting a whole bird, loose feathers, or parts. **ONLY REQUESTS FOR ONE BIRD OR FOR LOOSE FEATHERS AND/OR PARTS FROM ONE PARTICULAR SPECIES OF BIRD WILL BE FILLED PER APPLICATION.** Once your request is filled, you may reapply for another bird, feathers or parts.

You must provide a current telephone number so the repository staff can contact you when your request is ready to ship. Any changes in your address and/or telephone number must be submitted by you to the repository. During the two-year pilot program, there will be no charge for shipping.

How long is the wait to obtain a bird or its feathers and/or parts?

Requests for migratory birds or feathers and/or parts will be filled on a first-come, first-served basis. Birds, their feathers and parts will typically be kept at the repositories just long enough to allow personnel to contact the next applicant on the waiting list. Because of the large expected demand and the limited supply, applicants should expect to wait an extended period of time before their request is filled. In short, it may become a matter of supply vs. demand.

I already have an application for non-eagle birds, feathers or parts on file with one of the FWS Migratory Bird Permits offices. Will my application be given consideration before new applicant requests?

Because the application form that you originally submitted has been revised, you will need to re-submit your application in the new format. The new application form is available from either of the two pilot repositories, or from the FWS. Your request will be given priority, depending on the availability of the feathers you are requesting.

May I request more than one bird, feathers and/or parts on my application?

Generally, each applicant can apply for only one whole bird or for the loose feathers and/or parts of one species of migratory bird at a time. Once your request has been filled, you may reapply to receive another non-eagle migratory bird, or its feathers and/or parts. However, the repositories may consider special requests for more than one bird or one species of bird for a specific Native American religious use on a case-by-case basis.

May I sell, trade, or barter objects made from the migratory bird items I receive from the repository?

No. Like feathers or parts of bald or golden eagles, all regulated and protected migratory birds may NOT be sold, purchased, bartered, or traded. However, bird carcasses, or the loose feathers and/or parts received from the repository may be handed down to family members, from generation to generation, or from one Native American to another for religious or cultural purposes. Tribal members with a permit to possess migratory birds, feathers and/or parts may gift or otherwise transfer those items to another federally-recognized tribal member. A permit is not required for the recipient to accept and possess the gifted or transferred migratory bird items.

Can bird feathers and parts be imported or exported, to and from the United States?

Yes. Like Title 50 Code of Federal Regulations, part 22, which allows for the import/export of eagle feathers for religious and cultural purposes, the carcass, loose feathers and/or parts of migratory birds other than eagles may be imported/exported into, or out of the U.S. Typically, the same permit that is issued to allow for the import/export of eagle feathers, can also include other bird feathers and regulated wildlife parts that are covered under the Migratory Bird Treaty Act, as well as the Convention on the International Trade in Endangered Species (CITES). For more information, please contact the nearest FWS Wildlife Inspector at: http://www.fws.gov/le/ImpExp/Contact_Info_Ports.htm, or the FWS Division of Management Authority at 1-800-358-2104

Who is legally able to contribute and transfer birds, feathers, and/or parts to the non-eagle feather repositories?

Any FWS-permitted source currently allowed to possess migratory birds, other than bald and golden eagles, will be eligible to transfer birds, feathers, and/or parts to the two repositories in the pilot program if the permitted source is allowed to dispose of these items through their permit.

Can bald or golden eagles, their feathers and/or parts be transferred to the FWS Southwest Region's two non-eagle repositories participating in this pilot program?

No, all dead eagles, their feathers and/or parts must be transferred to the FWS's National Eagle Repository in Commerce City, Colorado.

Can I submit applications to both repositories at the same time?

No. In order to be fair and honest with the distribution process, applications and requests will be monitored and tracked through a database. Applications will be processed on a first come, first served basis and applicants will not be allowed to reapply for a new request until their prior request has been filled. You may choose which repository to apply to, and once your request has been filled you may reapply to the other repository if you choose. However, only one request (i.e., application) is allowed at a time.

What type of feathers will be available?

Any available non-eagle feather used for religious or cultural purposes will be distributed. However, applicants should recognize that not all species are available and the repositories in the

FWS Southwest Region's pilot program will be limited to what they have on hand at the time an application is received.

Do we anticipate the FWS permitting other non-eagle feather repositories in the future?

No additional non-eagle feather repositories in the FWS Southwest Region are planned during the two-year pilot period. The FWS will monitor this two-year pilot program. At the end of the pilot period we will evaluate the success of the program and determine our future direction.

Will the repositories be working with other Federal agencies to have them provide dead birds when they come into contact with them?

The two repositories will consult with other federal agencies regarding their participation in supplying protected migratory birds, feathers and/or parts for distribution and will collaborate with those agencies on agreements or permits that would facilitate their contribution to this pilot program.

Who can I contact for more information?

For more information, contact any of the following:

Bill Voelker, Director
Sia Comanche Nation
Sia Essential Species Repository
580-464-2750
www.comancheeagle.org

Megan Mosby, Executive Director
Liberty Wildlife Rehabilitation Foundation
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USFWS Southwest Region
Native American Liaison
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505-248-6602
www.fws.gov/southwest/NAL/index.html

Michele Gallagher
USFWS Southwest Region
Migratory Bird Permit Specialist
Michele_Gallagher@fws.gov
505-248-7882

WHAT YOU SHOULD KNOW ABOUT REQUESTING NON-EAGLE FEATHERS FROM A NON-EAGLE REPOSITORY

- **How do I request non-eagle feathers or parts?**

You can obtain a request form from either of the two Repositories participating in the Fish and Wildlife Service's (FWS) Southwest Region pilot program, or by contacting the FWS Region 2 Migratory Bird Permits Office, or Native American Liaison. See contact information below.

- **Is there a difference between the Repositories?**

Yes. The Sia Essential Species Repository (Oklahoma) is operated by Native Americans of the Comanche Nation, who also manage the Sia Eagle Aviary and Raptor Program. The Liberty Non-Eagle Repository (Arizona) is a non-tribal wildlife rehabilitation and conservation education center that regularly consults with their Native American advisory committee on tribal issues. The two Repositories will be operating independently of each other and, as such, will have different applications, methods of processing requests and timeframes for distribution.

- **Where do the Repositories get their feathers?**

The Repositories can use molted feathers gathered under their own permits, such as Liberty's rehabilitation permit and Sia's live possession of raptors permit. They can also use the feathers from birds that die of natural causes that they possess under these permits.

The Repositories may also accept donations from other permitted sources from around the country, including zoos, museums, rehabilitators, or persons holding falconry or research permits. [See Donation Fact Sheet for more information.](#)

- **Do I need a permit to obtain the feathers?**

During the pilot program, the U.S. Fish and Wildlife Service will not be issuing federal permits for possession of non-eagle feathers and parts. However, each recipient of these items will receive a Letter of Authorization that allows for their legal possession. Proof of enrollment in a federally-recognized (BIA) tribe is required during the application process..

- **Can I apply to both Repositories?**

Not at the same time. You can choose which Repository you wish to obtain feathers from, and they will contact you regarding your order request. If you have a pending request with one Repository and decide you would like to send it

to the other Repository instead, you may withdraw your original request at any time, and for any reason. You may NOT have two requests submitted for processing simultaneously.

- **Can I get eagle feathers from the Repositories?**

You cannot receive eagle feathers from the Non-eagle Repositories. . However, the Sia Essential Species Repository currently holds an Indian Religious Use permit that authorizes them to distribute eagle feathers from their facility for religious uses. You may contact them for more information.

For request forms, contact any of the following:

William Voelker, Director/Founder
Sia Essential Species Repository
<http://www.comancheeagle.org>,
580-464-2750

Megan Mosby, Executive Director
Liberty Repository
<http://www.non-eaglefeathers.net>
480-998-5550

Michele Gallagher, FWS
Migratory Bird Permits Office
michele_gallagher@fws.gov
505-248-7882

Joseph Early, FWS
Native American Liaison
joe_early@fws.gov
505-248-6602



Non-Eagle Migratory Bird Feather/Parts Request Form for Native American Religious Purposes

Last Name		First Name	Middle Name	Suffix (Sr., Jr., etc.)
Physical address (Street address; Apartment #, Suite #)				
City			State	Zip code/Postal code
Mailing Address (if different than physical address)				
City			State	Zip code/Postal code
Date of Birth	Email address (optional)		Name of Contact Person (if you have no phone)	
Home Phone Number () -	Work Phone Number () -	Phone Number of Contact () -		

NOTE: Providing proof of enrollment in a federally recognized Native American tribe is a requirement for eligibility to possess non-eagle feathers and parts. Examples of proof of enrollment include a copy of an official tribal roll vital record, a copy of a Certificate of Indian Blood (CIB) card, or a letter from your tribal enrollment office that certifies your enrollment in a federally-recognized tribe.

****INCLUDE PROOF OF ENROLLMENT WITH THIS APPLICATION****

NAME OF YOUR TRIBE:	TRIBAL ENROLLMENT NO.
---------------------	-----------------------

GROUP	SPECIES <i>(Only one species/type per request)</i>	Number of FEATHERS	Special Orders
<input type="checkbox"/> Hawk /Falcon _____	(ex. Red-Tailed, Osprey, Prairie, etc.)	<div style="border: 1px solid black; width: 80px; height: 80px; margin: 0 auto;"></div>	Whole Carcass <input type="checkbox"/>
<input type="checkbox"/> Owl _____	(ex. Great Horned, Saw-Whet, Elf, etc.)		Pair Whole Wings <input type="checkbox"/>
<input type="checkbox"/> Water bird _____	(ex. Anhinga, Gull, Cormorant, etc.)		Whole Tail <input type="checkbox"/>
<input type="checkbox"/> Shorebird _____	(ex. Plover, Sandpiper, Willet, etc.)		Specific Feathers <input type="checkbox"/>
<input type="checkbox"/> Upland bird _____	(ex. Flicker, Flycatcher, Crane, etc.)		Multiple Species <input type="checkbox"/>
<input type="checkbox"/> Other: _____			Describe: _____

I hereby certify that I am requesting migratory bird parts for religious purposes and that the information submitted herein is complete and accurate to the best of my knowledge.

Signature: _____ Date: _____

MAIL COMPLETED APPLICATION WITH PROOF OF ENROLLMENT TO:

SIA, P. O. BOX 341, CYRIL, OKLAHOMA 73029



Liberty Wildlife
Non-eagle Feather Repository

**NON- EAGLE PARTS FOR
NATIVE AMERICAN RELIGIOUS
PURPOSES
REQUEST FORM**

Contact Information:
P.O.Box 14345 Scottsdale, AZ 85267
Phone: 480-998-5550
Fax: 480-998-0230
E-mail:
featherrepository@non_eaglefeathers.net

****IMPORTANT****

ONLY ONE REQUEST FOR FEATHERS/PARTS MAY BE SUBMITTED AT ONE TIME
DO NOT SUBMIT REQUESTS TO BOTH REPOSITORIES AT THE SAME TIME

Request #

Repository use only

Last Name		First Name		Middle Name		Suffix (Sr., Jr., etc.)	
Physical address (Street address; Apartment #, Suite #)							
City				State		Zip code/Postal code	
Mailing Address (if different than physical address)							
City				State		Zip code/Postal code	
Date of Birth		Email address (optional)		Name of Contact Person (if you have no phone)			
Home Phone Number () -		Work Phone Number () -		Phone Number of Contact () -			

NOTE: Providing proof of enrollment in a federally recognized Native American tribe is a requirement for eligibility to possess non-eagle feathers and parts. Examples of proof of enrollment include:

A copy of an official tribal roll vital record, a copy of a Certificate of Indian Blood (CIB) card, or a letter from your tribal enrollment office that certifies your enrollment in a federally-recognized tribe.

NAME OF YOUR TRIBE:	TRIBAL ENROLLMENT NO.
---------------------	-----------------------

**** INCLUDE PROOF OF ENROLLMENT WITH THIS REQUEST****

<p>GROUP</p> <input type="checkbox"/> Hawk /Falcon _____ <input type="checkbox"/> Owl _____ <input type="checkbox"/> Water bird _____ <input type="checkbox"/> Shorebird _____ <input type="checkbox"/> Upland bird _____ <input type="checkbox"/> Other: _____	<p>SPECIES <i>(Only one species/type per request)</i></p> (ex. Red-Tailed, Osprey, Prairie, etc.) (ex. Great Horned, Saw-Whet, Elf, etc.) (ex. Anhinga, Gull, Cormorant, etc.) (ex. Plover, Sandpiper, Willet, etc.) (ex. Flicker, Flycatcher, Crane, etc.)	<p>Number of FEATHERS</p> <div style="border: 1px solid black; width: 80px; height: 60px; margin: 0 auto;"></div>	<p>Special Orders</p> Whole Carcass <input type="checkbox"/> Pair Whole Wings <input type="checkbox"/> Whole Tail <input type="checkbox"/> Specific Feathers <input type="checkbox"/> Multiple Species <input type="checkbox"/> Describe: _____ _____
---	--	--	--

I hereby certify that I am requesting migratory bird parts for religious purposes and that the information submitted herein is complete and accurate to the best of my knowledge.

Signature: _____ Date: _____

The request for feathers for religious purposes has been reviewed and found to be correct and complete.

Printed Name

Signature

Date

ONCE YOUR REQUEST IS FILLED, YOU MAY SUBMIT ANOTHER REQUEST FORM TO EITHER REPOSITORY

Eagle Summit III

Eagle Reference Book

Section 6:

Native American Eagle Take

- Eagle Take from the Wild
 - Permit Application
 - Instructions
 - Mailing Information



Federal Fish and Wildlife Permit Application Form

[Click here for addresses.](#)

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: Native American Eagle Take

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Social Security No.	4. Occupation	5. Affiliation/ Doing business as (see instructions)
6.a. Telephone number	6.b. Alternate telephone number	6.c. Fax number	6.d. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency, tribe, or institution			
1.a. Name of business, agency, tribe, or institution		1.b. Doing business as (dba)	
2. Tax identification no.		3. Description of business, agency, or institution	
4.a. Principal officer Last name	4.b. Principal officer First name	4.c. Principal officer Middle name/ initial	4.d. Suffix
5. Principal officer title		6. Primary contact	
7.a. Business telephone number	7.b. Alternate telephone number	7.c. Business fax number	7.d. Business e-mail address

C. All applicants complete address information				
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)				
1.b. City	1.c. State	1.d. Zip code/Postal code:	1.e. County/Province	1.f. Country
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)				
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country

D. All applicants MUST complete	
1.	Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount [Note: there is no processing fee for this permit]. Federal, tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – attach documentation of fee exempt status as outlined in instructions. (50 CFR 13.11(d))
2.	Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: _____ No <input type="checkbox"/>
3.	Certification: I hereby certify that I have read and am familiar with the regulations contained in <i>Title 50, Part 13 of the Code of Federal Regulations</i> and the other applicable parts in subchapter B of Chapter 1 of Title 50, and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.
Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures) Date of signature (mm/dd/yyyy)	

Please continue to next page

**E. NATIVE AMERICAN EAGLE TAKE
(Bald and Golden Eagle Protection Act; 50 CFR 22.22)**

A Federal Native American Eagle Take permit is required in order to take Bald Eagles or Golden Eagles from the wild for Native American religious purposes. This permit is intended only for Tribal members conducting a demonstrable historic religious ceremony that requires take of eagles from the wild. You must be an enrolled member of an Indian tribe that is recognized under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a-1, 108 Stat. 4791 (1994). You must be at least 18 years of age to apply for a permit. Your signature on this application affirms that you are requesting an eagle(s) for religious purposes and that your answers to the questions below are true and accurate to the best of your knowledge and belief.

⇒ *If you are applying on behalf of a Tribe, please complete section B on page 1 of this form. You must identify a tribal government official as the Principal Officer, who will be responsible for signing the application and any permitted activities.*

⇒ *If you are applying as an individual, your application must be co-signed on page 1, section D.3. of this form, or otherwise approved in writing by a tribal government official for your tribe.*

Note: Do not use this application if you wish to apply for a permit to obtain eagle parts from the National Eagle Repository. For that permit, use Form 3-200-15A, Eagle Parts for Native American Religious Purposes Permit Application/First Order. That application is available at <http://www.fws.gov/forms/3-200-15a.pdf>.

Disclaimer: *Whereas the U.S. Fish and Wildlife Service (we) will do what we can to protect any information that you identify as confidential or private under one of the Freedom of Information Act exemptions that may be used to protect information from disclosure (5 U.S.C. 552(b)), we cannot guarantee that we will not ultimately have to disclose the information.*

Please provide the information below in the space provided or numbered according to the questions below on a separate sheet of paper. If needed, use a separate sheet of paper. If your religion does not permit you to reply to any of the questions below, please provide a signed statement identifying the particular question or questions at issue and certifying that providing the information requested would substantially burden the exercise of your religion. If we are unable to adequately evaluate your application on the basis of the information you provide, further inquiry may be necessary.

1. A description of the eagle(s) to be taken from the wild:

a. Species (check one):

Bald Eagle
 Golden Eagle

b. For each age group, enter the quantity to be taken:

Eggs _____ Nestlings _____
Immature _____ Adult _____

2. Will the eagle(s) be (check one): Collected live, or Killed in the wild?

3. Will live eagles be held in captivity? No, live eagle(s) will not be held in captivity.
 Yes. If "yes", how long will they be held in captivity?
(Live eagles must be held under humane and healthful conditions.)

4. Will parts from the eagle(s) be retained in your possession a year or more after the eagle(s) is taken from the wild? (If so, we may need to issue an additional separate lifetime permit for possession of the parts.) Yes No

5. The State, county, and locality (or reservation) where the eagle collection will occur:

6. The name of your religion: _____

7. Please explain why take of a live eagle(s) from the wild is necessary and why an eagle carcass, parts, or feathers from another source will not suffice.

8. Name of the tribe of which you are an enrolled member: _____
9. Attach a completed Certification of Enrollment in a federally recognized tribe. **(If the permit applicant is a Tribe, the Certification of Enrollment must be for the Principal Officer.)** The certificate must be signed by the tribal official who is authorized to certify that an individual is a duly enrolled member of that tribe, and must include the official title of that certifying official. A Certification of Enrollment form is included with this application.
10. Attach a signed statement of consent from the landowner or managing official responsible for the land where the eagle(s) will be collected.
11. You must retain records relating to the activities conducted under your permit for at least 5 years after the date of expiration of your permit. Is the physical address you provided in Section C on page 1 of this application the address where your records will be kept? Yes No If "no", provide the physical address.

12. **Any permit issued as a result of this application is not valid unless you also have any required State or tribal permits or approvals associated with the activity.** Have you obtained all required State or tribal permits or approvals to conduct this activity?
 Yes If "yes", attach a copy of the approval(s). Have applied (Send copy when issued) None required



Department of the Interior
U.S. Fish and Wildlife Service
Division of Migratory Birds

Eagle Permit Applicant:
(Please print)

Name: _____

Address: _____

TELEPHONE NUMBER: _____

CERTIFICATION OF ENROLLMENT IN A U.S. FEDERALLY RECOGNIZED TRIBE

(By Certifying Tribal Official)

The U.S. Fish and Wildlife Service administers the Bald and Golden Eagle Protection Act, the Federal law protecting eagles. This law provides for Native American use of eagle feathers for religious purposes. Eagles and eagle feathers are accumulated by the Service's National Eagle Repository and made available to Native Americans.

Application for a permit to acquire eagle feathers requires certification that the requesting individual is an enrolled member of an Indian tribe that is **federally recognized** under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a-1, 108 Stat. 4791 (1994). The certificate must be signed by the tribal official who is authorized to certify that an individual is a duly enrolled member of that tribe, and must include the official title of that certifying official. (50 CFR 22.22)

Name of certifying official (print):

I certify that _____ is an enrolled member of the
_____ Tribe, Enrollment # _____.

I understand that making a false statement can make me subject to the criminal penalties of 18 U.S.C. 1001.

Signature: _____ Date: _____

Title: _____ Office phone no. (____) _____ - _____

NOTE TO CERTIFYING OFFICIAL: Please expedite this completed Certification of Enrollment to the applicant at the above address.

APPLICANT: Attach this completed certification to your Native American Eagle Take application and mail them to the U.S. Fish and Wildlife Service Regional Migratory Bird Permit Office responsible for your state.

PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to an application for a U.S. Fish and Wildlife Service or CITES permit. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all blocks/lines/questions in Sections A or B, and C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application in [blue](#) ink. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or if applicable on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed. Some applications may take longer than 90 days to process. (50 CFR 13.11)**
- Applications are processed in the order they are received.
- Additional forms and instructions are available from <http://permits.fws.gov>.

COMPLETE EITHER SECTION A OR SECTION B:

Section A. Complete if applying as an individual:

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. ***Fax and e-mail are not required if not available.***
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation/ Doing business as (dba):** business, agency, organizational, or institutional affiliation *directly* related to the activity requested in the application (e.g., a taxidermist is an individual whose business can *directly* relate to the requested activity). The Division of Management Authority (DMA) will **not** accept *doing business as* affiliations for individuals.

Section B. Complete if applying as a business, corporation, public agency, tribe, or institution:

- Enter the complete name of the business, agency, tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, tribe, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the Division of Management Authority (DMA) a physical U.S. address is **required**. Province and Country blocks are provided for those USFWS programs which use foreign addresses and are not required by DMA.
- **Mailing address** is address where communications from USFWS should be mailed if different than applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1 Application processing fee:

- An application processing fee is required at the time of application; unless exempted under 50 CFR13.11(d)(3). The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit. Fees will not be refunded for applications that are approved, abandoned, or denied.** We may return fees for withdrawn applications prior to any significant processing occurring.
- **Documentation of fee exempt status is not required for Federal, tribal, State, or local government agencies; but must be supplied by those applicants acting on behalf of such agencies.** Those applicants acting on behalf of such agencies must submit a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2 Federal Fish and Wildlife permits:

- List the number(s) of your most current FWS or CITES permit or the number of the most recent permit if none are currently valid. If applying for re-issuance of a CITES permit, the original permit must be returned with this application.

Section D.3 CERTIFICATION:

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application in blue ink.** This signature binds the applicant to the statement of certification. This means that you certify that you have read and understand the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

ALL APPLICANTS COMPLETE SECTION E.

Please continue to next page

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50CFR 17;
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), 50 CFR 18;
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
 - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
 - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org/>, 50 CFR 23;
 - h. General Provisions, 50 CFR 10;
 - i. General Permit Procedures, 50 CFR 13; and
 - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to Federal, tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to Federal, tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate Federal, tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the General Accounting Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for an Native American Eagle Take permit application is 2 hours and 15 minutes for recordkeeping. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].



U.S. Fish & Wildlife Service

Migratory Bird Regional Permit Offices

FWS REGION	AREA OF RESPONSIBILITY	MAILING ADDRESS	CONTACT INFORMATION
Region 1	Hawaii, Idaho, Oregon, Washington	911 N.E. 11th Avenue Portland, OR 97232-4181	Tel. (503) 872-2715 Fax (503) 231-2019 Email permitsR1MB@fws.gov
Region 2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	Tel. (505) 248-7882 Fax (505) 248-7885 Email permitsR2MB@fws.gov
Region 3	Iowa, Illinois, Indiana, Minnesota, Missouri, Michigan, Ohio, Wisconsin	5600 America Blvd. West Suite 990 Bloomington, MN 55437-1458	Tel. (612) 713-5436 Fax (612) 713-5393 Email permitsR3MB@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico	P.O. Box 49208 Atlanta, GA 30359	Tel. (404) 679-7070 Fax (404) 679-4180 Email permitsR4MB@fws.gov
Region 5	Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	Tel. (413) 253-8643 Fax (413) 253-8424 Email permitsR5MB@fws.gov
Region 6	Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	P.O. Box 25486 DFC(60154) Denver, CO 80225-0486	Tel. (303) 236-8171 Fax (303) 236-8017 Email permitsR6MB@fws.gov
Region 7	Alaska	1011 E. Tudor Road (MS-201) Anchorage, AK 99503	Tel. (907) 786-3693 Fax (907) 786-3641 Email permitsR7MB@fws.gov
Region 8	California, Nevada	2800 Cottage Way Sacramento, CA 95825	Tel. (916) 978-6183 Fax (916) 414-6486 Email permitsR8MB@fws.gov

Eagle Summit III

Eagle Reference Book

Section 7:

Native American Eagle Aviary

- Migratory Birds Memorandum
- PowerPoint Presentation
- Aviary Application



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

MBPM-6

Date:

NOV 20 2013

MIGRATORY BIRD PERMIT MEMORANDUM

SUBJECT: Disposition of live nonreleasable bald eagles and golden eagles possessed under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

PURPOSE: This memorandum serves as guidance to U.S. Fish and Wildlife Service (Service) personnel for placement of live nonreleasable bald eagles and golden eagles with Native American eagle aviaries (aviaries) in accordance with the Service's trust responsibility to Native Americans.

POLICY: For purposes of this memorandum, "aviary" means a tribal facility that has been issued a Federal Eagle Aviary Permit to possess live eagles for religious purposes under the Bald and Golden Eagle Protection Act.

The Service issues Federal Eagle Aviary Permits for religious purposes to Native American Tribes recognized by the Bureau of Indian Affairs. The Service also issues Rehabilitation Permits to qualified entities authorizing the possession of sick, injured, or otherwise nonreleasable bald eagles or golden eagles and Eagle Exhibition Permits and Eagle Scientific Permits to museums, zoological parks, and scientific societies for educational or scientific purposes. An eagle that has undergone care with a federally permitted rehabilitator and that cannot be released to the wild will be made available to tribal eagle aviaries before other qualified facilities. A live nonreleasable eagle possessed under an Eagle Exhibition Permit that is no longer suitable for educational purposes may be made available to aviaries when appropriate, depending on the training and temperament of the bird.

Service personnel will follow the guidelines below when placing live nonreleasable bald eagles or golden eagles.

1. Native American eagle aviaries will provide a request for live nonreleasable eagles to their Regional Migratory Bird Permit Office (MBPO). The request should include the number and species of eagles sought, and additional information such as sex and age, if applicable. The Service will also need information sufficient to verify that the aviary has suitable facilities to house the requested bird(s).
2. When a MBPO has received notification that a live nonreleasable eagle is available for placement, that office will determine if there are any pending requests for that species from aviaries by contacting the Regions where aviaries are located. To assist the Service and/or the requesting aviary in determining if an eagle is suitable for placement, the

MBPO placing the eagle will obtain specific information from the rehabilitator, or educator, regarding the age, sex, type of injury, and temperament of the eagle. If an eagle is approved for placement at an aviary, the aviary and the permitted source will work together in arranging the logistics for the transfer to the aviary. The Service will not pay for any costs associated with the transfer.

3. As of the date of this Memorandum, permitted Native American aviaries occur only in the Southwest Region (Region 2), but aviaries may be permitted in other Regions in the future. In the event of multiple requests from different aviaries the permit offices will establish a rotational system for placing eagles at the aviaries.
4. The MBPO and the corresponding Service Native American Liaison will determine the appropriate means of corresponding with Tribes within their Region.

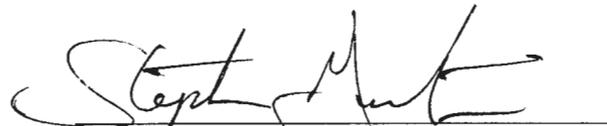

Deputy Director



Photo courtesy of Mike Lockart

Native American Eagle Aviary Permit



Photo courtesy of Meg Laws

What does an Eagle Aviary Permit Authorize?

- **An Eagle Aviary Permit Authorizes tribal entities to possess lawfully acquired non-releasable Bald Eagles and Golden Eagles and use molted feathers for religious purposes.**
- **The permit can be valid for up to 3 years.**
- **A “non-releasable” eagle is an eagle that can no longer survive in the wild.**

➤ 1

A federally permitted Eagle Aviary is a facility housing live non-releasable bald eagles and/or golden eagles that is operated for the benefit of members of federally recognized tribes.

Renewal letters will be mailed out prior to expiration of permit.

Annual reporting of activities is required, report forms are mailed annually (renewal letter is included if applicable).



Photo courtesy of Mike Lockart

Native American Eagle Aviary Permit



Photo courtesy of Meg Laws

Who Can Apply?

- **Federally recognized tribes that are eligible to receive services from the United States Bureau of Indian Affairs (25 U.S.C. 479a–1).**
- **Principal Officer would be a tribal leader (President, Chairman & etc.)**

➤ 2

PERMIT IS ISSUED TO THE TRIBE AND THE PRINCIPAL OFFICER IS THE PRESIDENT, CHAIRMAN, DIRECTOR & ETC.) The same applies to other types of permits as well.

Applicant must meet all requirements per 50 CFR § 22.22 to qualify for the permit.

Applicant is responsible for reviewing and understanding the regulations before requesting and accepting a permit.

50 CFR § 22.22 can be found at:
<http://www.fws.gov/permits/ltr/ltr.shtml>.



Photo courtesy of Mike Lockart

Native American Eagle Aviary Permit



Photo courtesy of Meg Laws

Are there other qualifications?

- Long-term financing to maintain operations after money from contributions and grants have expired.
- Authorized long-term caretaker must be at least 18 years old and have 300 hours experience handling eagles.
- Aviary must have a designated veterinarian who has experience with avian species, including raptors.
- Aviary must have written support from a federally permitted rehabilitator willing to assist.



EAGLE EXPERIENCE INCLUDES: training; capturing; restraining; handling; transporting; feeding; medical management and daily husbandry.

A portion of the training can be fulfilled by participating in bird/raptor handling seminars and courses.

Eagle Aviary is financially responsible for veterinary fees incurred.



Photo courtesy of Mike Lockart

Native American Eagle Aviary Permit



Photo courtesy of Meg Laws

Are there other qualifications? (Cont'd)

- **Have a source in mind where non-releasable eagles can be obtained.**
- **Have a food source and proper diet plan.**
- **Have adequate caging to maintain eagles under humane and healthful conditions (50 CFR 13.41)**

➤ 4

THE LARGEST EXPENSE IN MAINTAINING AN AVIARY IS THE FOOD (PER R2)

The number of eagles authorized for possession will be based on the dimensions and adequacy of the aviary facility and the eagles' physical status.

FOOD SOURCES: Schools who have rodent and rabbit breeding projects; hunters – or- have their own breeding program.






Native American Eagle Aviary Permit

What are the requirements for caging?

- Aviaries currently in operation may offer ideas in cage design.
- Consider climate where aviary is to be built (AZ vs. MT) (cold, heat, rain, snow & etc.)
- “Raptors in Captivity, Guidelines for Care and Management” recommended for single eagle:
 - Non-flighted eagles: 12’ L x 10’ W x 9’ H
 - Flighted eagles: 40’ L x 10’ W x 9’ H




IF MORE THAN ONE EAGLE CAGE SHOULD BE ½ AGAIN LARGER.
(i.e. 18’X15’X13’)

The Service uses as a guideline standards established by:

The Raptor Center

University of Minnesota’s 2007 Publication of:

“Raptors in Captivity,

Guidelines for Care and Management.”



Photo courtesy of Mike Lockart

Native American Eagle Aviary Permit



Photo courtesy of Meg Laws

How do I apply?

Department of the Interior
U.S. Fish and Wildlife Service
Federal Fish and Wildlife Permit Application Form
Form FWS-1000 (Rev. 10/2010)

Section 1. Applicant Information

Name: _____ Title: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____
 E-mail: _____

Section 2. Species and Quantity

Species	Quantity
_____	_____
_____	_____
_____	_____

Section 3. Purpose of Permit

Section 4. Management Plan

Section 5. Other Information

Form FWS-1000 (Rev. 10/2010) Page 1 of 2

Section 6. Native American Eagle Aviary

6.1. Description of the Aviary

6.2. Management Plan

6.3. Other Information

Form FWS-1000 (Rev. 10/2010) Page 2 of 2





Photo courtesy of Mike Lockart

Native American Eagle Aviary Permit



Photo courtesy of Meg Laws

How do I apply? (Cont'd)

- Exempt from application processing fee.
- Application form (3-200-78) can be obtained from the U.S. Fish & Wildlife Service web site at: www.fws.gov.
- Or by contacting your Regional Migratory Bird Permit Office ...





Photo courtesy of Mike Lockart

Native American Eagle Aviary Permit



Photo courtesy of Meg Laws

Region 1
(HI, ID, OR & WA)
911 NE 11th Avenue
Portland, OR 97232-4181
(503) 872-2715

Region 2
(AZ, NM, OK & TX)
PO Box 709
Albuquerque, NM 87103
(505) 248-7882

Region 3
(IA, IL, IN, MN, MO, MI, OH, WI)
One Federal Drive
Ft. Snelling, MN 55111
(612) 713-5436

Region 4
(AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VI & PR)
PO Box 49208
Atlanta, GA 30359
(404) 679-7070



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Photo courtesy of Mike Lockart

Native American Eagle Aviary Permit



Photo courtesy of Meg Laws

Region 5
(CT, DC, DE, ME, MD, MA, NH, NJ,
NY, PA, RI, VA, VT & WV)
300 Westgate Center Drive
Hadley, MA 01035
(413) 253-8643

Region 6
(CO, KS, MT, ND, NE, SD, UT & WY)
PO Box 25486
DFC (60154)
Denver, CO 80225-0486
(303) 236-8171

Region 7
(Alaska)
1011 E. Tudor Rd (MS-201
Anchorage, AK 99503
(907) 786-3693

Region 8
(CA & NV)
2800 Cottage Way, Rm W-2606
Sacramento, CA 95825
(916) 978-6183



9



WHAT YOU SHOULD KNOW ABOUT A FEDERAL NATIVE AMERICAN EAGLE AVIARY PERMIT (EAGLE AVIARY)

A Native American Eagle Aviary (i.e. Eagle Aviary) permit will authorize tribal entities engaged in religious activities to possess lawfully acquired Bald Eagles and/or Golden Eagles for Indian religious use. Tribal entities must be recognized and eligible to receive services from the U.S. Bureau of Indian Affairs listed under 25USC479a-1. You should review 50 CFR parts 10, 13 and 22.22 of the Code of Federal Regulations (CFR) with your application. You must meet all requirements of 50 CFR 22.22 to qualify for this permit. **You are responsible for reviewing and understanding these regulations before you request and accept a permit.** The regulations can be found on our website at: <http://www.fws.gov/permits/ltr/ltr.html>.

1. What is a Federal Eagle Aviary and a Federal Eagle Aviary permit?

A federally permitted Eagle Aviary is a facility housing live non-releasable bald eagles and/or golden eagles that is operated for the benefit of members of federally recognized tribes. The Federal Eagle Aviary permit is intended to authorize possession of bald eagles and/or golden eagles for tribal activities involving religious purposes.

2. What is the intent of a Federal Eagle Aviary Permit?

The intent of a Federal Eagle Aviary permit to possess live non-releasable bald eagles and/or golden eagles is to provide an additional source of eagle feathers through molting and/or to provide live eagles for Indian religious purposes. Human contact with live eagles should be minimal with this type of eagle permit.

3. What experience must I have to qualify as the Caretaker responsible for maintaining eagles held under a Federal Eagle Aviary permit?

The Caretaker must be at least 18 years of age. We recommend 300 hours of experience gained over the course of at least 2 years in handling, treatment and long-term care of eagles. This experience should include: training, capturing, restraining, handling and transporting eagles; the care, feeding and medical management of eagles, as well as daily husbandry activities. A portion of the experience may be fulfilled by participation in migratory bird/raptor handling seminars and courses.

The Caretaker must also have a written recommendation from another Federal permittee with eagle handling experience.

4. What are the caging requirements for eagles authorized by a Federal Eagle Aviary permit?

All eagles authorized by a Federal Eagle Aviary permit must be maintained under humane and healthful conditions as required in 50 CFR 13.41. Facilities must be adequate for each eagle 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, University of Minnesota's 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.

The size of each eagle aviary 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 dimensions and adequacy of the aviary facility. The issuing office shall determine the estimated carrying capacity of the facility based on the Length and Width of entire aviary/facility and the eagle(s) physical status. Applicants should also contact their state wildlife agency for information about any additional State requirements for eagles.

5. Does the Eagle Aviary permit authorize the public exhibition of eagles?

No. You are not authorized to use eagles possessed under the Federal Eagle Aviary permit for non-tribal or offsite public exhibition purposes.

6. Who is allowed to handle or touch live eagles authorized by a Federal Eagle Aviary permit?

Eagle handling is limited to religious and medical management purposes only. This restriction is intended for the safety of the handler and the eagle. However, tribal members may hold any eagle(s) authorized by a Federal Eagle Aviary permit that is used in a traditional religious ceremony.

7. What is the permitted disposition of molted eagle feathers and/or eagle carcasses or parts should an eagle authorized by this permit die in captivity?

Carcasses, parts and feathers of eagles can be distributed at the discretion of the permittee only to members of Bureau of Indian Affairs (BIA) federally recognized tribal entities.

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

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

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

No. There are no fees for the Federal Eagle Aviary permit application or renewal.

10. Can I use eagles for commercial purposes?

No. Eagles possessed under a Federal Eagle Aviary permit may not 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 except your own religious activities.

11. How can I acquire eagles authorized by a Federal Eagle Aviary permit?

Bald eagles and/or golden eagles obtained under a Federal Eagle Aviary permit must be non-releasable and may be lawfully acquired from Rehabilitation, Eagle Exhibition, Eagle Falconry or other Federal Eagle Aviary permittees. To acquire additional eagles after the Eagle Aviary permit has been issued, you must submit a request form, Special Purpose Possession (Education) Permit Acquisition and Transfer Request/3-202-12, to your Regional Migratory Bird Permit Office for approval prior to acquiring any eagle. Permittees should also contact their State wildlife agency for information about obtaining additional permits if required.

Federal Eagle Aviary permittees are financially responsible for any transportation and handling costs associated with acquiring eagles.

12. What procedures are required to transfer my permit to a new location?

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 Office in writing within 10 days so your permit can be amended. In addition, if your physical address will change, you must obtain prior approval 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)

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

Yes. You must maintain accurate records on a calendar-year basis. Your records should reflect the acquisition, veterinary care, and disposition of each eagle that is held under a Federal Eagle Aviary Permit.

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

By accepting a Federal 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)

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

Yes. You will receive an annual report form for your Federal Eagle Aviary permit from your Regional Migratory Bird Permit Office. The report form can also be found on our website at: <http://www.fws.gov/forms/3-202-14.pdf>. This report must be completed and submitted to your issuing office by January 31 of each year.

16. How do I renew my permit?

We will send you a renewal letter or form at least 60 days prior to the expiration of your permit. If you want to renew your permit, you must return the completed renewal 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 expired 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 unable to process your request before the expiration date, your permit will expire and you will no longer be covered for your activity. If you allow your permit to expire before you request renewal, you may be required to submit a new application. (50 CFR 13.22 and 13.11(c))



Federal Fish and Wildlife Permit Application Form

Click here for addresses.

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: Native American Eagle Aviary

Empty rectangular box for return address.

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details. See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

Section A: Complete if applying as an individual. Fields include: 1.a. Last name, 1.b. First name, 1.c. Middle name or initial, 1.d. Suffix, 2. Date of birth, 3. Social Security No., 4. Occupation, 5. Affiliation, 6.a. Telephone number, 6.b. Alternate telephone number, 6.c. Fax number, 6.d. E-mail address.

Section B: Complete if applying on behalf of a business, corporation, public agency, tribe, or institution. Fields include: 1.a. Name of business, 1.b. Doing business as (dba), 2. Tax identification no., 3. Description of business, 4.a. Principal officer Last name, 4.b. Principal officer First name, 4.c. Principal officer Middle name/ initial, 4.d. Suffix, 5. Principal officer title, 6. Primary contact, 7.a. Business telephone number, 7.b. Alternate telephone number, 7.c. Business fax number, 7.d. Business e-mail address.

Section C: All applicants complete address information. Fields include: 1.a. Physical address, 1.b. City, 1.c. State, 1.d. Zip code/Postal code, 1.e. County/Province, 1.f. Country, 2.a. Mailing Address, 2.b. City, 2.c. State, 2.d. Zip code/Postal code, 2.e. County/Province, 2.f. Country.

Section D: All applicants MUST complete. 1. Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount [Note: there is no processing fee for this permit]. 2. Do you currently have or have you ever had any Federal Fish and Wildlife permits? 3. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations...

Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures) Date of signature (mm/dd/yyyy)

Please continue to next page

E. NATIVE AMERICAN EAGLE AVIARY
(Bald and Golden Eagle Protection Act; 50 CFR 22.22)

Note: A Federal Native American Eagle Aviary permit is required to possess non-releasable live eagles for Indian religious use. You must be a federally recognized tribal entity under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a-1, 108 Stat. 4791 (1994) to apply (complete section B on page 1). The Eagle aviary facility must be under the control of the tribal governing body. The eagle caretaker must be at least 18 years old. Your signature on the application affirms that you are requesting eagle(s) for religious purposes.

Please provide the following information in the space provided or numbered according to the questions below on a separate sheet of paper. You should be as specific as possible in your responses.

1. (a) Provide the name and qualifications of the eagle primary caretaker. Describe in detail the individual's experience and training, including the source and duration, with eagles in the areas listed below. List the species, type of experience, and approximate number of hours or years of experience in each of these following areas:
 - i) handling, capturing, and restraining eagles;
 - ii) transporting eagles;
 - iii) providing daily care and feeding of eagles; and
 - iv) types of medical treatments provided and management of injuries.

(b) Attach a letter of reference from an individual familiar with the caretaker's eagle experience.

2. List the names and describe the eagle handling experience of any other persons who will be assisting with handling the eagles.
3. Provide the name, address, telephone number and email address of the veterinarian you will be using when the eagles require annual and/or emergency medical care and a description of the veterinarian's experience with avian species, including raptors.
4. Provide a letter from a federally permitted rehabilitator with eagle experience stating his or her willingness to provide you with assistance in the event of an injury to any eagle(s) authorized by this permit.
5. (a) Provide the source(s) of the eagle(s) you plan to acquire:

___ Rehabilitators ___ Another aviary ___ Other (describe): _____

(b) If you have already located an eagle that you plan to acquire, provide the following information about the source and the eagle:

Name: _____ Permit number: MB _____

Address: _____

Telephone number: (_____) _____ E-mail: _____

Description of the injury or illness that renders the eagle non-releasable:

*****Attach a veterinarian's statement confirming that the bird is non-releasable and why.*****

6. Describe the permanent facilities where the eagle(s) will be housed. Attach photographs and diagrams of your enclosures and the area surrounding the site. Diagrams must include dimensions (length, width, and height) and a description of interior and exterior construction materials, such as flooring and netting materials.
7. Describe the diet you will administer for the eagles and your food source.
8. You must retain records relating to the activities conducted under your permit for at least 5 years after the date of expiration of your permit. Is the physical address you provided in Section C on page 1 of this application the address where your records will be kept?
___ Yes ___ No If "no", provide the physical address.

PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to an application for a U.S. Fish and Wildlife Service or CITES permit. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all blocks/lines/questions in Sections A or B, and C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application in [blue](#) ink. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or if applicable on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed. Some applications may take longer than 90 days to process. (50 CFR 13.11)**
- Applications are processed in the order they are received.
- Additional forms and instructions are available from <http://permits.fws.gov>.

COMPLETE EITHER SECTION A OR SECTION B:

Section A. Complete if applying as an individual:

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. ***Fax and e-mail are not required if not available.***
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation/ Doing business as (dba):** business, agency, organizational, or institutional affiliation *directly* related to the activity requested in the application (e.g., a taxidermist is an individual whose business can *directly* relate to the requested activity). The Division of Management Authority (DMA) will **not** accept *doing business as* affiliations for individuals.

Section B. Complete if applying as a business, corporation, public agency, tribe, or institution:

- Enter the complete name of the business, agency, tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, tribe, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the Division of Management Authority (DMA) a physical U.S. address is **required**. Province and Country blocks are provided for those USFWS programs which use foreign addresses and are not required by DMA.
- **Mailing address** is address where communications from USFWS should be mailed if different than applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1 Application processing fee:

- An application processing fee is required at the time of application; unless exempted under 50 CFR13.11(d)(3). The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit. Fees will not be refunded for applications that are approved, abandoned, or denied.** We may return fees for withdrawn applications prior to any significant processing occurring.
- **Documentation of fee exempt status is not required for Federal, tribal, State, or local government agencies; but must be supplied by those applicants acting on behalf of such agencies.** Those applicants acting on behalf of such agencies must submit a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2 Federal Fish and Wildlife permits:

- List the number(s) of your most current FWS or CITES permit or the number of the most recent permit if none are currently valid. If applying for re-issuance of a CITES permit, the original permit must be returned with this application.

Section D.3 CERTIFICATION:

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application in blue ink.** This signature binds the applicant to the statement of certification. This means that you certify that you have read and understand the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

ALL APPLICANTS COMPLETE SECTION E.

Please continue to next page

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.shtml>.)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50CFR 17;
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), 50 CFR 18;
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
 - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
 - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org/>, 50 CFR 23;
 - h. General Provisions, 50 CFR 10;
 - i. General Permit Procedures, 50 CFR 13; and
 - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to Federal, tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to Federal, tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate Federal, tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the General Accounting Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for a Native American Eagle Aviary permit application is 4 hours and 1 hour for recordkeeping. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].



U.S. Fish & Wildlife Service

Migratory Bird Regional Permit Offices

FWS REGION	AREA OF RESPONSIBILITY	MAILING ADDRESS	CONTACT INFORMATION
Region 1	Hawaii, Idaho, Oregon, Washington	911 N.E. 11th Avenue Portland, OR 97232-4181	Tel. (503) 872-2715 Fax (503) 231-2019 Email permitsR1MB@fws.gov
Region 2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	Tel. (505) 248-7882 Fax (505) 248-7885 Email permitsR2MB@fws.gov
Region 3	Iowa, Illinois, Indiana, Minnesota, Missouri, Michigan, Ohio, Wisconsin	5600 America Blvd. West Suite 990 Bloomington, MN 55437-1458 (Effective 5/31/2011)	Tel. (612) 713-5436 Fax (612) 713-5393 Email permitsR3MB@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico	P.O. Box 49208 Atlanta, GA 30359	Tel. (404) 679-7070 Fax (404) 679-4180 Email permitsR4MB@fws.gov
Region 5	Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	Tel. (413) 253-8643 Fax (413) 253-8424 Email permitsR5MB@fws.gov
Region 6	Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	P.O. Box 25486 DFC(60154) Denver, CO 80225-0486	Tel. (303) 236-8171 Fax (303) 236-8017 Email permitsR6MB@fws.gov
Region 7	Alaska	1011 E. Tudor Road (MS-201) Anchorage, AK 99503	Tel. (907) 786-3693 Fax (907) 786-3641 Email permitsR7MB@fws.gov
Region 8	California, Nevada	2800 Cottage Way Sacramento, CA 95825	Tel. (916) 978-6183 Fax (916) 414-6486 Email permitsR8MB@fws.gov

Eagle Summit III

Eagle Reference Book

Section 8:

Eagle Transport

- Informational Sheets with Q&A
- Transport Application 3-200-70
- Transport Declaration 3-17

Information on Eagle Transport



NOTICE TO THE WILDLIFE IMPORT/EXPORT COMMUNITY



February 1, 2003

Contact: U.S. Fish & Wildlife Service,
Office of Law Enforcement
703-358-1949, 703-358-2271 (fax) <http://www.fws.gov/le>

Subject: Native Transport of Eagle Items within North America

Background: The U.S. Bald and Golden Eagle Protection Act has long prohibited anyone from entering or leaving the United States with eagles, eagle parts, or eagle feathers. In 1999, the U.S. Fish and Wildlife Service (FWS) introduced eagle transport permits to accommodate enrolled members of U.S. federally recognized tribes who travel internationally with eagle items for religious use. Special procedures allowing U.S. tribal members to take such items into Canada and Mexico without transport permits were introduced in 2000.

Existing FWS regulations and enforcement policies did not allow Indian people from Canada and Mexico to bring eagle items into or out of the United States. Many of these individuals, however, routinely travel to the United States to participate in religious and cultural ceremonies involving the use of eagle items.

The U.S. Fish and Wildlife Service has worked successfully with the Canadian Wildlife Service and other authorities from Canada to resolve this problem. The FWS continues to work with the government of Mexico to find a way to accommodate Indian people who visit the United States from that country.

Action: The U.S. Fish and Wildlife Service is implementing a new policy that will allow Indian people from Canada to bring personally owned, legally possessed eagle items into the United States for religious and cultural use. Existing FWS policies that allow U.S. tribal members to take lawfully acquired eagle items to Canada or Mexico without permits remain in effect.

Transport of Eagle Items by Indian People From Canada: As of February 1, 2003, Indian people from Canada who are recognized by the Canadian Government under that country's Indian Act may legally travel to and from the United States with their personally owned eagle parts and eagle feathers for religious and cultural use.

When visiting the United States with eagle items, these individuals must:

- Carry and present a "Certificate of Indian Status" card issued by the Federal Government of Canada.
- Declare all eagle items to the U.S. Fish and Wildlife Service or U.S. Customs Service by filing an FWS Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife). A declaration must be filed when entering or leaving the United States at border crossings and airports.
- Transport only personally owned and lawfully possessed eagle items that will be used for religious and cultural practices.
- Enter and leave the United States with the same eagle items.

Transport of Eagle Items by U.S. Native Americans Traveling to Canada and Mexico: Under a U.S. policy implemented in 2000, Indian people living in the United States may travel to Canada and Mexico with personally owned, legally possessed eagle items. While these individuals do not need to obtain an eagle transport permit from the Fish and Wildlife Service, they must meet the following requirements:

- Be an enrolled member of an Indian tribe recognized by the U.S. government under 25 U.S.C. 479a
- Declare all eagle items to the U.S. Fish and Wildlife Service or U.S. Customs Service by filing an FWS Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife). A declaration must be filed when entering or leaving the United States at border crossings and U.S. airports.
- Transport only personally owned and lawfully possessed eagle items that will be used for religious and cultural practices.
- Leave and return to the United States with the same eagle items.

U.S. tribal members who travel to Mexico with eagle items should be aware that Mexican law officially requires permits for all wildlife items entering or leaving that country. U.S. tribal members who want to travel to countries other than Canada and Mexico with eagle items for religious use must obtain an eagle transport permit from the FWS. See our public bulletin on Native American Travel Overseas with Eagle Items.



**NOTICE TO THE WILDLIFE
IMPORT/EXPORT COMMUNITY**



February 1, 2003

Subject: Native American Travel Overseas with Eagle Items

Background: For decades, the Bald and Golden Eagle Protection Act prohibited anyone from bringing eagles, eagle feathers, or eagle parts into or out of the United States. The Act's prohibitions applied not only to commercial trade, but to any international movement of eagles, including travel outside of the United States by Native Americans with eagle items used in the practice of their religion. No legal mechanism existed to facilitate the international transport of these eagle articles.

Action: Effective September 1999, the U.S. Fish and Wildlife Service introduced eagle transport permits to accommodate the religious and ceremonial needs of enrolled members of U.S. federally recognized tribes who want to travel overseas with their eagle parts and feathers.

Eagle transport permits make it legal under the Bald and Golden Eagle Protection Act for enrolled members of U.S. federally recognized tribes to travel overseas with their eagle items. With this authorization, enrolled tribal members can now obtain the permits required under the Convention on International Trade in Endangered Species (CITES) to lawfully enter foreign countries with eagle items and avoid having those items seized overseas.

Enrolled members of U.S. federally recognized tribes who want to travel overseas with eagle items should apply for an eagle transport permit before any travel by contacting either the Service migratory bird office that serves their home State or the Service's Division of Management Authority, which issues CITES permits.

Under Service policy, enrolled members of U.S. federally recognized tribes who want to travel to Canada or Mexico with their eagle items do not require an eagle transport permit. See our public bulletin on Transport of Eagle Items within North America.

Contact:

U.S. Fish & Wildlife Service
Office of Law Enforcement
703-358-1949 703-358-2271 (fax)
<http://www.fws.gov/le>

U.S. Fish & Wildlife Service
Division of Management Authority
703-358-2095 703-358-2281 (fax)
703-358-2348 fax retrieval system
<http://www.fws.gov/international>

**Questions and Answers:
Traveling Overseas with Eagle Items
Guidelines for U.S. Native Americans**

Can Native Americans travel overseas with eagle items?

Enrolled members of U.S. federally recognized tribes who obtain an eagle transport permit from the U.S. Fish and Wildlife Service may legally travel overseas with eagle items for religious purposes.

What is an eagle transport permit?

An eagle transport permit is an authorization for the temporary international movement of eagle items. This authorization makes it possible under the Bald and Golden Eagle Protection Act for enrolled members of U.S. federally recognized tribes to travel into and out of the United States with legally possessed bald or golden eagle parts or items.

What is the Bald and Golden Eagle Protection Act?

The Bald and Golden Eagle Protection Act is a Federal law that helps conserve bald and golden eagles. It makes it illegal to take, possess, sell, purchase, transport, export, or import bald and golden eagles, their parts, nests, or eggs. It authorizes the Service to issue permits allowing these birds to be taken, possessed, or transported within the United States for the religious purposes of Indian tribes. The Act's protections have applied to bald eagles since 1940 and to golden eagles since 1962.

Why did the Service introduce eagle transport permits?

For decades, the Bald and Golden Eagle Protection Act prohibited anyone from bringing eagles, eagle feathers, or eagle parts into or out of the country for any reason. This prohibition on "import" and "export" was intended to protect eagles from possible commercial exploitation by preventing any international trade in eagles, eagle feathers, and eagle parts.

Under this law, even Native Americans who used eagle feathers and parts for religious purposes could not legally travel with these items outside of the United States. Eagle items that were taken out of the country for any reason were subject to seizure by law enforcement officers. Native Americans traveling internationally faced two unappealing alternatives: either leave eagle items at home or risk having them confiscated.

In 1999, the Service introduced eagle transport permits to address this problem. This transport authorization recognizes the religious and cultural significance of eagles to Native Americans and makes it possible under the Eagle Protection Act for enrolled members of U.S. federally recognized tribes to travel overseas legally with eagle items.

How does this transport authorization work?

With this authorization, you can obtain the permits required under the Convention on International Trade in Endangered Species (CITES) to lawfully leave the United States and enter other countries with eagle items. You can take these items with you when you visit foreign countries without violating Federal wildlife protection laws or this international treaty. You can clear customs in other countries more easily and keep your eagle articles from being seized overseas for CITES violations. And you can help maintain safeguards that protect eagles.

What is CITES?

CITES is a global agreement through which some 160 member nations work together to protect animals and plants and ensure their continued survival in the wild. The treaty controls trade in listed species, including parts and products, through a system of permits. Species are listed at one of three levels of protection, which are referred to as Appendices I, II, and III; each has different permit requirements.

How are eagles covered by CITES?

Bald eagles are listed on CITES Appendix I. Bald eagles and bald eagle items may only be moved from one country to another if the country of origin issues a permit allowing departure (i.e., "export") and the destination country issues a permit authorizing entry (i.e., "import").

Appendix II species, such as the golden eagle, must have a permit from the country of export to move internationally.

Do CITES permit requirements apply to my personal travel with eagle items?

Yes. CITES permit requirements apply not only to commercial trade, but to all international movement of protected species, parts, and products, including personal travel. If you bring bald or golden eagle items into a CITES member country without the required permits, customs officers may confiscate them.

The authorization you receive when you obtain an eagle transport permit makes it legal under the Bald and Golden Eagle Protection Act for the Service to issue you the CITES permits needed to protect your eagle articles when you travel overseas.

Do I need an eagle transport permit to travel overseas with my eagle items?

Yes. You need an eagle transport authorization and a U.S. CITES permit to safeguard your eagle items overseas. Your eagle transport authorization will be recorded on your CITES permit. Customs officers around the world will require you to have a CITES permit from the United States for eagle items. If your items contain feathers or parts from bald eagles, you will also need a CITES import permit from the country you are visiting.

Do I need an eagle transport permit to go to Canada or Mexico with my eagle items?

Not at this time. Under current Service policy, you may travel within North America with eagle items for religious use without an eagle transport permit. You must be an enrolled member of a U.S. recognized tribe and you must declare your eagle items on a Service wildlife import/export declaration form (Form 3-177) when you leave and return to the United States. See our [public bulletin](#) on Transport of Eagle Items within North America and factsheet on Traveling to Canada or Mexico with Eagle Items.

Who can obtain an eagle transport permit for religious purposes?

You must be an enrolled member of a federally recognized American Indian tribe (25 U.S.C. 479a-1) who wants to travel overseas and carry and use eagle items.

If I obtained eagle feathers from the National Eagle Repository and already have an eagle permit from the Service, do I still need to apply for a separate authorization for overseas travel before taking these items out of the United States?

Yes. The eagle permit you already have only authorizes you to possess the items you received from the Repository and transport them within the United States. An eagle transport authorization and CITES permit are needed to accommodate overseas travel.

Do I need an eagle transport permit if my eagle items pre-date the Bald and Golden Eagle Protection Act?

You need an eagle transport authorization from the Service to obtain CITES permits and travel legally overseas with pre-Act items.

What items can I take out of the United States under an eagle transport permit?

You can obtain authorization to transport dead bald and golden eagles; eagle mounts, parts, feathers, and nests; dead eagle eggs; and items made from or containing these materials that you legally possess. Transport permits will not be issued for live bald or golden eagles or eagle eggs.

How do I apply for an eagle transport permit for religious purposes?

Contact the [Migratory Bird Office](#) that serves the State where you live or the Service's Division of Management Authority (1-800-358-2104), which issues U.S. CITES permits. Service staff will send you an application package and answer any questions you have about completing it.

What forms will I need to fill out?

The application package includes two forms: a certification of your tribal enrollment and a CITES permit application. The [CITES permit application](#) will ask you to list your eagle items and identify them by species. It will also ask you to identify your destination country and the port from which you are leaving.

How far in advance of my trip should I apply?

Although we will try to process your application as quickly as possible, we recommend that you submit your application at least 30 to 60 days before you plan to leave.

Do I need to obtain certification from a tribal religious leader to show that my eagle items are intended for religious use?

No. We no longer require certification from tribal religious leaders for permits that authorize Native Americans to take, possess, or transport eagles and eagles parts in the United States. Nor do we require such certification from applicants who want to travel overseas with eagle items.

Should I list only the eagle items I plan to take with me on this particular trip?

We recommend that you list all the eagle items you own that you might potentially ever want to take overseas. Providing a complete list will help us process CITES permits for any future trips you make with any of these items. You do not have to take every authorized item with you each time you travel.

What if I acquire new eagle items after receiving an eagle transport authorization?

You will need a new authorization to cover items acquired after we process your first application. We will need to

amend your CITES permit before you leave the United States, if you have not yet used it and will be traveling with these new items.

What type of documents do I get back from the Service after my application is processed?

You will receive a U.S. CITES permit. Your authorization under the Bald and Golden Eagle Protection Act to travel internationally with eagle items is recorded on this form. You will not receive a separate piece of paper that says “eagle transport permit” on it.

Is this the only CITES permit I need?

No. If your items contain bald eagle parts or feathers, you also need a CITES permit from your destination country. If your application to us indicates that you do not have this permit, we will contact you and tell you what you need to do to comply with CITES requirements and protect your items while you are overseas. Under the CITES treaty, your departure from the country you are visiting is treated as a separate international transaction. In most cases, you will need a permit from that country’s CITES permitting authority to leave with either golden or bald eagle items.

How do I get the foreign CITES permits I need?

You must apply to the CITES permitting authority in your destination country. You can obtain contact information for the foreign agencies that issue CITES permits by calling the Service’s Division of Management Authority at 1-800-358-2104 or by checking the [directory of national contacts](#) on the CITES web site. We also recommend that you check with your destination country to see if any of its domestic laws will affect your ability to bring in or leave with eagle items. Many foreign countries have their own wildlife rules and regulations; these laws may be more restrictive than the CITES treaty.

How do I use the CITES permit I get from the Service?

Before you leave on your trip, make two copies of your CITES permit. Keep one to serve as your personal record showing that you have received authorization under the Bald and Golden Eagle Protection Act to travel overseas with eagle items. This copy is, in effect, your “eagle transport permit.” You can use this authorization again if you apply for CITES permits for additional trips overseas with your eagle items. Take the original CITES permit and the second copy with you when you travel. The original permit will be validated by Service wildlife inspectors when you leave the country. Show it to customs officers when you arrive in your destination country. They will cancel it and take it from you. When you come back to the United States, show the copy to Service inspectors.

What happens if I change planes in another country on my way to my final destination?

You do not need to show your permit to authorities there since you will not clear customs and officially enter that country.

Is the CITES permit I get from the Service only good for one trip?

Yes. The treaty does not allow member countries to issue permits that cover multiple trips. CITES permits must also be used within 180 days after they are issued.

What if I want to go overseas with my eagle items on more than one trip during a 180-day period? Do I have to file a separate application for each trip?

No. If you have multiple trips planned during a 180-day period, you can submit one application requesting permits for all of these trips. Tell us where you are going each time. We will issue you a separate CITES permit for each trip.

Do I need to get a new eagle transport permit each time I want to leave the United States with eagle items?

No. The authorization recorded on the first CITES permit you receive is not tied to a specific trip. You will, as explained above, need a new CITES permit for each trip. Send us a copy of your first permit (which shows your eagle transport authorization) with your application to expedite our processing of your CITES permit. We will also have a record of your transport authorization in our permits database.

Do other Federal laws with permit requirements also apply to eagles?

Yes. The Endangered Species Act and Migratory Bird Treaty Act also regulate the international movement of eagles. The application you file for an eagle transport authorization will provide all of the information needed to meet other applicable permit requirements administered by the Service. We will coordinate permit issuance to limit the administrative burden on you. We will note on your CITES permit that you have met the requirements of these other U.S. laws.

If my religious articles contain feathers from migratory birds in addition to eagles, do I need to apply for a separate migratory bird permit?

No. When you submit your application for an eagle transport authorization, specify that your items also contain feathers from other protected birds. Service staff will coordinate the issuance of your permit in accordance with all applicable U.S. laws and regulations.

If my religious articles only contain feathers from migratory birds other than eagles, do I need a Service permit to take these items out of the country?

Yes. You need to obtain a migratory bird permit to travel overseas with items containing migratory bird feathers. You may also need U.S. or foreign CITES permits depending on the species. For example, virtually all raptors are listed on either CITES Appendix I or II and require CITES permits to be moved from one country to another. You will need a U.S. CITES permit to take items containing raptor feathers overseas; you may also need a permit from the country you're visiting depending on the species, its level of protection under the CITES treaty, and the domestic laws of that nation.

Are there any fees for obtaining an eagle transport authorization or any of the other U.S. permits mentioned above?

No. The Service has waived all permit fees under its control.

How long will my eagle transport authorization be valid?

Under current regulations, this authorization is valid for up to three years. You may apply for CITES permits for as many trips as you want during this period without renewing your transport "permit."

What conditions affect my transport of eagle items?

You are the only one who can use your eagle transport authorization and CITES permit. Permits are issued to specific individuals and cannot be transferred to other people. Your transport authorization and CITES permit may contain special conditions unique to your situation. Under no circumstances, however, may you transfer your items to anyone else for gain or profit. Nor may you travel with items that are not listed on your permit.

How long can I remain out of the United States with my eagle items?

Service regulations now stipulate that no trip can last longer than 180 days. We realize that this provision does not address the needs of tribal members who are temporarily living overseas (for example, individuals serving in the armed forces). If you know that you will be out of the United States for more than 180 days, let us know; we will accommodate your special circumstances while we work to solve the underlying problem through the regulatory process.

May I leave an eagle feather or item behind in the country I am visiting?

Our regulations presently require that all items remain in your possession. If your religious practice conflicts with this requirement, please inform us of your specific circumstances when you apply for your transport authorization and CITES permits so that we can accommodate you.

May eagle items be altered while they are out of the United States?

There is no prohibition regarding alterations. If you plan to have eagle feathers or parts made into a religious article or have an existing ceremonial item refashioned while you are out of the United States, you may want to bring your plans to the attention of our permitting office.

Are there other Federal regulations that apply when I travel overseas with eagle items?

Yes. Because your transport of eagle items is authorized by a Service permit, certain wildlife inspection requirements apply. Specifically, you must

- Travel via a [designated port](#) or arrange with us in advance to use a non-designated port.
- Notify Service inspectors at the port you're using at least 72 hours before you plan to leave or return to the United States so we can arrange to clear your items.
- Declare your eagle items to the Service by completing and filing a [Form 3-177](#), Declaration of Importation or Exportation of Fish or Wildlife, with us or the U.S. Customs Service before you leave.
- Show your CITES permit to Service wildlife inspectors or Customs officers when you leave the United States to obtain clearance.

Will Service or U.S. Customs inspectors ask to see my eagle items?

You may be asked to present your items for inspection. If you have concerns about the sacred or ceremonial nature of the items you are transporting, discuss them with the inspecting officer. Although you may still be asked to show the items, inspecting officers will avoid handling the articles and make every effort to show respect for your religious or cultural traditions.

Do I have to declare my eagle items each time I leave the country?

Yes. You must file a declaration form (Form 3-177) every time you transport eagle items out of or back into the country.

How do I get permission to use a non-designated port?

When you apply for an eagle transport permit (or any subsequent CITES permits after receiving your transport authorization), identify your planned departure location. We will note on your CITES permit that you are authorized to use a non-designated port. All fees normally charged for using non-designated ports will be waived.

How can I find out more about wildlife inspection requirements?

Contact a Service [regional law enforcement office](#) or [wildlife inspection office](#).

Who can tell me more about application procedures for obtaining an eagle transport authorization?

Check with the regional [Migratory Bird Office](#) that processes permit applications for the State where you live. You may also contact the Service's Division of Management Authority (U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203; phone 1-800-358-2104).



Department of the Interior
U.S. Fish and Wildlife Service

OMB No 1018-0093
Expires 02/28/2014

Federal Fish and Wildlife Permit Application Form

Return to: Division of Management Authority (DMA)
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Room 212
Arlington, VA 22203
1-800-358-2104 or 703-358-2104

Type of Activity:
EXPORT/RE-IMPORT/TRANSPORT of BALD and GOLDEN EAGLE FOR INDIAN RELIGIOUS PURPOSES (CITES)

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Social Security No.	4. Occupation	5. Affiliation/ Doing business as (see instructions)
6.a. Telephone number	6.b. Alternate telephone number	6.c. Fax number	6.d. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency, tribe, or institution			
1.a. Name of business, agency, tribe, or institution		1.b. Doing business as (dba)	
2. Tax identification no.		3. Description of business, agency, tribe, or institution	
4.a. Principal officer Last name	4.b. Principal officer First name	4.c. Principal officer Middle name/ initial	4.d. Suffix
5. Principal officer title		6. Primary contact	
7.a. Business telephone number	7.b. Alternate telephone number	7.c. Business fax number	7.d. Business e-mail address

C. All applicants complete address information				
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)				
1.b. City	1.c. State	1.d. Zip code/Postal code:	1.e. County/Province	1.f. Country
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)				
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country

D. All applicants MUST complete	
1.	Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$0 (no fee is required). Federal, tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – <i>attach documentation of fee exempt status as outlined in instructions.</i> (50 CFR 13.11(d))
2.	Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: _____ No <input type="checkbox"/>
3.	Certification: I hereby certify that I have read and am familiar with the regulations contained in <i>Title 50, Part 13 of the Code of Federal Regulations</i> and the other <i>applicable parts in subchapter B of Chapter 1 of Title 50</i> , and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.
Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures) _____ Date of signature (mm/dd/yyyy) _____	

Please continue to next page

E. EXPORT/RE-IMPORT/TRANSPORT of BALD and GOLDEN EAGLE FOR INDIAN RELIGIOUS PURPOSES (CITES)

*This application is for a permit under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Bald and Golden Eagle Protection Act (BGEPA) for export, re-import, or transport of bald eagle (*Haliaeetus leucocephalus*) or golden eagle (*Aquila chrysaetos*) parts from or to the United States for Indian religious purposes. BGEPA regulations provide that bald and golden eagle items may be temporarily transported out of the United States; the same items, unchanged, must be re-imported.*

If you will be exporting and re-importing any other species listed under CITES (e.g., river otter), or other species listed under the Migratory Bird Treaty Act (e.g., songbird, hawk), in addition to bald or golden eagle parts, you may include them in this application.

Provide the following information. Complete all questions on the application. Mark questions that are not applicable with "N/A". If needed, use a separate sheet of paper. On all attachments or separate sheets you submit, indicate the application question number you are addressing.

1. Provide the following (use a separate sheet if necessary):
 - a. Common and scientific names of species of all items:
 - b. Description of each item (e.g., feather, fan, head dress), including age, country of origin, and NUMBER of feathers:
 - c. Documentation or other evidence that the specimen/item was lawfully acquired and any available information on the origin of the specimen/item (e.g., a permit or a receipt from the National Eagle Repository). If the item was a gift, provide the name and address of gifter and any available information on the origin of the item.
2. If you have a **Federal Eagle Permit for Indian Religious Purposes** for eagle feathers received from the National Eagle Repository, please attach a copy of your permit. If you do not have such a permit, please attach a completed Certificate of Enrollment certifying that you are an enroller member of a federally recognized tribe, band, nation, or other organized group or community eligible to receive services from the Bureau of Indian Affairs.
3. How long will the items be out of (or in) the United States?

4. Anticipated date of departure/arrival: _____
5. Anticipated date of return: _____

6. Where will you be staying while outside of the United States (e.g., hotel, house)?

Foreign Address: _____
City and Country: _____

7. Provide a full description of the purpose for which the items are being exported/imported/transported into or out of the United States:

8. **Re-export** – For wildlife that was previously imported into the U.S. from another country, provide:
(a) a copy of the canceled CITES export or re-export document issued by the appropriate CITES office in the country from which the wildlife was imported, and
(b) a copy of the cleared (stamped) U.S. Declaration for Importation (FWS form 3-177).

9. For export of CITES **Appendix I species**, provide a copy of the CITES import permit issued by the Management Authority of the country to which you plan to transport, export or re-export the wildlife. (Not required if specimen qualifies as pre-Convention).

10. **CERTIFICATION STATEMENT:**

I certify that, to the best of my knowledge, I lawfully acquired and hold the bald and golden eagle parts and other wildlife described above. I certify that I am transporting these items for bona fide Native American Indian religious purposes, and that I intent to return these items to the United States.

Signature _____ Date _____

11. Enter the **U.S. port** through which the [export/re-export/import] will occur.
_____ (All wildlife, including parts and products, must be declared to and inspected by a Wildlife Inspector from the U.S. Fish and Wildlife Service/Office of Law Enforcement. A list of designated ports (where an inspector is posted) is available from http://www.fws.gov/le/ImpExp/Contact_Info_Ports.htm.)

12. Address where you wish permit mailed (if different than page 1):

13. If you wish the permit to be sent to you by means other than regular mail, provide an air bill, pre-paid envelope, or billing information:

14. Who should we contact if we have questions about the application? (Include name, phone number, and email):

APPLICATION FORM INSTRUCTIONS

The following instructions pertain to an application for a U.S. Fish and Wildlife Service or CITES permit. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all blocks/lines/questions in Sections A or B, C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application in **blue** ink. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or if applicable on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed. Some applications may take longer than 90 days to process. (50 CFR 13.11)**
- Applications are processed in the order they are received.

Additional forms and instructions are available from <http://www.fws.gov/forms/display.cfm?number1=200>

•

COMPLETE EITHER SECTION A OR SECTION B:

Section A. Complete if applying as an individual:

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. ***Fax and e-mail are not required if not available.***
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation/ Doing business as (dba):** business, agency, organizational, tribe, or institutional affiliation *directly* related to the activity requested in the application (e.g., a taxidermist is an individual whose business can *directly* relate to the requested activity). The Division of Management Authority (DMA) will **not** accept *doing business as* affiliations for individuals.

Section B. Complete if applying as a business, corporation, public agency, tribe, or institution:

- Enter the complete name of the business, agency, tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the Division of Management Authority (DMA) a physical U.S. address is **required**. Province and Country blocks are provided for those USFWS programs which use foreign addresses and are not required by DMA..
- **Mailing address** is address where communications from USFWS should be mailed if different than applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1 Application processing fee:

- An application processing fee is required at the time of application; unless exempted under 50 CFR 13.11(d)(3). The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit. Fees will not be refunded for applications that are approved, abandoned, or denied.** We may return fees for withdrawn applications prior to any significant processing occurring.
- **Documentation of fee exempt status is not required for Federal, tribal, State, or local government agencies; but must be supplied by those applicants acting on behalf of such agencies.** Those applicants acting on behalf of such agencies must submit a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2 Federal Fish and Wildlife permits:

- List the number(s) of your most current FWS or CITES permit or the number of the most recent permit if none are currently valid. If applying for re-issuance of a CITES permit, the original permit must be returned with this application.

Section D.3 CERTIFICATION:

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application in blue ink.** This signature binds the applicant to the statement of certification. This means that you certify that you have read and understand the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

Please continue to next page

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50CFR 17;
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), 50 CFR 18;
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
 - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
 - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org/>, 50 CFR 23;
 - h. General Provisions, 50 CFR 10;
 - i. General Permit Procedures, 50 CFR 13; and
 - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. We may not conduct or sponsor and you are not required to respond to collection of information unless it displays a currently valid OMB control number.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to Federal, tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to Federal, tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate Federal, tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the General Accounting Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for an Export/Re-Import/Transport of Bald and Golden Eagle for Indian Religious Purposes application is 30 minutes. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].

FILING INSTRUCTIONS FOR DECLARATION FOR IMPORTATION OR EXPORTATION OF FISH OR WILDLIFE (USFWS FORM 3-177)

NOTE: Failure to file a declaration for importation or exportation of fish or wildlife when required by the regulations in 50 CFR Part 14 is a violation of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et. seq.). Regulations concerning the importation and exportation of wildlife may be found in [50 CFR Part 14](#). Form 3-177 must be filed with the appropriate wildlife inspection office, U.S. Customs and Border Protection office or regional law enforcement office as required under 50 CFR Part 14. Do not file or forward this form to the Information Collection Clearance Officer in Arlington, Virginia.

Instructions: We strongly encourage all filers to use the U.S. Fish and Wildlife Service electronic filing system (eDecs) to reduce paper and time. Filers may access the internet filing system at <https://eDecs.fws.gov/>. Filers may also access an on-line Adobe Acrobat version of Form 3-177 (http://www.fws.gov/le/pdf/3177_1.pdf) where the form can be filled in on-line and printed. Filers cannot save their completed on-line form unless they own the Adobe Acrobat software. For filers who choose to file a paper form, you must file the original declaration, and up to 2 copies to be retained by the Importer/Exporter or Broker. Print or type legibly. All filers are required to provide all relevant information, including supplemental documentation (as required in 50 CFR 14).

1. Enter the date of import into, or export from, United States jurisdiction (as defined by 50 CFR 14).
2. Enter the USFWS Import/Export License Number as required in 50 CFR 14.
3. Check the appropriate box.
4. Enter the appropriate 2-letter Port code from the list below. If the Port is not listed, use the numeric code for the Region where the port is located. *When using the numeric code, enter the name of the port. You must include a copy of your USFWS Designated Port Exception Permit in the document package, if applicable.

Agana, GU.....AG	Fairbanks, AK.....FB	Philadelphia, PA.....PA
Alcan, AK.....AL	Grand Portage, MN.....GP	Phoenix, AZ.....PX
Anchorage, AK.....AN	Highgate Springs, VT.....HS	Port Huron, MI.....PH
Atlanta, GA.....AT	Honolulu, HI.....HA	Portal, ND.....PL
Baltimore, MD.....BA	Houlton, ME.....HO	Portland, OR.....PT
Blaine, WA.....BL	Houston, TX.....HN	Raymond, MT.....RY
Boston, MA.....BO	International Falls, MN.....IF	Saipan, MP.....SP
Brownsville, TX.....BV	Jackman, ME.....JK	San Diego/San Ysidro, CA.....SY
Buffalo/Niagara Falls, NY.....BN	Juneau, AK.....JU	San Francisco, CA.....SF
Calais, ME.....CA	Laredo, TX.....LR	San Juan, PR.....SJ
Calexico, CA.....CX	Las Vegas.....LV	San Luis, AZ.....SL
Champlain, NY.....CP	Los Angeles, CA.....LA	Sault Saint Marie, MI.....SS
Chicago, IL.....CH	Louisville, KY.....LO	Seattle, WA.....SE
Cleveland, OH.....CL	Lukeville, AZ.....LK	Sumas, WA.....SU
Dallas/Fort Worth, TX.....DF	McAllen, TX.....MC	Sweetgrass, MT.....SW
Del Rio, TX.....DR	Memphis, TN.....ME	Tampa, FL.....TP
Denver, CO.....DN	Miami, FL.....MI	Region 1 - Other.....01*
Derby Line, VT.....DL	Minneapolis/St. Paul, MN.....MP	Region 2 - Other.....02*
Detroit, MI.....DE	New Orleans, LA.....NO	Region 3 - Other.....03*
Douglas, AZ.....DG	New York, NY.....NY	Region 4 - Other.....04*
Dulles, VA.....DU	Newark, NJ.....NW	Region 5 - Other.....05*
Dunseith, ND.....DS	Nogales, AZ.....NG	Region 6 - Other.....06*
Eastport, ID.....EA	Norfolk, VA.....NF	Region 7 - Other.....07*
El Paso, TX.....EL	Pembina, ND.....PB	Region 8 - Other.....08*

5. Enter the appropriate one-letter Purpose Code from the list below.

Personal.....P	Commercial.....T	Biomedical research.....M
Zoos.....Z	Educational.....E	Scientific.....S
Breeding in captivity or artificial propagation.....B	Hunting trophies.....H	Circuses/traveling exhibitions.....Q
	Botanical gardens.....G	Reintroduction/introduction into the wild.....Y

6. Enter the U.S. Customs and Border Protection document reference number(s) associated with the import or export, if applicable. For exports, enter any shipper's export declaration reference number, if applicable.
7. Enter the name of the carrier used to import or export – (airline, vessel, rail or truck company), or indicate personally owned vehicle.
8. Enter the Master and House Air Waybill number or Bill of Lading, if applicable.
9. Enter the applicable one-letter Transportation Code from the list below. For personal vehicles, also indicate the license plate number and State or Province.

Air cargo.....A	Ocean cargo.....O	Rail.....R
Border crossing on foot.....B	Personal accompanying baggage.....P	Truck (or other commercial vehicle).....T
Mail.....M	Personal vehicle.....V	

10. Enter the customs bonded physical location where the shipment is available for inspection.
11. Indicate the quantity of cartons in the entire shipment that contain wildlife.

12. List any unique markings or codes on cartons that contain wildlife as required in 50 CFR Part 14.

13a. Check the appropriate box to indicate U.S. importer or exporter. Enter the complete name, address (in the United States), e-mail address, if applicable, and telephone number of the U.S. importer or exporter.

13b. Enter an identifier number and the type of identifier (for example, DUNS number, U.S. Customs and Border Protection account number) for the U.S. Importer or Exporter, if applicable.

14a. Enter the complete name, address (in the foreign country), and telephone number of the foreign importer or exporter. Enter the e-mail address if applicable.

14b. Enter the applicable two letter ISO (International Organization for Standardization) country code from the list below.

Afghanistan.....	AF	Croatia.....	HR	Ireland, Northern.....	GB
Åland Islands.....	AX	Cuba.....	CU	Isle of Man.....	IM
Albania.....	AL	Curacao.....	CW	Israel.....	IL
Algeria.....	DZ	Cyprus.....	CY	Italy.....	IT
Andorra.....	AD	Czech Republic.....	CZ	Ivory Coast.....	CI
Angola.....	AO	Democratic Republic of Congo.....	CD	Jamaica.....	JM
Anguilla.....	AI	Denmark.....	DK	Japan.....	JP
Antarctica.....	AQ	Djibouti.....	DJ	Jersey.....	JE
Antigua and Barbuda.....	AG	Dominica.....	DM	Jordan.....	JO
Argentina.....	AR	Dominican Republic.....	DO	Kazakhstan.....	KZ
Armenia.....	AM	Ecuador.....	EC	Kenya.....	KE
Aruba.....	AW	Egypt.....	EG	Kiribati.....	KI
Australia.....	AU	El Salvador.....	SV	Korea, Democratic People's Republic of (North Korea).....	KP
Austria.....	AT	England.....	GB	Korea, Republic of (South Korea).....	KR
Azerbaijan.....	AZ	Equatorial Guinea.....	GQ	Kuwait.....	KW
Bahamas.....	BS	Eritrea.....	ER	Kyrgyzstan.....	KG
Bahrain.....	BH	Estonia.....	EE	Lao People's Democratic Republic.....	LA
Bangladesh.....	BD	Ethiopia.....	ET	Latvia.....	LV
Barbados.....	BB	Falkland Islands (Malvinas).....	FK	Lebanon.....	LB
Belarus.....	BY	Faroe Islands.....	FO	Lesotho.....	LS
Belgium.....	BE	Fiji.....	FJ	Liberia.....	LR
Belize.....	BZ	Finland.....	FI	Libyan Arab Jamahiriya.....	LY
Benin.....	BJ	France.....	FR	Liechtenstein.....	LI
Bermuda.....	BM	French Guiana.....	GF	Lithuania.....	LT
Bhutan.....	BT	French Polynesia (Tahiti).....	PF	Luxembourg.....	LU
Bolivia.....	BO	French Southern Territories.....	TF	Macao.....	MO
Bonaire, Saint Eustatius and Saba.....	BQ	Gabon.....	GA	Macedonia.....	MK
Bosnia and Herzegovina.....	BA	Gambia.....	GM	Madagascar.....	MG
Botswana.....	BW	Georgia.....	GE	Malawi.....	MW
Bouvet Island.....	BV	Germany.....	DE	Malaysia.....	MY
Brazil.....	BR	Ghana.....	GH	Maldives.....	MV
British Indian Ocean Territory.....	IO	Gibraltar.....	GI	Mali.....	ML
British Virgin Islands.....	VG	Great Britain.....	GB	Malta.....	MT
Brunei Darussalam.....	BN	Greece.....	GR	Marshall Islands.....	MH
Bulgaria.....	BG	Greenland.....	GL	Martinique.....	MQ
Burkina Faso.....	BF	Grenada.....	GD	Mauritania.....	MR
Burundi.....	BI	Guadeloupe.....	GP	Mauritius.....	MU
Cambodia.....	KH	Guatemala.....	GT	Mayotte.....	YT
Cameroon.....	CM	Guernsey.....	GG	Mexico.....	MX
Canada.....	CA	Guinea.....	GN	Micronesia, Federated States of.....	FM
Cape Verde.....	CV	Guinea-Bissau.....	GW	Moldova, Republic of.....	MD
Cayman Islands.....	KY	Guyana.....	GY	Monaco.....	MC
Central African Republic.....	CF	Haiti.....	HT	Mongolia.....	MN
Chad.....	TD	Heard and McDonald Islands.....	HM	Montenegro.....	ME
Chile.....	CL	High Seas.....	ZZ	Montserrat.....	MS
China, People's Republic of.....	CN	Holy See (Vatican City State).....	VA	Morocco.....	MA
Christmas Island.....	CX	Honduras.....	HN	Mozambique.....	MZ
Cocos (Keeling) Islands.....	CC	Hong Kong.....	HK	Myanmar.....	MM
Colombia.....	CO	Hungary.....	HU	Namibia.....	NA
Comoros.....	KM	Iceland.....	IS	Nauru.....	NR
Congo.....	CG	India.....	IN	Nepal.....	NP
Congo, Democratic Republic of.....	CD	Indonesia.....	ID	Netherlands.....	NL
Cook Islands.....	CK	Iran, Islamic Republic of.....	IR	Netherlands Antilles.....	AN
Costa Rica.....	CR	Iraq.....	IQ	Neutral Zone.....	NT
Cote d'Ivoire (Ivory Coast).....	CI	Ireland.....	IE		

New Caledonia.....	NC	Saint Vincent and the Grenadines.....	VC	Thailand.....	TH
New Zealand.....	NZ	Samoa.....	WS	Timor-Leste.....	TL
Nicaragua.....	NI	San Marino.....	SM	Togo.....	TG
Niger.....	NE	Sao Tome and Principe.....	ST	Tokelau.....	TK
Nigeria.....	NG	Saudi Arabia.....	SA	Tonga.....	TO
Niue.....	NU	Scotland.....	GB	Trinidad and Tobago.....	TT
Norfolk Island.....	NF	Senegal.....	SN	Tunisia.....	TN
Norway.....	NO	Serbia.....	RS	Turkey.....	TR
Oman.....	OM	Seychelles.....	SC	Turkmenistan.....	TM
Pakistan.....	PK	Sierra Leone.....	SL	Turks and Caicos Islands.....	TC
Palau.....	PW	Singapore.....	SG	Tuvalu.....	TV
Palestinian Territory, Occupied.....	PS	Sint Maarten.....	SX	Uganda.....	UG
Panama.....	PA	Slovakia.....	SK	Ukraine.....	UA
Papua New Guinea.....	PG	Slovenia.....	SI	United Arab Emirates.....	AE
Paraguay.....	PY	Solomon Islands.....	SB	United Kingdom.....	GB
Peru.....	PE	Somalia.....	SO	United States of America.....	US
Philippines.....	PH	South Africa.....	ZA	Unknown.....	XX
Pitcairn.....	PN	South Georgia and South Sandwich Islands.....	GS	Uruguay.....	UY
Poland.....	PL	South Sudan.....	SS	Uzbekistan.....	UZ
Portugal.....	PT	Spain.....	ES	Vanuatu.....	VU
Qatar.....	QA	Sri Lanka.....	LK	Vatican City.....	VA
Reunion.....	RE	Sudan.....	SD	Venezuela.....	VE
Romania.....	RO	Suriname.....	SR	Viet Nam.....	VN
Russian Federation.....	RU	Svalbard and Jan Mayen.....	SJ	Virgin Islands, British.....	VG
Rwanda.....	RW	Swaziland.....	SZ	Wales.....	GB
Saint Barthelemy.....	BL	Sweden.....	SE	Wallis and Futuna Islands.....	WF
Saint Helena, Ascension and Tristan Da Cunha.....	SH	Switzerland.....	CH	Western Sahara.....	EH
Saint Kitts and Nevis.....	KN	Syrian Arab Republic.....	SY	Western Samoa.....	WS
Saint Lucia.....	LC	Taiwan (Province of China).....	TW	Yemen.....	YE
Saint Martin.....	MF	Tajikistan.....	TJ	Zambia.....	ZM
Saint Pierre and Miquelon.....	PM	Tanzania, United Republic of.....	TZ	Zimbabwe.....	ZW

14c. Enter an identifier number and the type of identifier (for example, DUNS number, U.S. Customs and Border Protection account number) for the foreign Importer or Exporter, if applicable.

15a. Enter the business name of the appropriate agent, if applicable.

15b. Enter an identifier number and the type of identifier (for example, DUNS number, U.S. Customs and Border Protection account number) for the U.S. Customs Broker, Shipping Agent or Freight Forwarder, if applicable.

15c. Enter the contact information for the appropriate agent, including name, telephone and fax numbers, and e-mail address, if applicable

16a. List the scientific name for each species. This is a Latin name including genus and species (and sub-species, when required to determine if the fish or wildlife is protected at the subspecies level). Use multiple species lines if a species is associated with multiple permits or certificates, descriptions, sources, or countries of species origin.

16b. List the common name in English for each species in 16a.

17a. List the foreign CITES permit or certificate number for each species in 16a, if applicable. List one permit or certificate number per block. Use multiple species lines if a species is listed on more than one CITES permit or certificate.

17b. List the U.S. CITES permit or certificate number for each species in 16a, if applicable. List one permit or certificate number per block. Use multiple species lines if a species is listed on more than one CITES permit or certificate.

18a. Enter the applicable description code for each species in 16a from the list below.

Baleen.....	BAL*	Coral rock (live rock).....	ROC
Bark (raw, dried, powdered, unprocessed).....	BAR*	Culture of an artificially propagated plant.....	CUL*
Bone piece (not manufactured).....	BOP*	Cutting (plant, including division).....	CUT
Bone product or carving.....	BOC	Dead animal (whole animal).....	BOD*
Bone (including jaw, but not skull).....	BON*	Dead specimen (live specimen that died during shipment).....	DEA
Bulb, corm or tuber.....	BUL	Derivative (except those included elsewhere).....	DER*
Calipee (turtle cartilage for soup).....	CAL*	Dried plant.....	DPL*
Carapace (raw or unworked).....	CAP*	Ear (except when part of whole trophy).....	EAR*
Carving (other than bone, horn, or ivory).....	CAR*	Egg (dead or blown, excluding caviar).....	EGG*
Caviar (unfertilized dead processed eggs of sturgeon or paddlefish).....	CAV*	Egg (live).....	EGL*
Chip (timber).....	CHP*	Eggshell (raw or worked).....	ESH
Claw (including talon).....	CLA*	Extract.....	EXT*
Cloth.....	CLO*	Feather.....	FEA*
Coral (raw or unworked, excluding live or coral rock).....	COR*	Fiber (plant fiber, tennis racket string).....	FIB*
Coral product.....	CPR	Fin (fresh, frozen, or dried fin or part).....	FIN*

Description codes (continued)

Fingerling (juvenile fish of one or two years age for the aquarium trade, hatchery, or release operation).....	FIG*	Plywood (material consisting of 3 or more sheets of wood glued and pressed one on another and generally disposed so that the grains are at an angle).....	PLY*
Flower.....	FLO*	Powder.....	POW*
Flower pot (made of tree fern or other plant fiber).....	FPT*	Root (dead).....	ROO*
Foot.....	FOO*	Rug (made from one skin only).....	RUG
Frog leg.....	LEG*	Sawn wood (sawn lengthwise or produced by profile-chipping; normally exceeds 6mm in thickness).....	SAW*
Fruit.....	FRU*	Scale (turtle, other reptile, fish, pangolin).....	SCA*
Gall bladder.....	GAB*	Seedling.....	SDL
Gall.....	GAL*	Seed.....	SEED*
Garment (excluding shoe or trim).....	GAR*	Shell product (from mollusc or turtle).....	SPR
Genitalia (castrate and dried penis).....	GEN*	Shell (mollusc, raw or unworked).....	SHE*
Graft rootstock.....	GRS*	Shoe (including boot).....	SHO
Hair.....	HAI*	Side (including flanks except tinga frames).....	SID*
Hair product (including paint brush).....	HAP	Skeleton (substantially whole).....	SKE*
Horn carving (including horn or antler product).....	HOC	Skin piece (raw or tanned, including scraps).....	SKP*
Horn piece (not manufactured).....	HOP*	Skin (substantially whole, raw or tanned, including tinga frames).....	SKI*
Horn (substantially whole, including antler).....	HOR*	Skull (except when part of whole trophy).....	SKU*
Ivory carving.....	IVC	Soup.....	SOU*
Ivory jewelry.....	IJW	Specimen (scientific or museum, including blood, tissue, histological preparation).....	SPE*
Ivory piano key (# of keys).....	KEY	Stem (plant).....	STE*
Ivory piece (not manufactured, includes scraps).....	IVP*	Swim bladder (hydrostatic organ including isinglass, sturgeon glue).....	SWI*
Jewelry (other than ivory).....	JWL	Tail.....	TAI*
Leather product (small manufactured, including belt, handbag, wallet, watch band).....	LPS*	Teeth (excluding tusk).....	TEE*
Leather product (large manufactured, including briefcase, furniture, suitcase).....	LPL*	Timber (raw except log and sawn wood).....	TIM*
Leaves.....	LVS*	Trim (shoe, garment, or decorative).....	TRI
Live rock (coral rock).....	ROC	Trophy (all the parts of one animal, if they are exported together; e.g. horns, skull, cape, backskin, tail and feet constitute one trophy).....	TRO*
Live specimen.....	LIV*	Tusk (substantially whole, worked or not).....	TUS*
Log (all wood in the rough, whether or not stripped of bark or sapwood, or roughly squared, for processing into sawn wood, pulpwood or veneer).....	LOG*	Unspecified.....	UNS
Meat.....	MEA*	Veneer (thin layers of wood of uniform thickness, usually less than 6mm).....	VEN*
Medicinal part or product.....	MED*	Wax (including ambergris).....	WAX*
Musk.....	MUS*	Wing.....	WNG
Nest (including product).....	NES	Wood product (including furniture, rainsticks).....	WPR
Oil.....	OIL*		
Piano with ivory keys (# of pianos).....	PIV		
Plate of fur skins (include rugs if made from several skins).....	PLA*		

* CITES recognized description code

18b. Enter the appropriate one-letter wildlife source code for each species in 16a from the list below.

Specimens taken from the wild.....	W	Specimens originating from a ranching operation.....	R
Animals <u>born</u> in captivity (from parents that mated in the wild) or animals that do not qualify as captive-bred under CITES.....	F	Pre-convention specimens.....	O
Animals <u>bred</u> in captivity (from parents that mated in captivity).....	C	Source unknown (lack of information must be justified).....	U
CITES Appendix I animals or plants commercially bred or propagated in CITES registered facilities.....	D	Confiscated or seized specimens.....	I
		Plants that are artificially propagated, parts and derivatives.....	A

19a. Enter the quantity of items containing wildlife, and unit of measure for each species in 16a from the list below. Multiply pairs by two.

Number (individual units).....	NO	Meters.....	MT	Grams.....	GM
Centimeters.....	CM	Square meters.....	M2	Milligrams.....	MG
Square centimeters.....	C2	Cubic meters.....	M3	Kilograms.....	KG
Cubic centimeters.....	C3	Liters.....	LT	Milliliters.....	ML

19b. Indicate the total value of items containing wildlife in U.S. dollars (rounded to the nearest dollar) for each species in 16a.

20. Enter the two-letter ISO (International Organization for Standardization) code for the country where the animal was taken from the wild or where the animal was born.

21. Indicate whether each species of live wildlife identified in 16a is venomous.

22. Sign and date the form. Type or print your name below your signature.

If additional space is needed, please use the continuation form (USFWS Form 3-177a).

Knowingly making a false statement may subject the declarant to the penalty provided by 18 U.S.C. 1001 and 16 U.S.C. 3372(d).