

Frequently Asked Questions:

Policy on the Distribution of Eagle Remains Found in Indian Country

1.) Q: Why did the U.S. Fish and Wildlife Service (Service) change its policy to allow federally recognized Tribes to keep eagle remains found in Indian Country, rather than sending the remains to the National Eagle Repository for distribution?

A: In 2017, the U.S. Fish and Wildlife Service hosted a variety of in-person and telephone consultation opportunities for federally recognized Tribes in the United States. During these consultation sessions, Tribes requested the ability to retain deceased eagles found in Indian Country. Many Tribes said that eagles found on their lands are more spiritually significant than an eagle obtained from the Repository. The Service has decided to revise its policy to accommodate this request.

2.) Q: What are the goals of the updated policy?

A: The updated policy has three goals: to authorize the retention of deceased eagles found by a Tribal member or employee in Indian Country; to enhance eagle conservation in Indian Country through increased reporting of deceased eagles that are discovered; and to avoid unnecessary human health or safety challenges that some deceased eagles pose.

Under the updated policy, a federally recognized Tribe must apply for and receive a permit prior to receiving and possessing eagle remains found deceased in Indian Country, and permit conditions must be followed for that activity to be lawful. The Service will not assess a permit application processing fee for this permit.

3.) Q: What land is considered to be within Indian Country?

A: Indian Country, as defined under 18 U.S.C. 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

4.) Q: Does this policy apply to other federal land (i.e., National Wildlife Refuges, National Fish Hatcheries, National Parks, etc.) located in Indian Country?

A: Yes. When federal lands are located in an area defined as Indian Country, those lands fall within this policy.

5.) Q: Can any deceased eagle found in Indian Country be distributed and possessed by that particular Tribe?

A: No. Only eagles that are reported to the Service when discovered are eligible to be placed with the Tribe. Also, eagles that are unlawfully taken, diseased, poisoned or part of an ongoing investigation will not be eligible for distribution. If the deceased eagle needs to be sent to the National Forensic Laboratory or National Wildlife Health Center, the Service will pay shipping costs.

Additionally, contaminated, diseased or poisoned eagle remains that may pose a human health, wildlife health, or safety concern are not eligible for return to the founding federally recognized Tribe, and will be disposed of accordingly.

6.) Q: What is the correct protocol when a deceased eagle is found in Indian Country?

A: When a Tribal member or an employee of a federally recognized Tribe discovers eagle remains in Indian Country, he or she must report it immediately to Tribal or Service law enforcement. The Tribal member/employee must not collect or possess the eagle remains unless either authorized to do so by a permit from the Service or after receiving specific verbal authorization by a Service law enforcement officer.

Eagle remains found and reported may be eligible for return to the federally recognized Tribe for religious purposes, after the Service completes any activities it deems necessary for law enforcement or scientific management reasons.

If the Service determines that the found eagle was not taken intentionally and human health risks aren't suspected or known, it may be transferred directly to the respective federally recognized Tribe once a permit is obtained by the Tribe.

7.) Q: Does a federally recognized Tribe need a permit to possess a deceased eagle found in Indian Country that was not taken illegally?

A: Yes. The Tribe must apply for and receive a permit prior to receiving and possessing eagle remains found deceased in Indian Country. The Service Regional Migratory Bird Permit Office issues these permits. The permit does not authorize the take of eagles from the wild, by any means by the Tribe or Tribal members. The permit will be valid indefinitely, unless suspended or revoked, and will authorize the transfer of future discovered eagle(s) to the Tribe when the standard reporting and investigative requirements described above are met.

8.) Q: Is a permittee under this policy authorized to distribute remains of lawfully acquired eagles?

A: The permitted Tribe is authorized to distribute the remains of lawfully acquired eagle(s) to enrolled members of their own Tribe or other federally recognized Tribes. If remains are transferred, the permitted Tribe must keep the name and address of the person/persons to whom the items were transferred, a description of the items, and the date of transfer. The permitted Tribe must make these records available, upon request, for inspection by a Service law enforcement officer either electronically or in person.

9.) Q: Will federally recognized Tribal members have to carry a permit from their Tribe to prove to outside law enforcement they have the right to possess eagle feathers?

A: No, however they may need to show their Tribal enrollment identification card or other approved documentation proving they are a member of a federally recognized Tribe when possessing eagle feathers. In general, the rest of the American public is not allowed to possess eagle feathers, and law enforcement can quickly determine who can lawfully possess eagle feathers legally and who cannot when Tribal identification is presented to them. If a law enforcement officer suspects the eagle or migratory bird was unlawfully taken or acquired, a more intensive inquiry and investigation may result.

10.) Q: Is there a permit fee charged to the federally recognized Tribe for the above mentioned permit?

A: No. The Service will not charge an application processing fee for this permit.

11.) Q: Is there another way the Service distributes eagles and eagle parts for Tribal religious use?

A: Yes. The National Eagle Repository receives, evaluates and distributes the remains (including feathers) of bald and golden eagles to federally recognized Tribal members. The Repository receives approximately 3,500 eagles annually to accomplish this task, and federally recognized Tribal members must complete an application to receive eagle remains from the Repository. The Repository distributes eagle remains in the order in which requests received. More information can be found here: <https://www.fws.gov/eaglerepository/>.

12.) Q: Will a federally recognized Tribal member receiving eagle remains under this policy also be able to request eagle remains from the Repository?

A: Yes.

13.) Q: Will this policy change existing federal bird possession policies and rules?

A: No. All current policies will remain in effect. The policies authorize members of federally recognized Tribes to possess, use, wear, carry and domestically travel with lawfully acquired migratory birds or bird feathers or parts, and to collect naturally molted or fallen migratory bird feathers, including eagle feathers. It also allows the gifting of feathers from one federally recognized Tribal member to another as long as no commercialization or trading of those parts occurs. Intentionally killing, selling, buying and collecting migratory birds is still unlawful.