

Guidelines for federally recognized Tribes, Tribal employees or Tribal members regarding what to do when eagle remains are found in Indian Country

Background:

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, Tribal members requested the ability to retain deceased eagles found in *Indian Country, as defined under 18 U.S.C. 1151. The Service has decided to revise its policy to accommodate this request.

Purpose:

The updated policy ([720 FW 6](#)) has three goals: to authorize the retention of eagles found by a Tribe's members on that Tribe's lands (i.e., Indian Country); to enhance eagle conservation in Indian Country; and to avoid unnecessary human health or safety challenges that some deceased eagles pose. Please note that all native eagles are still protected under the Bald and Golden Eagle Protection Act, the Lacey Act and the Migratory Bird Treaty Act.

A permit from the Service is required to retain eagles found in Indian Country and permit conditions must be followed for that activity to be lawful. Tribes may apply for a permit prior to or after the discovery of an eagle on their land that they wish to keep. This original permit will be amended to authorize tribal possession of additional eagles discovered and reported in compliance with the permit conditions going forward. The Service will not assess a permit application processing fee for this permit.

What to do if you find eagle remains in Indian Country:

1. First, the eagle must be reported to the Service's Office of Law Enforcement (OLE). Contact information is listed below. It may be advisable for you to contact your Tribal law enforcement office as well.
2. Reporting is important for eagle conservation because it contributes key information about the causes and extent of eagle mortality.
3. Do not touch the dead eagle; there may be contaminants or disease present.
4. The eagle must not be collected or possessed until specific authorization (verbal or written) is received from an OLE special agent. Collection of dead eagles without authorization is a violation of federal law.
5. Deceased eagles found in Indian Country may be eligible for transfer to that Tribe after law enforcement or scientific research requirements are met. The eagle(s) must be properly reported to the OLE and a permit must be obtained by the Tribe. Eagles that were killed intentionally, and/or eagles that are suspected of posing a human health and safety risk will not be transferred to the Tribe.

Service contact information:

Headquarters and Regional Office of Law Enforcement:

<https://www.fws.gov/le/regional-law-enforcement-offices.html>

Regional Migratory Bird Permit Offices:

<https://www.fws.gov/birds/about-us/about-us-regional-offices.php>

Native American Liaisons:

<https://www.fws.gov/nativeamerican/contact.html>

***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.