

Specific Permit Conditions – Incidental Take of Eagles by Wind Energy Projects - Tier 1

BLUE text are conditions that may be required based on the application information

Yellow highlighted text will be derived by the Service from application information

Definitions (as defined in 50 CFR 22.6 and available at <https://www.ecfr.gov/current/title-50/section-22.6>):

Eagle management unit (EMU) means a geographically bounded region within which permitted take is regulated to meet the management goal of maintaining stable or increasing breeding populations of bald eagles or golden eagles. See 50 CFR 22.6 for EMU boundaries.

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.

Incidental take means take that is foreseeable and results from, but is not the purpose of, an activity.

Practicable means available and capable of being done after taking into consideration existing technology, logistics, and cost in light of a mitigation measure's beneficial value to eagles and the activity's overall purpose, scope, and scale.

Definitions for the purposes of these permit conditions:

Breeding Season refers to the period of time where eagles are breeding or are preparing to breed. Actual breeding season dates can vary slightly between breeding pairs and from year to year.

(1) For bald eagles, the Service uses the date ranges listed by state in Table 1 (located at the end of this permit).

(2) For golden eagles, the breeding season west of the 100th meridian: south of the 40th parallel is December 1 to July 31 and north of the 40th parallel is January 1 to August 31. There is no defined breeding season for golden eagles east of the 100th meridian, because golden eagles are not known to breed in the eastern United States.

Eagle credit is the amount of compensatory mitigation needed to offset the take of one eagle.

Enhanced Monitoring is monitoring that achieves an average annual site-wide probability of detection of >50% (0.5) over a Five-Year Period.

Five-Year Period is a period of eagle fatality monitoring that lasts five consecutive years. The first such period begins on the date of permit issuance and lasts for five years thereafter. The subsequent five-year periods begin the day after the completion of the previous period and lasts for five years thereafter. The final five-year period ends on the day the permit expires and may be shorter than five years.

Project Footprint is the minimum-convex polygon that encompasses the wind-project area inclusive of the hazardous area around all turbines and any associated utility infrastructure, roads, etc.

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Standard Monitoring is monitoring that achieves an average annual site-wide probability of detection of >35% (0.35) over a Five-Year Period.

A. Authorization.

You are authorized to take (injure or kill) **bald eagles and golden eagles** incidental to turbine operations at the wind energy project listed above under “Location where authorized activity may be conducted.”

This take is authorized provided there is no practicable alternative to avoiding or further minimizing it. The authorization applies only to incidental take resulting from activities and infrastructure described in the permit application and conducted in accordance with the terms of this permit.

B. Prohibited.

This permit does not authorize:

- (1) Intentional or unintentional take of eagle nests, including by substantively modifying nesting substrate sufficient to render the substrate unsuitable for eagle nesting.
- (2) Disturbance of breeding eagles. [Note: disturbance to bald eagles consistent with disturbance general permit conditions may be added to a Tier 1 permit. All other bald eagle disturbance and any golden eagle disturbance is a Tier 2 permit.]
- (3) Possession of live or dead eagles, nestlings, or eggs, except as authorized for disposal purposes as described below in Condition H.

C. Compensatory Mitigation.

The following compensatory mitigation is required. [Note: the following measures may not be required by the Service based on the established take limits for the authorized eagle species]

(1) You must purchase or acquire **bald eagle and golden eagle** credits to offset take. You must either:

(a) Acquire **<Service calculated>** bald eagle credits and **<Service calculated>** golden eagle credits once, within 90-days of issuance, to offset take for the full tenure of this permit.

OR

(b) Acquire **<Service calculated>** bald eagle credits and **<Service calculated>** golden eagle credits every 5 years, acquired first within 90 days of permit issuance, and with subsequent acquisitions within 90 days of the start of each Five-Year Period.

(2) Credits must be purchased or acquired from a Service-approved mitigation provider. A list of Service-approved mitigation providers can be found online at <https://www.fws.gov/program/eagle-management/eagle-permits>. If mitigation credits are not acquired within 90 days, you are disqualified from exercising the privileges of this permit as long as the deficiency exists.

(a) You must provide a copy of a signed agreement between you and the Service-approved mitigation provider to the Service within 90 days from the effective date of your permit. The copy of this agreement must include the number of eagle credits acquired. Reports can be uploaded into ePermits under this permit record or sent, via email, to the *Issuing Office* contact

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email on the face of this permit, with the subject line “EAGLE INCIDENTAL TAKE PERMIT MITIGATION AGREEMENT.” Include your permit number in the email.

(b) Any modified or subsequent agreements must be provided to the Service as part of the next-due annual report (Condition F). All submitted agreements must include the number of eagle credits acquired.

(3) You must keep records to document compliance with mitigation requirements and provide them to the Service upon request.

(4) During the permit tenure, the Service will regularly estimate, using what we determine to be the best available information, the number of eagles the project has taken. The Service will contact you if current mitigation requirements are inconsistent with estimated take. We may amend your permit, consistent with 50 CFR 13.23(b), to decrease or increase the compensatory mitigation requirement to ensure consistency with estimated take and with our preservation standard.

D. Avoidance and Minimization.

You must implement the avoidance and minimization measures set forth below.

(1) *Hazardous Attractants.* Avoid attracting eagles to the project due to anthropogenically created or enhanced hazardous attractants. You must remove existing and avoid creating new, anthropogenic eagle attractants throughout the project area, including resources that could attract foraging, roosting, or nesting eagles. This does not include naturally occurring attractants, such as naturally abundant prey populations. Nor does this include existing livestock operations, provided the operational practices in (b) are implemented. At a minimum, you must:

(a) Collect and dispose of any garbage or waste discovered in the project site in an appropriate trash receptacle securely protected from wildlife and regularly emptied.

(b) Search for and dispose of any discovered animal remains that are squirrel-size or larger. Animal remains includes carcasses, parts, after-birth, or other remains. You must develop and implement internal procedures that meet or exceed the following requirements:

(i) Train operation and maintenance personnel on procedures for searching for and reporting potential animal remains when within the project footprint. Reports must be within 8 hours of discovery.

(ii) Designated personnel must investigate reports within 24 hours.

(iii) Animal remains must be disposed of within 72 hours of being reported in a manner that will not attract eagles, such as removed beyond line-of-sight of project infrastructure, buried, or incinerated.

(c) Minimize creation of anthropogenic features in the project footprint that could attract small mammals, such as rock piles, debris or equipment storage, and discarded waste materials.

(d) Minimize eagle perching on human-engineered infrastructure, including designing or modifying infrastructure where eagles are likely to perch.

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(2) *Collision Risks*. You must avoid and minimize collision risks in the project, including the risk of collisions with turbines, vehicles, towers, and collector and generation-tie-lines.

(a) Implement a maximum 25 mph speed limit within the project. Train project staff to be alert for wildlife. Require additional caution in low-visibility conditions when driving any vehicle.

(b) Minimize eagle collision and electrocution risk associated with above-ground power lines. Any above-ground lines must be avian-safe, as defined in 50 CFR § 22.260, unless this requirement would unduly impact human health and safety, require overly burdensome engineering, or have significant adverse effects on biological, cultural, or historical resources.

The Service recommends use of the technical references *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* and *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*, as well as updated versions or new suggested practice documents, as they become available (available at aplic.org).

(c) Implement practicable measures to reduce collisions with wind turbines, including but not limited to: curtailment of turbines near important eagle-use areas (if any), curtailment of turbines during times of year when collision may be more likely (if any), implementation of technology to detect and deter eagles or to curtail turbine blades, and implementation of modifications to blade design, color, or manufacturing. For measures not deemed practicable, you must document why a method is not practicable in your records and provide to the Service upon request.

(3) *Disturbance Risks*. This permit does not authorize disturbance. [Alternative text: This permit does not authorize the disturbance of golden eagles. This permit does authorize disturbance of bald eagles. <Insert the relevant conditions from the Bald Eagle Disturbance General Permit Conditions after (b).> Disturbance of golden eagles is considered a Tier 2 permit.]

(a) Golden eagle nests. Conduct non-emergency maintenance or other non-emergency activities within 1-mile of a golden eagle nest outside the breeding season to avoid the risk of disturbance. Non-emergency maintenance activities may include things like MET tower removal, road or pad maintenance, vegetation maintenance, etc.

(b) Bald eagle nests. Conduct non-emergency maintenance or other non-emergency activities near a bald eagle nest in accordance with the National Bald Eagle Management Guidelines (U.S. Fish and Wildlife Service 2007) to avoid the risk of disturbance.

(4) *Awareness*. You must inform project staff and landowners of relevant permit requirements.

(a) You must train operation and maintenance personnel and other on-site staff at least once every three years on the relevant requirements of this permit, including how to report and dispose of discovered bird remains or animal remains, including after-birth. Appropriate staff must be trained on how to properly handle dead or injured birds and how to contact federally permitted rehabilitator(s) and licensed veterinarian(s) in your area.

(b) If project operations occur on land not owned by you, you must inform landowners and lessees on your process to report discovered birds. You may designate others, in writing, as a subpermittee to collect bird remains on your behalf.

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E. Monitoring.

You are required to implement the following methods to aid in the discovery of dead or injured eagles at your project. See the Frequently Asked Questions on Fatality Monitoring for examples of how to achieve these requirements.

You are authorized to receive by donation and possess migratory bird remains (except eagles) to meet conditions E(2) and E(3), below.

(1) Fatality Searches.

(a) You must achieve an average annual site-wide probability of detection (accounting for spatial and temporal coverage, as well as potential scavenging or detection bias) of at least 35% for every Five-Year period during the permit tenure. [\[Applicants requesting modification of this standard are considered a Tier 2.\]](#)

(b) You must document monitoring method details, including search dates and dimensions of the searched area(s). If there are areas within search plots that were not searched during monitoring, such as for access of safety concerns, you must delineate those areas in a widely used geospatial format (e.g., KML or shapefile), and provide them to the Service as a part of each annual report. You must also include the dates and justifications for which those areas were not searched.

(c) You must conduct a clearance search prior to the initiation of the formal monitoring period. Any avian remains discovered during this search must be documented and handled according to permit condition H. If a clearance search is not performed, the Service will consider any eagle remains found during the first search as having occurred during the monitoring period.

(2) *Searcher Efficiency Trials.* You must collect information on the efficiency of searchers as set forth below.

(a) You must conduct at least four searcher efficiency trials, one during each of the four seasons (spring, summer, fall, and winter), during each Five-Year Period. To the extent practicable, conduct trials during consecutive seasons.

(b) Each trial must include all searchers and, to the extent practicable, be replicated if searchers change within or between trials.

(c) Each trial must utilize at least 20 trial specimens per season. Specimens must be placed in randomly selected locations within search plots, stratified by visibility class, distance from observer, or other site-specific factors as appropriate. Specimens must be dropped from at least hip-height and allowed to land and remain in random positions.

(d) Each trial specimen must closely mimic the size and appearance of eagle remains (and scent if using detection dogs). If decoys are used, no more than 50% of the trial specimens in any season may be decoys.

(e) When Fatality Search intervals will exceed one month, you must design searcher efficiency trials to account for bird remains in varying stages of decomposition.

(3) *Persistence Trials.* You must collect information on the persistence of carcasses closely resembling eagle remains on the landscape as set forth below. [\[Alternative text \(for use when the Service determines generic carcass persistence estimates are appropriate for a particular project\):](#)

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You are authorized to use the Service's carcass persistence estimate. Persistence trials are not required.]

(a) You must conduct at least four persistence trials, one during each of the four seasons (spring, summer, fall, and winter), during each Five-Year Period. To the extent practicable, conduct trials during consecutive seasons.

(b) Each trial must utilize at least 10 trial specimens per season. Specimens must be placed in randomly selected locations within search plots, stratified by habitat type if appropriate.

(c) Each trial for each specimen must last at least 30 days. Longer trials may produce more accurate estimate of persistence.

(d) Each trial specimen must closely mimic eagle remains (ideally, raptor remains >1-kg in size with similar coloration). The use of decoys for these trials is not permitted.

(e) Trial specimen placement must be randomized in a way that is spatially distributed across the project footprint and accounts for variability in habitat that may affect scavenger presence or scavenger detection of specimens. To the extent practicable, spread out the placement dates for persistence trials specimens to more accurately simulate the arrival of eagle remains in the searched area (e.g., do not place all trial specimens on one or only a few dates).

(f) You must document the date and condition of the trial specimen at each check.

(4) *Qualified Observers*. You must ensure staff or contractors conducting monitoring for eagle remains are properly trained how to search for and identify eagle remains.

(a) Training must include:

(i) how to properly conduct monitoring

(ii) how to record and report discovered bird remains

(iii) how to identify eagle remains

(b) While conducting standardized monitoring, personnel must be solely implementing monitoring protocols and not concurrently conducting other tasks, such as operation and maintenance activities.

(5) *Generally Accepted Scientific Best Practices*. You must design and implement monitoring methods following generally accepted scientific best practices for surveys. A random study design (stratified if appropriate) must be used to the extent practicable. Data must be collected in a standardized manner and in accordance with Service standards, where available, to reduce bias, account for uncertainty, and allow for representative extrapolation both across the project and between projects.

(a) Record and report monitoring methods and observations, including methods and observations for searches and bias trials. The Service has a Data Reporting Template available. This information must be provided annually with each annual report (Condition F(3)).

(b) If extenuating circumstances result in standard monitoring requirements not met, you must implement the adaptive management measures are prescribed under Condition G.

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F. Reporting.

You must report to the Service as set forth below.

(1) For each dead or injured eagle discovered, you must collect the following relevant information and provide this information in your Online Report (condition F(2)):

- (a) Discovery date;
- (b) Collection date;
- (c) Species;
- (d) Sex and age (fledgling, juvenile, adult), if known;
- (e) Alive/Dead (was the bird alive or dead when discovered);
- (f) Condition (if alive, indicate if sick or injured; if dead, indicate if intact, freshly killed (eyes moist), semi-fresh (stiff, eyes desiccated), partially decomposed feathers and/or bones, or other);
- (g) GPS coordinates in decimal degrees with datum clearly identified (the reference system that geographic coordinates are associated with such as WGS 84) for the location where discovered;
- (h) How remains were discovered and how remains were identified;
- (i) Hazard type (type and configuration of structure or features found near eagle remains and potentially responsible for injury/mortality);
- (j) Ground distance from hazard (estimated or exact distance from remains discovered to nearest turbine, pole, line, or other structure);
- (k) Possible cause of mortality/injury (e.g., collision with turbine, collision with other structure, electrocution, other);
- (l) Disposition (e.g., freezer onsite, National Eagle Repository, left in place, rehabilitator, Office of Law Enforcement (OLE));
- (m) If banded or marked, Federal band number, color markers, or transmitter descriptions and date report submitted to reportband.gov;
- (n) Any special notes or additional information (e.g., if associated with a mortality event involving unusually high numbers of eagle takes associated with a particular circuit or structure; weather conditions at likely time of death, if known); and
- (o) Photos of the eagle remains, taken as close to the time of discovery as possible, including image of whole remains from top and bottom and the bird's leg(s) (including foot/feet), head (including eyes and bill), and tail. If remains are unidentifiable, include as many photos as you can to aid in future identification efforts.

(2) *Online Report.* You must report all dead or injured eagles discovered in the Service's Injury and Mortality Reporting System (IMR; <https://ecos.fws.gov/imr/welcome>) no later than two weeks from the date of discovery of eagle remains or eagle injury. Reports must include all information required in permit condition F(1).

(3) *Annual Report.* You must submit an annual report of all dead or injured eagles discovered in the calendar year using Form 3-202-15. You must include with this form an exported IMR

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report of your activities/entries for the previous year. Reports can be uploaded into ePermits under this permit record or sent, via email, to the *Issuing Office* contact email on the face of this permit, with the subject line “EAGLE INCIDENTAL TAKE SPECIFIC PERMIT – ANNUAL REPORT.” Include your permit number in the email. Reports must be submitted electronically by January 31 following each year the permit is valid.

(4) If remains of any large birds are discovered and cannot be identified to species, these remains must be treated as eagle remains until identified otherwise. You must collect and report the relevant information in condition F(1), take good quality photographs of the remains, and provide it in an Online Report as described in condition F(2). For items F(1)(c-d), you must state that remains are unidentifiable. You must also include discoveries of unidentified remains in your Annual Report.

G. Adaptive Management.

You must implement the following adaptive management measures if warranted by the associated conditions. For conditions 1-4, if any of the conditions are met simultaneously, you must implement the measure associated with the highest numbered condition. Adaptive management is based on Five-Year Periods (see definition above).

Conditions 2-4 refer to conservation measures that are to be implemented and evaluated to a given standard described in each condition. Conservation measures are project design or operational activities implemented for a set period of time that avoid or minimize the take of eagles. These measures can be implemented either spatially (at high-risk turbines) or temporally (during high-risk operational hours), or both. For the purposes of these adaptive management conditions, conservation measures must consist of one of the following:

1. Seasonal and/or spatial curtailment of turbines.
2. Informed turbine curtailment when eagles are detected approaching or are detected within hazardous airspace.
3. Eagle deterrents (i.e. methods that dissuade eagles from entering airspace where collisions may occur.)

For more information, please see Conservation Measures Frequently Asked Questions

[Note: the following conditions may be modified by the Service based on the tenure of your permit]

[Note: Alternative adaptive management measures may be requested during your application review. It may result in a Tier 2 application.]

(1) Adaptive Management 1

(a) **IF**, one of the following occurs:

(i) Under Standard Monitoring:

Five-Year Period 1 (Years 1-5): More than **X** golden eagle or **Y** bald eagle remains are discovered, or

Five-Year Period 1 and 2 (Years 1-10): More than **X** golden eagle or **Y** bald eagle remains discovered;

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(ii) You have completed at least 5 years of Enhanced Monitoring:

Five-Year Period 1 and 2 (Years 1-10): More than **X** golden eagle or **Y** bald eagle remains discovered.

(b) **THEN**, you must implement both of the following measures:

(i) Conduct a detailed desktop analysis to identify eagle risk, including spatial, temporal, and demographic risk, by analyzing existing data for patterns in fatalities. You must conduct this analysis and submit results and conclusions to the Service within 90 days.

(ii) Implement Enhanced Monitoring during the next Five-Year Period.

(2) Adaptive Management 2

(a) **IF**, one of the following occurs:

(i) Under Standard Monitoring:

Five-Year Period 1 and 2 (Years 1-10): More than **X** golden eagle or **Y** bald eagle remains are discovered, or

Five-Year Period 1 through 3 (Years 1-15): More than **X** golden eagle or **Y** bald eagle remains are discovered;

(ii) You have completed at least 5 years of Enhanced Monitoring:

Five-Year Period 1 and 2 (Years 1-10): More than **X** golden eagle or **Y** bald eagle remains are discovered, or

Five-Year Period 1 through 3 (Years 1-15): More than **X** golden eagle or **Y** bald eagle remains are discovered;

(iii) You have completed at least 10 years of Enhanced Monitoring:

Five-Year Period 1 through 3 (Years 1-15): More than **X** golden eagle or **Y** bald eagle remains are discovered.

(b) **THEN**, you must implement the following measure (i) immediately. You must implement measures (ii) and (iii) either immediately or at the beginning of the next Five-Year Period:

(i) Conduct a detailed desktop analysis to identify eagle risk, including spatial, temporal, and demographic risk, by analyzing existing data for patterns in fatalities. You must conduct this analysis and submit results and conclusions to the Service within 90 days.

(ii) Implement and evaluate conservation measures that will directly reduce eagle risk at 10% of eagle high-risk turbines or during 10% of eagle high-risk operational hours identified by the desktop analysis. The 10% requirement can be calculated spatially (e.g. 10% high-risk turbines) or temporally (e.g. 10% of high-risk operational hours). If both high-risk turbines and high-risk operational hours can be identified, both spatial and temporal scales may be utilized to meet this requirement. The effectiveness of the conservation measure must be measured using a study design approved by the Service. [Study design approval may be requested as part of the application review or as an amendment to the permit.](#)

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(iii) Implement Enhanced Monitoring.

(3) Adaptive Management 3

(a) **IF**, one of the following occurs:

(i) Under Standard Monitoring:

Five-Year Period 1 through 4 (Years 1-20): More than **X** golden eagle or **Y** bald eagle remains are discovered;

(ii) You have completed at least 5 years of Enhanced Monitoring:

Five-Year Period 1 through 4 (Years 1-20): More than **X** golden eagle or **Y** bald eagle remains are discovered;

(iii) You have completed at least 10 years of Enhanced Monitoring:

Five-Year Period 1 through 4 (Years 1-20): More than **X** golden eagle or **Y** bald eagle remains are discovered;

(iv) You have completed at least 15 years of Enhanced Monitoring:

Five-Year Period 1 through 4 (Years 1-20): More than **X** golden eagle or **Y** bald eagle remains are discovered.

(b) **THEN**, you must implement the following measure (i) immediately. You must implement measures (ii) and (iii) either immediately or at the beginning of the next Five-Year Period:

(i) Conduct a detailed desktop analysis to identify eagle risk, including spatial, temporal, and demographic risk, by analyzing existing data for patterns in fatalities. You must conduct this analysis and submit results and conclusions to the Service within 90 days.

(ii) Implement and evaluate conservation measures that will directly reduce eagle risk at 25% of eagle high-risk turbines or during 25% of eagle high-risk operational hours identified by the desktop analysis. The 25% requirement can be calculated spatially (e.g. 25% high-risk turbines) or temporally (e.g. 25% of high-risk operational hours). If both high-risk turbines and high-risk operational hours can be identified, both spatial and temporal scales may be utilized to meet this requirement. The effectiveness of the conservation measure must be measured using a study design approved by the Service. [Study design approval may be requested as part of the application review or as an amendment to the permit.](#)

(iii) Implement Enhanced Monitoring.

(4) Adaptive Management 4

(a) **IF**, one of the following occurs:

(i) Under Standard Monitoring:

Five-Year Period 1 through 5 (Years 1-25): More than **X** golden eagle or **Y** bald eagle remains are discovered;

(ii) You have completed at least 5 years of Enhanced Monitoring:

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Five-Year Period 1 through 5 (Years 1-25): More than **X** golden eagle or **Y** bald eagle remains are discovered;

(iii) You have completed at least 10 years of Enhanced Monitoring:

Five-Year Period 1 through 5 (Years 1-25): More than **X** golden eagle or **Y** bald eagle remains are discovered;

(iv) You have completed at least 15 years of Enhanced Monitoring:

Five-Year Period 1 through 5 (Years 1-25): More than **X** golden eagle or **Y** bald eagle remains are discovered.

(b) **THEN**, you must immediately implement the following measures (i), (ii), and (iii):

(i) Conduct a detailed desktop analysis to identify eagle risk, including spatial, temporal, and demographic risk, by analyzing existing data for patterns in fatalities. You must conduct this analysis and submit results and conclusions to the Service within 90 days.

(ii) Implement and evaluate conservation measures that will directly reduce eagle risk at 50% of eagle high-risk turbines or during 50% of eagle high-risk operational hours identified by the desktop analysis. The 50% requirement can be calculated spatially (e.g. 50% high-risk turbines) or temporally (e.g. 50% of high-risk operational hours). If both high-risk turbines and high-risk operational hours can be identified, both spatial and temporal scales may be utilized to meet this requirement. The effectiveness of the conservation measure must be measured using a study design approved by the Service. [Study design approval may be requested as part of the application review or as an amendment to the permit.](#)

(iii) Implement Enhanced Monitoring.

(5) Adaptive Management - Monitoring

(a) **IF**, one of the following occurs

(i) An average annual site-wide probability of detection of 35% (0.35) is not achieved in any Five-Year Period during the permit term, as determined by the Service;

(ii) Enhanced Monitoring, if required through adaptive management, does not achieve an average annual site-wide probability of detection of 50% (0.50) over the required period, as determined by the Service;

(iii) If the Service is unable to estimate searcher efficiency and carcass persistence rates for every search method during each Five-Year Period;

(b) **THEN**, you must implement 5 years of Enhanced Monitoring starting at the beginning of the next Five-Year Period.

(6) Adaptive Management - Nest

(a) **IF**, one of the following occurs:

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- (i) Golden eagles occupy a nest within 1 mile of any project turbine since the effective date of this permit; or,
- (ii) Bald eagles occupy a nest within 0.5 miles of any project turbine since the effective date of this permit.

(b) **THEN**, you must immediately report the discovery of the new nest to the Service. Reports can be sent, via email, to the Issuing Office contact email on the face of this permit, with the subject line “EAGLE INCIDENTAL TAKE SPECIFIC PERMIT – NEST DISCOVERY” Include your permit number in the email. The Service will discuss with you potential impacts of project-related activities to the nesting eagles, if any. A permit for nest disturbance or nest take (permanent or temporary), may be recommended.

H. Disposition.

You must dispose of all discovered eagles or eagle remains as set forth below, unless you are directed otherwise by the Service. Remains must be shipped or disposed of on the timeline specified by the recipient below, not to exceed 2 weeks of discovery.

(1) *Injured Birds*: If an eagle is injured, you must immediately contact a federally permitted migratory bird rehabilitator or a licensed veterinarian and follow their instructions for transport, care, and/or disposition of the injured eagle. To locate a rehabilitator near you, visit <https://www.fws.gov/story/find-migratory-bird-rehabilitation-facility>. We encourage you to offset the costs of treating eagles injured by your operations by paying rehabilitation expenses through donations, in-kind assistance, or other means. If you cannot make contact with a rehabilitator or licensed veterinarian, local law enforcement officers may be of assistance.

(2) *Freshly Deceased*: Except as noted in conditions H(3-5), if a discovered eagle is freshly dead (has no smell, eyes are not sunken in, and the body is intact and has not been scavenged) or has a telemetry unit, contact the Southeast Cooperative Wildlife Disease Study Lab (SCWDS Lab) at 706-542-1741 to see if the remains are acceptable for shipment and if the lab is able to accept them. If the SCWDS Lab is able to accept the remains, fill out the lab’s submission form. If possible, refrigerate remains rather than freezing. Ship the remains as directed by the lab.

(3) *Freshly Deceased in California*: All freshly dead eagle remains or telemetered eagle remains discovered in California should first be offered to the California Department of Fish & Wildlife (CDFW) Wildlife Health Laboratory. Upon collection, eagle remains should be labeled, with the date and location where they were discovered and collected, into a plastic bag (use care not to break or bend feathers). Under most conditions, eagle remains can be frozen until submission. Contact the CDFW Wildlife Health Laboratory at 916-358-2790 or by email at WILAB@wildlife.ca.gov. You will receive more detailed instructions, including packaging and shipping instructions, upon making contact. If the CDFW lab does not agree to accept the eagle remains in question, implement condition H(2) and H(6) as appropriate.

(4) *Freshly Deceased in Michigan*: All freshly dead eagle remains or telemetered eagle remains discovered in Michigan should first be offered to the Michigan Department of Natural Resources (MDNR) Wildlife Disease Lab. For specific shipping instructions for this lab, please contact 517-336-5034 (office), 517-336-5116 (necropsy), or by email at CooleyT2@michigan.gov. If the MDNR lab does not agree to accept the eagle remains in question, implement condition H(2) and H(6) as appropriate.

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(5) *Deceased in New York*: Send all dead or euthanized eagles discovered in New York state, regardless of postmortem condition, to the New York State Department of Environmental Conservation Wildlife Health Unit lab in Delmar, NY. This lab will perform a complete necropsy to determine cause of death and monitor for disease and contaminants. Submission and shipping instructions can be found at https://www.dec.ny.gov/docs/wildlife_pdf/eagleship.pdf. Please contact the lab at 518-478-2203 if you need additional information. If the New York Wildlife Health Unit Lab does not agree to accept the eagle remains in question, implement condition H(2) and H(6) as appropriate.

(6) *Other Eagle Remains*. If the eagle is not freshly dead, the lab is not able to receive the remains, or it is not feasible for you to ship the remains to the lab, you must contact the National Eagle Repository at repository@fws.gov. Follow the Repository instructions for shipping or disposal of the remains.

I. Subpermittees.

You may designate subpermittees to conduct some or all of your permitted activities. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Authorized subpermittees are any person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit.

You and any subpermittees must carry a legible paper or electronic copy of this permit and subpermittee designation letter and display it upon request whenever you are exercising its authority. Subpermittees must be at least 18 years of age. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of any designation letters provided to individuals not named above.

J. Other Conditions.

(1) You must comply with all of the regulations and permit conditions in 50 CFR parts 10, 13, 21, and 22.

(2) You must keep records of all activities conducted under this permit, including any subpermittee activities carried out under the authority of this permit (see 50 CFR § 13.46). Your records must include an internal, discovered-eagle reporting system for bald eagles and golden eagles discovered at the site of the activity.

(3) By accepting this permit, you are authorizing the Service to inspect the location and records relating to the activity (see 50 CFR § 13.21(e)). Service or Service contractors may require access to your project site to ensure permitting is consistent with eagle preservation. The Service will provide reasonable notice for requests to access sites and negotiate with the permittee about practicable and appropriate access conditions to protect human health and safety and address physical, logistical, or legal constraints.

(4) You are responsible for ensuring that the activity involving the take of eagles authorized by this general permit complies with all other applicable Federal, Tribal, State, and local laws. This permit is not valid if implementing any of its provisions may affect a listed, proposed, or

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candidate species or designated or proposed critical habitat under the federal Endangered Species Act, nor has the potential to cause effects to cultural resources or historic properties protected by the National Historic Preservation Act.

(5) The Service may amend, suspend, or revoke a permit issued under this subpart 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 50 CFR § 13.23, 13.27, and 13.28.

(6) Notwithstanding the provisions of 50 CFR § 13.26, 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.

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Table 1. Bald eagle breeding season dates by state or portions of states.

State	Beginning Breeding Season	End Breeding Season
Alabama	Oct 1	May 30
Alaska	Mar 1	Aug 31
Arizona	Oct 15	Jul 15
Arkansas	Nov 1	Jun 30
California	Dec 1	Aug 15
Colorado	Dec 1	Jul 31
Connecticut	Jan 1	Jul 31
Delaware	Dec 15	Jun 30
District of Columbia	Dec 15	Jul 15
Florida	Oct 1	May 30
Georgia	Oct 1	May 30
Idaho	Jan 1	Aug 15
Illinois	Dec 15	Jul 31
Indiana	Dec 15	Jul 31
Iowa	Jan 1	Jul 31
Kansas	Dec 1	Jul 31
Kentucky	Nov 1	Jul 15
Louisiana	Oct 1	May 30
Maine	Feb 1	Aug 30
Maryland	Dec 15	June 30
Massachusetts	Jan 15	Aug 31
Michigan	Jan 15	Aug 15
Minnesota	Jan 15	Aug 15
Mississippi	Oct 1	May 30
Missouri	Dec 15	Jul 15
Montana	Jan 15	Aug 31
Nebraska	Dec 1	Jul 15
Nevada	Dec 1	Jul 31

State	Beginning Breeding Season	End Breeding Season
New Hampshire	Feb 15	Aug 15
New Jersey	Jan 1	Jul 31
New Mexico	Oct 15	Jul 15
New York	Jan 1	Aug 31
North Carolina	Nov 1	Jun 30
North Dakota	Jan 15	Aug 31
Ohio	Jan 1	Jul 31
Oklahoma – except panhandle	Oct 1	May 30
Oklahoma – panhandle only	Oct 15	Jul 15
Oregon	Jan 1	Aug 15
Pennsylvania	Jan 1	Jul 31
Rhode Island	Jan 1	Jul 31
South Carolina	Oct 1	May 30
South Dakota	Jan 15	Aug 31
Tennessee	Nov 1	Jun 30
Texas – east of 100 th meridian	Oct 1	May 30
Texas – west of 100 th meridian	Oct 15	Jul 15
Utah	Dec 1	Jul 31
Vermont	Feb 1	Aug 15
Virginia	Dec 15	Jul 15
Washington	Jan 1	Aug 15
West Virginia	Dec 1	Jul 15
Wisconsin	Jan 15	Aug 15
Wyoming	Jan 1	Aug 15

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