



U.S. FISH AND WILDLIFE SERVICE
Migratory Birds Permit Office



Eagle Take Permitting: Disturbance, Incidental Take, and Nest Take

Frequently Asked Questions and Answers

In 2024, the U.S. Fish and Wildlife Service (Service) published a final rule titled *Permits for Incidental Take of Eagles and Eagle Nests*. This rule revised regulations under the Bald and Golden Eagle Protection Act (Eagle Act) to permit take of bald eagles and golden eagles. As part of this rule, we established general permits, which simplify and expedite the permitting process for certain activities. This document provides answers to common questions regarding eagle take permits.

1. What types of eagle take permits are available?

Eagle take permits are described in regulations located at 50 CFR Subpart E. We currently provide permits for three types of eagle take:

- Nest Take ([50 CFR 22.300](#)) – Nest take authorizes the destruction or relocation of an eagle nest, or to temporarily or permanently prevent eagles from using an eagle nest for breeding.
- Disturbance Take ([50 CFR 22.280](#)) –Disturbance is agitating or bothering eagles to the extent that causes injury or death, decreased productivity, or nest abandonment. Permits authorize disturbance of eagles resulting from an otherwise lawful activity.
- Incidental Take ([50 CFR 22.250](#) and [50 CFR 22.260](#)) – Incidental take is accidental injury or death of an eagle. Permits authorize incidental take that results from, but is not the purpose of, an otherwise lawful activity.

2. Is an eagle take permit required for projects that might take eagles?

No. Eagle take permits are not a legally required prerequisite to constructing or operating a project or conducting any other activity that may affect eagles. However, we recommend that you obtain an eagle take permit if your activity is likely to take an eagle. If you do not obtain an eagle take permit and your activity results in the take of an eagle, you may be subject to a potential enforcement action for violating the Eagle Act. It is the project proponent's responsibility to evaluate the risk of eagle take and determine whether to apply for an eagle take permit or not.



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3. What is the difference between specific permits and general permits?

Specific permits reflect the traditional permitting process where the Service reviews submitted application materials and develops customized permit conditions. Once a complete application is received, the Service determines issuance of a permit based on the materials provided and best available information. Specific permits are appropriate for activities with higher or more uncertain risks to eagles.

General permits are automatically issued upon submission of a complete application. Applicants must self-certify that they meet the eligibility criteria and can comply with the standardized permit conditions. General permits simplify and expedite the permitting process for certain activities that have relatively consistent and low risk to eagles and well-established avoidance, minimization, and compensatory mitigation measures.

4. What activities are eligible for a general permit?

The Service created general permits for the following activities:

- **Nest disturbance:** Available for bald eagle nests for one of nine common activities, including building and infrastructure construction, shoreline or vegetation alteration, recreation, aircraft operation, prescribed burns, and blasting ([50 CFR 22.280\(b\)](#)).
- **Nest take:** Available for bald eagle nests for emergency purposes, health and safety purposes, or to regain use of a human-engineered structure ([50 CFR 22.300\(c\)](#)).
- **Power line entities:** Available for companies that can comply with the general permit conditions ([50 CFR 22.260\(c\)](#)).
- **Wind energy projects:** Available for projects that meet eagle relative abundance and nest buffer criteria ([50 CFR 22.250\(c\)](#)). The Service maintains a map showing where eagle relative abundance values are consistent with general permit eligibility.

5. Where can I find information on general permits that have been issued?

The Service regularly updates the list of general permits issued and will post this list to the Eagle Management webpage: [General Permits issued](#).

6. How does the Service audit general permits?

The Service audits general permits to ensure applicants are appropriately interpreting and applying eligibility criteria and complying with permit conditions. The audit process begins with reviewing materials submitted by the permittee, including the permit application and any required reports. Additional information, such as copies of plans required



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by permit conditions or clarification of submitted application or report information, may be requested as needed to ensure compliance. Permittees will be notified of audit outcomes.

7. How do I apply for a permit?

You can apply online for an eagle take permit using the Service's electronic permitting system, [ePermits](#). Please review the FAQs associated with the type of permit you are requesting to ensure you submit all required application materials. Permit fees are due at the time of application and are non-refundable.

8. Can I amend my eagle take permit?

General permits cannot be amended because they contain standardized eligibility criteria and permit conditions. If your activity or project no longer meets the requirements for a general permit, you may need to obtain a specific permit instead.

Specific permits may be amended when project changes or new information affect permit conditions or authorized activities. Permittees should contact the USFWS Migratory Bird Office that issued their permit to discuss whether an amendment is needed. Amendment requests are subject to applicable processing and permit amendment fees.

9. Where do I submit my annual report?

Annual reports can be uploaded to your permit record in ePermits. General permit annual reports can also be sent to migratorybirdpermits@fws.gov, and reports for specific permits can be sent to the USFWS Migratory Bird Office in the region in which your activity occurs.

10. Who should I contact with questions?

Please review the FAQs for your permit type and visit our [Eagle Management website](#) for more information and resources. If you have questions regarding general permits, please email eaglegeneralpermits@fws.gov. For specific permits, please contact the [USFWS Migratory Bird Office](#) in the region in which your activity occurs.

If you are concerned that eagle take has occurred without a permit, please report your observations to the [Service Office of Law Enforcement](#) by visiting their crime tips [website](#) or by calling 1-844-397-8477. Please do not leave reports requesting assistance with injured eagles.