



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



Eagle Take Permitting: Nest Take

Frequently Asked Questions and Answers

In 2024, the U.S. Fish and Wildlife Service (Service) revised regulations authorizing nest take of bald eagles or golden eagles ([50 CFR 22.300](#)). This document provides answers to common questions regarding permits for take of eagle nests.

1. What is an eagle nest?

An eagle nest is defined as any assemblage of materials built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction. An eagle nest remains an eagle nest until it becomes so diminished, or the nest substrate upon which it is built fails, that the nest is no longer usable and is not likely to become usable to eagles, as determined by a Federal, Tribal, or State eagle biologist ([50 CFR 22.6](#)). Our regulations also include definitions for an [in-use nest](#) and [alternate nest](#).

2. What is nest take?

Nest take includes removing, relocating, obstructing, or otherwise preventing eagles from using an eagle nest, either temporarily or permanently.

Authorization is required to take eagle nests, whether or not the nest is in-use. Authorization is also required if altering the nest substrate makes the nest unusable. Incidental take of eagle nests is authorized under disturbance permits.

3. In what situations can nest take be authorized?

Nest take can be authorized when there is no practicable alternative that would achieve the intended goal or purpose of an activity. The Service authorizes nest take for five purposes:

- Emergency situations
- Human health and safety
- Regaining use of a human-engineered structure
- Protection of threatened or endangered species
- Other purposes



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4. What types of permits are available for nest take?

General permits are available for take of bald eagle nests only when the purpose is for emergencies, human health and safety, or regaining the use of a human-engineered structure. In Alaska only, general permits are available for bald eagle nest take for other purposes. General permits are not available for any nest located in Indian Country ([18 U.S.C. § 1151](#)). The Bureau of Indian Affairs maintains an interactive map of lands in Indian Country available at [BIA Mapped Lands in Indian Country](#).

Specific permits are available for take of golden eagle nests, protection of listed species, and all other activities, including any nest take in Indian Country ([18 U.S.C. § 1151](#)).

5. What is considered an emergency?

Emergencies are situations where an eagle nest or nest substrate must be removed to alleviate a rapidly developing situation that is likely to result in a safety emergency for humans or eagles. Examples include, but are not limited, to:

- An eagle nest on a power pole that is likely to cause fire ignition.
- An eagle nest on a communication tower that is impeding communication equipment, or repair of equipment, necessary for first responders or other critical public services.

6. What is considered a threat to human health and safety?

Human health and safety threats are non-emergency situations where removal of an eagle nest or nest substrate is necessary to ensure public health and safety. Examples include, but are not limited, to:

- An eagle nest in a tree that must be removed as part of a highway re-configuration to alleviate a safety concern stemming from a blind corner or dangerous intersection.
- An eagle nest in a tree overhanging a dwelling where falling nest material is causing concern for the health and safety of the residents or visitors.

7. What constitutes take for “other purposes”?

Take for other purposes is allowed when the activity necessitates the take of the nest or the mitigation for the take will, with reasonable certainty, provide a nest benefit to eagles. Only take of alternate nests may be authorized for other purposes.

8. Can one permit authorize the take of multiple eagle nests?



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General permits only authorize take of one bald eagle nest. However, authorization includes removal of subsequent nesting attempts by the same eagle pair within one-half mile, if the subsequent nest re-creates the same emergency, safety, or functional hazard of the original nest. Specific permits can authorize the take of multiple nests.

9. Can I receive a permit to remove a nest located on property that I do not own or cannot access?

No. Permittees must either own the land on which the nest or substrate is located or have formal legal access to the property to conduct nest removal activities.

10. What are the reporting requirements?

Nest take permits require submission of an annual report ([Form 3-202-16](#)). Annual reports are required even if no activity occurred.

11. How long is an eagle nest take permit valid?

General permits are valid for a maximum of 1 year. Specific permits cannot exceed 5 years. All general and specific permits for eagle disturbance expire on August 31, regardless of when they are issued. The expiration date of each specific permit is designated on the face of the permit.

For additional technical resources, application materials, and permit information, please visit the Service's [Eagle Management website](#).