



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



Eagle Take Permitting: Power Lines

Frequently Asked Questions and Answers

In 2024, the U.S. Fish and Wildlife Service (Service) revised regulations authorizing incidental take of bald eagles and golden eagles, including regulations for eagle take associated with power line infrastructure ([50 CFR 22.260](#)). This document provides answers to common questions regarding eagle incidental take permits for power line entities.

1. What does an eagle incidental take permit for power lines authorize?

This permit authorizes the incidental injury or killing of bald or golden eagles resulting from the otherwise lawful operation of power line infrastructure.

2. What types of eagle permits are available for power line entities?

All power line entities are eligible to apply for a general permit. General permits are available for any power line entity that is able to implement the [General Permit Conditions](#) for powerlines. Specific permits are available for projects that are not able to implement general permit conditions or wish for more customization of an incidental take permit.

3. What management strategies are required under a general permit?

General permittees must develop and implement four management strategies. These strategies may be incorporated into an Avian Protection Plan (APP) or maintained as separate documents.

- **Reactive Retrofit Strategy:** Describes how the permittee will retrofit infrastructure in response to an eagle electrocution. At a minimum, 13 poles or a half-mile segment of line must be retrofit in response to each observed electrocution.
- **Proactive Retrofit Strategy:** Describes how the permittee will retrofit their existing-infrastructure baseline poles to avian-safe in the next 50 years (for investor-owned utilities) or 75 years (for non-investor-owned utilities). The permittee's existing-infrastructure baseline must include all poles that are not avian-safe for eagles located in areas that are identified by the permittee as being high-risk to eagles.
- **Collision Response Strategy:** Describes how the permittee will identify collision-caused mortality events, evaluate collision risk factors, and implement risk-reduction strategies. The Service expects risk-reduction strategies to be commensurate with future collision risk.



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- **Shooting Response Strategy:** Describes the process the permittee follows when eagles are found killed or injured near power line infrastructure to identify if shooting is suspected, to communicate with law enforcement, and to identify and implement appropriate shooting-reduction strategies. Power line entities are not responsible for law enforcement of nor liable for shooting incidents.

4. When do I need to implement the proactive retrofit strategy?

The Service recognizes that a proactive retrofit strategy may take more time to develop than the other strategies required by a general permit. The Service has established a ‘grace period’ within which utility companies can receive a general permit but will not be required to have a completed proactive retrofit strategy. Permittees who take advantage of this grace period will have until April 11, 2027, to develop and implement a proactive retrofit strategy.

5. What is considered a high-risk eagle area?

High-risk eagle areas are locations where eagles are likely to be present and interact with power line infrastructure. Applicants are responsible for identifying high-risk eagle areas using this standard. The Service expects that individual permittees will delineate their high-risk eagle areas differently, based on factors unique to each company and service territory.

6. Is an Avian Protection Plan required?

No. An APP is not required to obtain or comply with a permit. However, many utilities already maintain APPs, and the required management strategies may be incorporated into existing APPs instead of being maintained as separate documents.

7. Do I need to include the number of poles to be retrofitted when I apply for a permit?

To the extent known, applicants will need to identify the total number of poles that are not avian-safe or miles of power lines in high-risk eagle areas as part of their proactive retrofit strategy. Applicants are not required to submit their proactive retrofit strategy as part of their application. However, the State(s), county(ies), and total miles of transmission and distribution lines to be covered by the permit must be included in your permit application.

8. Is my Special Purpose Utility (SPUT) permit still valid?

Yes. A Special Purpose Utility (SPUT) permit is required to collect, transport, and temporarily possess dead migratory birds. It does not authorize the take of migratory birds or eagles.



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9. Can a utility company obtain more than one general permit for their power line infrastructure?

Yes. Utility companies may choose how to organize coverage of their power lines under the general permit program. However, a piece of infrastructure cannot be covered by more than one permit, and applications must clearly delineate the infrastructure that will be covered by each permit. The permit holder is liable for compliance of all individuals and contractors operating under the permit and must have the ability to ensure and enforce compliance with permit conditions and requirements.

Applicants should consider that each general permit requires the full payment of application and administration fees and development of all required strategies. Strategies may be the same across permits, but each strategy must apply to the covered infrastructure.

10. What are the reporting requirements?

Incidental take permits for power line activities require submission of an annual report ([Form 3-202-15](#)) by January 31 following each year the permit is valid, even if no activity occurred. Permittees are also required to report dead or injured eagles discovered in the Service's Injury and Mortality Reporting System (IMR) no later than two weeks from the date of discovery of eagle remains or eagle injury.

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

General permits are valid for a maximum of 5 years. Specific permits cannot exceed 30 years. All general and specific permits expire on December 31 of the expiration year. The expiration date of each 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](#).**