



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



Eagle Take Permitting: Wind Energy Projects

Frequently Asked Questions and Answers

In 2024, the U.S. Fish and Wildlife Service (Service) revised regulations authorizing the incidental take of bald eagles or golden eagles, including regulations for eagle take associated with wind energy projects ([50 CFR 22.250](#)). This document provides answers to common questions regarding eagle incidental take permits for wind energy projects.

1. What does an eagle incidental take permit for wind energy authorize?

This permit authorizes the incidental injury or killing of bald or golden eagles resulting from the otherwise lawful operation of a wind energy facility. Permits provide authorization for take of both bald and golden eagles.

2. What types of eagle incidental take permits are available for wind energy projects?

The Service offers general permits for projects that meet the eligibility criteria described in 50 CFR 22.250(c). Specific permits are available for projects that are ineligible for a general permit or require customization of permit conditions. Specific permits are further categorized as Tier 1 or Tier 2 depending on complexity.

3. How do I know whether my project qualifies for a general permit?

A wind project is eligible for a general permit if the following conditions are met:

- All turbines are located at least 2 miles from a golden eagle nest and at least 660 feet from a bald eagle nest.
- All turbines are located in areas that meet the seasonal relative abundance thresholds in [50 CFR 22.250\(c\)](#). The Service maintains a [map](#) showing where eagle relative abundance values are consistent with general permit eligibility. This map does not depict areas where projects may be ineligible due to proximity to a nest.
- The project can comply with the general permit standard conditions for wind projects.

4. Can I apply for a general permit if my project is not otherwise eligible?

Existing wind projects that are ineligible for a general permit may apply for a specific permit and request a Letter of Authorization to operate under a general permit. The Service will review the application and determine whether the project's risk is consistent with the level of risk anticipated for general permits.



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5. How do I determine if my project is eligible for a Tier 1 or Tier 2 specific permit?

Tier 1 specific permits are available for projects that can implement the [standard permit conditions](#), possess either adequate site-specific information, or are willing to use the Service's generalized process to estimate eagle take, and qualify for a categorical exclusion under NEPA. Tier 2 specific permits are appropriate for projects that require additional site-specific analysis, customized permit conditions, or completion of an Environmental Assessment or Environmental Impact Statement. As a result, permits processed under Tier 2 will incur additional fees and may take longer to process.

The Service will determine under which tier to process your permit; however, you should indicate on your permit application if you believe your project qualifies for a Tier 1 specific permit.

6. Does my general permit for wind cover incidental take of eagles on associated transmission lines?

No. Authorization for incidental eagle take at power line infrastructure is not included in general permits for wind projects. The Service expects wind projects to avoid risk to eagles by ensuring associated power line infrastructure is avian-safe.

7. Where can I find a list of approved in-lieu fee programs and conservation banks?

As in-lieu fee programs or conservation banks are approved by the Service, they will be posted, along with links to the program websites, on the Service's [Eagle Management website](#).

8. Should I use existing guidance documents for assistance with my application?

The Eagle Conservation Plan Guidance (ECPG) and Wind Energy Guidelines (WEG) remain useful references, particularly for topics such as pre-construction eagle-use surveys. However, portions of those documents are outdated. Applicants should rely on the current regulations (including the associated preamble), documents on the Service's Eagle Management website, and Service recommendations when they differ from earlier guidance.

9. What information should I provide with my permit application?

Applicants should provide sufficient information for the Service to evaluate eagle risk and determine permit eligibility. Depending on the project, this may include eagle-use data, eagle fatality information, survey methods, and information on nearby eagle nests. Specific permit applications may still be processed without site-specific survey information; however, the Service will evaluate risk and mitigation requirements using its generalized process to estimate eagle take.



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10. Am I required to submit an Eagle Conservation Plan with my permit application?

No. Applicants must provide complete responses to all permit application questions. Applicants who choose to submit an ECP to accompany their application should clearly reference the applicable sections of their ECP in their application responses.

11. Am I required to submit or implement an adaptive management plan?

General permittees must implement an adaptive management plan after discovery of a third dead or injured eagle of the same species and submit the plan to the Service within two weeks. Although adaptive management plans are not submitted during registration, the Service expects general permittees to create such a plan prior to or upon obtaining a general permit.

12. Will changes to eligibility criteria or the establishment of new eagle nests near my project affect my existing general permit?

No. Projects that have already properly obtained a general permit retain authorization for the duration of the permit, even if eligibility criteria change or new eagle nests are established nearby. Existing general permit holders are also eligible to renew their general permit, even if they are no longer eligible under changed requirements or if new eagle nests are established nearby, provided that the permittee remains in compliance with their general permit conditions, there has not been lapse in permit coverage, and no new turbines have been added to the project. Projects that add new turbines must satisfy the eligibility criteria in effect at the time coverage is requested for the modified project.

If a project finds four or more injured or dead bald eagles or four or more injured or dead golden eagles during any five-year general permit tenure, that project is no longer eligible for a general permit after the expiration of their existing general permit.

13. What are the fatality monitoring requirements?

General permit holders must train on-site personnel to monitor for injured or dead eagles and require that they search for eagle remains during their day-to-day activities. Monitoring requirements under a general permit are detailed in the general permit standard conditions. Specific permit holders are likely to have additional and more rigorous fatality monitoring requirements. Monitoring requirements under a Tier 1 specific permit are described in detail in the [Tier 1 standard conditions](#). Under a Tier 2 specific permit, monitoring requirements can be customized.

14. What are the reporting requirements?

Incidental take permits 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



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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.

15. 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](#).