OMB Control. No. 1018-0167
Expiration Date: 08/31/2029

FEDERAL FISH AND WILDLIFE PERMIT APPLICATION FORM

Eagle Incidental Take

(Bald and Golden Eagle Protection Act, 50 CFR 22.200 – 22.260)

U.S. Fish and Wildlife Service
Division of Bird Conservation, Permits, and Regulations

TYPE OF REQUEST

☐ **New Application**
☐ **Renewal**
☐ **Amendment**

BEFORE FILLING OUT THIS FORM, please access the Return Addresses (to obtain email/postal mail addresses where the form can be returned), review the Frequently Asked Questions, and the form Instructions. Please retain the "NOTICES" page for your records.

If requesting a renewal or amendment, provide Permit # _____

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See instruction page(s) for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3.a. Telephone number	3.b. Alternate telephone number	3.c. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution			
1.a. Name of business, agency, Tribe, or institution	1.b Doing business as (dba)		
2. Tax identification no.	3. Description of business, agency, or institution		
4.a. Principal officer Last name	4.b. Principal officer First name	4.c. Principal officer Middle name/initial	4.d. Suffix
5. Principal officer title	6. Primary contact name		
7.a. Business telephone number	7.b. Alternate telephone number	7.c. Business fax number	7.d. Business e-mail address

C. All applicants complete address information				
1.a Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)				
1.b. City	1.c. State	1.d. Zip code/Postal code	1.e. County/Province	1.f. Country
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)				
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country

D. All applicants MUST complete

1. A nonrefundable processing fee is required to process this permit. Please attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE. Federal, Tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – Please see link for processing fee cost and fee exempt status as outlined in 50 CFR 13.11(d). *Click here for Processing Fees*

2. Do you currently have or have you ever had any Federal Fish and Wildlife permits?
Yes ☐ No ☐ If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue:

3. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

_____ _____
Signature of applicant/Principal Officer (No stamped signatures. Electronic signatures accepted.) **Date of signature (mm/dd/yyyy)**

Please continue to next page

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SECTION E. EAGLE TAKE – ASSOCIATED WITH BUT NOT THE PURPOSE OF AN ACTIVITY (INCIDENTAL TAKE)
(Bald and Golden Eagle Protection Act, 50 CFR 22.200 - 22.260)

Note: A Federal eagle incidental take permit authorizes incidental take of eagles where the take results from but is not the purpose of an otherwise lawful activity. Permits are available to individuals, agencies, Tribes, businesses, and other organizations. Please read "Frequently Asked Questions About a Federal Permit For Eagle Incidental Take" and the pertinent regulations in 50 CFR Part 22, Subpart E before you sign and submit your application.

Please provide the information requested below. If you need to provide additional information that does not fit in the designated spaces below, add additional pages to your application submission. Please number pages accordingly using the page number box provided at the bottom of the sheet, and the corresponding question number. You may include attachments that provide pertinent information; however, responses below should summarize information provided in these attachments and should reference section and/or page numbers where pertinent information can be found. We will not review large attachments in their entirety to find pertinent information unless properly referenced.

Your responses should be thorough and specific. Incomplete applications will be returned. Processing fees are nonrefundable regardless of whether a permit is issued, abandoned, or denied. The Service will not refund any application or renewal fee under any circumstances if we have processed the application (see 50 CFR 13.11(D1)). For specific permits, processing time depends on the complexity of the request and completeness of the application. Please allow a minimum of 60-90 days for initial application review. Complex applications, including those that require additional environmental compliance review, may take longer to process.

FOR RENEWAL APPLICATIONS: If you are applying for a permit renewal and wish to report changes to your activity, please answer all questions applicable to your permit type in Section E below. If you are applying for renewal with no changes to your activity, respond "No Changes" to all questions. For all specific permits, please ensure that you are providing all updated information on eagle use, eagle fatalities, and nest locations for your activity. All requested information must be provided, required reporting must be up to date, and processing fees paid, or the renewal will not be processed.

All Permit Applications – **Please complete questions 1-12 below. For specific permits, an Eagle Conservation Plan (ECP) or other attached documentation may be cited if submitted with your application and properly referenced. The Service may provide guidance on developing complete and adequate application materials.**

1. **Permit Type.** Please indicate which type of permit you are applying for:

   ☐ General ☐ Specific

2. **Infrastructure Type.** Please indicate what type of infrastructure you wish to permit. For Wind, refer to definitions in the Service's Land-Based Wind Energy Guidance. For Power Lines, refer to definitions from the U.S. Energy Information Administration (*https://www.eia.gov*):

   ☐ Wind – Distributed or Community Scale
   ☐ Wind – Utility Scale
   ☐ Power Lines – Non-investor Owned
   ☐ Power Lines – Investor Owned
   ☐ Other Activities (Specific Permits Only)

3. **Dates.** The dates the activity that is likely to cause eagle take will start and is projected to end. If the activity is already in progress, describe the stage of progress and why you are requesting a permit now.

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4. **Activity Description and Location.** A detailed description of the activity that is likely to cause eagle take, including information on construction, demolition, vegetation removal, infrastructure, etc. that may affect eagle(s), and the location of the activity, including county/city/state information and latitude/longitude geographic coordinates (in decimal degrees), and datum of coordinates (if known). Provide any maps and photographs, if available.

   a. **Wind Energy.** If applying under § 22.250 for wind energy projects, include the number of turbines, rotor diameter, hub height, and location coordinates (latitude/longitude in decimal degrees) of each turbine and the datum of these coordinates. You may provide this information in an attached document (e.g., spreadsheet, csv, etc.). For specific permit applicants, you may use the Service's information reporting template (see Question 18, below).

   b. **Power Lines.** If applying under § 22.260 for power lines, include the State and county(ies) where coverage is requested and the total miles of transmission and distribution lines for which coverage is requested. To the extent known, include the number of miles or number of poles in eagle-risk areas that are not avian-safe.

   c. **Other Activities.** For any other activities that are likely to cause eagle take, include the number and location of infrastructure.

5. **Need.** What interest will be protected by the activity causing take? Provide an explanation of why there is no practicable alternative to the activity that would protect the interest to be served while reducing likely impacts to eagles, including any avoidance and minimization measures that you implemented.

6. **Description of Eagle Use and Activity.** Describe the type, timing, intensity, and location of eagle activity in the vicinity.

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a. Describe the eagle use in the project area, including the type, timing, and intensity of the eagle activity in the vicinity. For example, describe if eagle activity is centered around nest(s), roost(s), or other important eagle use area(s) (e.g., foraging areas, migration corridors, overwintering areas, etc.), how many eagles use these areas, and how frequently and when that use occurs.

b. Describe the location of eagle nests, roosts, and other important eagle use areas. Provide latitude/longitude geographic coordinates (in decimal degrees), maps, photographs, and other information. If known, describe current and historic nest status (e.g., in-use or alternate) and if any alternate nests are known to belong in the same territory as other nests described. If known, provide the distance(s) of nests and other important eagle use areas from the project footprint or nearest project activity.

7. **Subpermittees.** Anyone conducting permitted activities or acting as your agent must be identified by you, in writing, as a subpermittee under your permit. Your subpermittees must have either a copy of your permit that identifies them as a subpermittee, or a copy of your permit and a letter from the Permittee (Principal Officer) listing activities (including location and duration) they are authorized to conduct. The permittee is responsible for ensuring subpermittees are trained and adhere to the conditions of your permit. Subpermittees must be at least 18 years of age. A permittee or subpermittee must be present when conducting activities.

8. **Records.** You must retain records legibly written or reproducible in English relating to the activities conducted under your permit for at least 5 years from the date of expiration of the permit. Is the physical address you provided in Section C on page 1 of this application the address where your records will be kept?

☐ Yes ☐ No

If not, provide the physical address.

9. **Compliance with Laws and Regulations.** You are responsible for ensuring that the permitted activity is in compliance with all Federal, Tribal, State, and local laws and regulations applicable to eagles. Have you obtained all required State or Tribal permits or approvals to conduct this activity?

☐ Yes ☐ Have Applied ☐ None Required

If “Yes,” attach a copy of the approval(s). If “Have applied”, submit a copy when issued.

10. **Technical Assistance.** The name and contact information for any U.S. Fish and Wildlife Service employee(s) who has provided technical assistance or worked with you on this project. If you have received technical assistance for your project from your State wildlife agency, please provide the name and contact information for the individual(s).

11. **Consultant.** If you are a consultant submitting this permit application, please provide your name, name of the consultant company, and contact information (phone/email).

12. **Disqualification Factor.** A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Service Director in response to a written petition. (50 CFR 13.21(c)) Have you or any of the owners of the business, if applying as a business, been convicted, or entered a plea of guilty or nolo contendere, forfeited collateral, or are currently under charges for any violations of the laws mentioned above?

☐ Yes ☐ No

If you answered “Yes” provide: a) the individual’s name, b) date of charge, c) charge(s), d) location of incident, e) court, and f) action taken for each violation. (list all – use additional pages as necessary). If you answered "Yes," you will be required to apply for a specific permit.

General Permit Applications Only – **Please complete questions 13-15 below.**

13. **Compensatory Mitigation for Wind Energy Projects**. For general permits, compensatory mitigation is required for wind energy projects. Please enter here the compensatory mitigation requirement, calculated as described in § 22.250(f)(7)(ii) and on the Service’s eagle permits website (*https://www.fws.gov/program/eagle-management*). This requirement will be calculated based on the location of turbines, hazardous volume, and corresponding mitigation rate in § 22.250(f)(7)(ii).

14. **Permit Tenure and Effective Date.** For general permits for eagle incidental take, the permit tenure is no longer than 5 years expiring on December 31. Please indicate whether you would like your permit effective date to start immediately upon issuance or if you would like your permit effective date to begin January 1. Selecting an immediate effective date may result in an overall shorter permit tenure for the initial general permit. If the permittee chooses to delay the effective date, take would only be authorized beginning on the permit effective date.

☐ Immediate Effective Date ☐ January 1

15. **Certification.** As part of your general permit application, you must certify that the below statements are true. Check each box to acknowledge.

☐ I meet all eligibility requirements for general permits as defined in the regulation applicable to my activity.

☐ I meet all general permit issuance criteria listed in § 13.21 and my activity is consistent with the requirements applicable to my activity as specified in § 22.250, § 22.260, § 22.280, or § 22.300.

☐ My activity likely to cause take to eagles is necessary to protect a legitimate interest in a particular locality.

☐ Eagle take may result from but is not the purpose of my activity.

☐ Eagle take resulting from my activity cannot be practicably avoided.

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☐ I agree to implement all permit conditions applicable to my activity, including those related to avoidance and minimization, monitoring, reporting, and adaptive management.

☐ I agree to acquire eagle credits, if required, from a Service-approved in-lieu fee program within 90 days of the effective date of my permit.

☐ My activity either does not affect a property that is listed, or is eligible for listing, in the National Register of Historic Places as maintained by the Secretary of the Interior; or I have obtained and am in compliance with, a written agreement with the relevant State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) that outlines all measures I will undertake to mitigate or prevent adverse effects to the historic property.

☐ I understand that, if implementing the conditions of a general permit may affect a species listed as threatened or endangered, a candidate species, or a species proposed to be listed as threatened or endangered, under the Endangered Species Act or designated or proposed critical habitat, eagle incidental take authorization can only be provided under a specific permit.

Specific Permit Applications Only – Please complete questions 16-22 below.

16. **Duration.** What is the requested duration of the permit? Specific permits are issued for up to 30 years.

17. **Species Requested.** For which eagle species are you requesting authorization? Check both if requesting authorization for both species.

☐ Bald Eagle (*Haliaeetus leucocephalus*) ☐ Golden Eagle (*Aquila chrysaetos*)

18. **Project-Specific Information.** Provide additional project-specific information to assist the Service in assessing impacts to eagles. This includes an eagle impacts assessment, including further describing eagle activity and eagle use in the project area, potential interaction with project components or activities, and a description of methods used to conduct this assessment. If the Service has officially issued or endorsed survey, modeling, take-estimation, or other standards for the activity that will take eagles, you must follow them and include in your application all the information thereby obtained, unless the Service waives this requirement for your application:

a. For Wind Projects, we prefer that you complete and submit the Service's current information reporting template, available on the Service's website (*https://www.fws.gov/program/eagle-management*). You must provide all turbine locations and dimensions (if known), pre-construction eagle-use survey methods and data, and all post-construction eagle fatality monitoring methods and data in this template. Data not submitted using the template may result in your application being considered under Tier 2.

b. For Power Line entities and all other applicants, describe all methods and information related to pre- or post-construction eagle monitoring. The Service will use the best available information to estimate eagle take that will result from the described activity. Project-specific data may be used when it is consistent with Service standards.

19. **Avoidance and Minimization.** A description of implemented and proposed measures to avoid and minimize, to the maximum degree practicable, impacts to eagles from your activity.

20. **Compensatory Mitigation.** A description of implemented and proposed measures to compensate for eagle take.

21. **Existing Project General Permit Eligibility.** Are you applying as an existing wind energy project (as defined in § 22.250) that does not meet general permit eligibility criteria but wishes to request a project-specific determination of eligibility?

☐ Yes ☐ No

If yes, provide a justification as to why you believe the eagle risk at your existing wind project is consistent with risk expected under general permits.

22. Permit Application Fee. Do you anticipate your project will qualify for a Tier 1 or Tier 2 application fee as described in § 13.11(d) and § 22.200(c)(2)(vii)?

☐ Tier 1 ☐ Tier 2

For All Applications:

23. ***I acknowledge that I have read the form Instructions and Frequently Asked Questions, and have accessed the page with the Return Addresses to obtain the address where I should return this form. I have also filled out all fields and questions in this application. Check this box to acknowledge:*** ☐

NOTICES

PRIVACY ACT STATEMENT

Authority: The information requested is authorized by the following: the Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22; the Endangered Species Act (16 U.S.C. 1531-1544), 50 CFR 17; the Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21; the Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15; the Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16; Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), 50 CFR 23; General Provisions, 50 CFR 10; General Permit Procedures, 50 CFR 13; and Wildlife Provisions (Import/export/transport), 50 CFR 14.

Purpose: The collection of contact information is to verify the individual has an eligible permit to conduct activities that affect protected species. The information the individual provides helps the FWS monitor and report on protected species and assess the impact of permitted activities on the conservation and management of species and their habitats.

Routine Uses: The collected information may be used to verify an applicant's eligibility for a permit to conduct activities with protected wildlife; to provide the public and the permittees with permit related information; to monitor activities under a permit; to analyze data and produce reports to monitor the use of protected wildlife; to assess the impact of permitted activities on the conservation and management of protected species and their habitats; and to evaluate the effectiveness of the permit programs. More information about routine uses can be found in the System of Records Notice, Permits System, FWS-21.

Disclosure: The information requested in this form is voluntary. However, submission of requested information is required to process applications for permits authorized under the listed authorities. Failure to provide the requested information may be sufficient cause for the U.S. Fish & Wildlife Service to deny the request.

PAPERWORK REDUCTION ACT STATEMENT

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the U.S. Fish and Wildlife Service collects information necessary to monitor take and disposition of migratory birds, under the applicable laws governing the requested activity, for which a permit is requested, and to respond to requests made under the Freedom of Information Act and the Privacy Act of 1974. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this collection of information and assigned Control No. 1018-0167.

ESTIMATED BURDEN STATEMENT

The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for this information collection, based on the activity performed, including time for reviewing instructions, gathering and maintaining data and completing and reviewing the form is as follows:

Eagle Incidental Take (General)
Original submission - paper-based (Individuals): 5 hours (reporting) and 1 hour (recordkeeping)
Original submission - paper-based (Private sector and State/Local/Tribal governments): 18 hours (reporting) and 2 hours (recordkeeping)
Original submission - electronic (Individuals): 4 hours (reporting) and 1 hour (recordkeeping)
Original submission - electronic (Private sector and State/Local/Tribal governments): 16 hours (reporting) and 2 hours (recordkeeping)

Eagle Incidental Take (Specific)
Original submission - paper-based: 160 hours (reporting) and 40 hours (recordkeeping)
Original submission - electronic: 140 hours (reporting) and 40 hours (recordkeeping)

Amendment - Eagle Incidental Take (Specific)
Original submission - paper-based: 35 hours (reporting) and 5 hours (recordkeeping)
Original submission - electronic: 33 hours (reporting) and 5 hours (recordkeeping)

Transfer - Eagle Incidental Take
Original submission - paper-based: 18 hours (reporting) and 2 hours (recordkeeping)
Original submission - electronic: 14 hours (reporting) and 2 hours (recordkeeping)

Direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, Fish and Wildlife Service, U.S. Department of the Interior, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041-3803, or via email at Info_Coll@fws.gov. Please do not send your completed form to this address.

FREEDOM OF INFORMATION ACT

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.26 – 2.33].