Specific Permit Conditions – Incidental Take of Eagles by Power Line Entities - Tier 1

BLUE text are conditions that may be required based on the application information
Yellow highlighted text will be derived by the Service from application information

Definitions (as defined in 50 CFR 22.6)):
Eagle management unit (EMU) means a geographically bounded region within which permitted take is regulated to meet the management goal of maintaining stable or increasing breeding populations of bald eagles or golden eagles. See 50 CFR 22.6 for EMU boundaries.

Eagle Nest means 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.

Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Incidental take means take that is foreseeable and results from, but is not the purpose of, an activity.

Practicable means available and capable of being done after taking into consideration existing technology, logistics, and cost in light of a mitigation measure's beneficial value to eagles and the activity's overall purpose, scope, and scale.

Definitions (as defined in 50 CFR 22.260):

Avian-safe. A power-pole configuration designed to minimize avian electrocution risk by providing sufficient separation between phases and between phases and grounds to accommodate the wrist-to-wrist or head-to-foot distance of the bird. For eagles, this is 150 centimeters of horizontal separation and 100 centimeters of vertical separation. If sufficient separation cannot be provided, exposed parts that conduct electricity must be covered to reduce electrocution risk. If covers are used, they must be maintained in good condition. For conversions from an above-ground line to a buried line, the buried portion is considered "avian-safe." For purposes of the regulations in 50 CFR 22.260, "avian-safe" means safe for eagles.

Collision response strategy. A plan that describes the process the permittee will follow to identify whether a collision-caused injury or mortality has occurred, to evaluate factors that contributed to the collision, and to implement risk-reduction measures commensurate with the collision risk.

Reactive retrofit strategy. A plan to respond to incidents where eagles are electrocuted or killed. The reactive retrofit strategy must include information on how eagle electrocutions are detected and identified. Determining which poles to retrofit must be based on the risk to eagles and not on

other factors (e.g., convenience or cost). The pole that caused the electrocution must be retrofitted unless the pole is already avian-safe. A total of 13 poles or a half-mile segment must be retrofitted, whichever is less, prioritizing the highest risk poles closest to the electrocution event.

Shooting response strategy. A plan that describes the process the permittee will follow 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 measures.

Definitions for the purposes of these permit conditions:
Eagle credit is the amount of compensatory mitigation needed to offset the take of one eagle.

Five-Year Period is a period of eagle fatality monitoring that lasts five consecutive years. The first such period begins on the date of permit issuance and lasts for five years thereafter. The subsequent five-year periods begin the day after the completion of the previous period and lasts for five years thereafter. The final five-year period ends on the day the permit expires and may be shorter than five years.

High-risk eagle areas are areas where eagles are likely to be present and interact with power line infrastructure. Permittees are responsible for the assessment of their service-area and delineation of high-risk eagle areas, based on this standard.

A. Authorization.
You are authorized to take (injure or kill) [bald eagles and golden eagles] incidental to operations of power line infrastructure in the state(s) listed above under "Location where authorized activity may be conducted."

This take is authorized provided there is no practicable alternative to avoiding or further minimizing it. The authorization applies only to incidental take resulting from activities and infrastructure described in the permit application and conducted in accordance with the terms of this permit.

B. Prohibited.
This permit does not authorize:
(1) Intentional or unintentional take of eagle nests, including by substantively modifying nesting substrate sufficient to render the substrate unsuitable for eagle nesting. [Note: authorization for take of bald eagle nests may be granted in this Tier 1 permit only if the nest take and permittee qualify for a general permit. All other bald eagle nest take and any golden eagle nest take require a Tier 2 permit.]

(2) Disturbance of breeding eagles. [Note: authorization for disturbance to bald eagles may be granted in this Tier 1 permit only if the activity and permittee qualify for a general permit. All other bald eagle disturbance and any golden eagle disturbance is a Tier 2 permit.]

(3) Possession of live or dead eagles, nestlings, or eggs, except as authorized for disposal purposes as described below in Condition G.

C. Compensatory Mitigation.
The following compensatory mitigation is required. [Note: the following measures may not be required by the Service based on the established take limits for the authorized eagle species]

(1) You must mitigate, over the life of the permit, sufficient to produce <Service calculated> bald eagle credits and <Service calculated> golden eagle credits. This compensatory mitigation can be provided all at once or it may be provided in installments, matching the Five-Year Periods, over the life of the permit. To satisfy this requirement, you must complete one of the measures below (a-d):

(a) Acquire <Service calculated> bald eagle credits and <Service calculated> golden eagle credits once, within 180 days of the effective date of this permit, to offset take for the full tenure of this permit. If you do not satisfy this condition, you are disqualified from exercising the privileges of this permit as long as the deficiency exists If you select this option, you must also adhere to condition C(2).

(b) Acquire <Service calculated> bald eagle credits and <Service calculated> golden eagle credits every 5 years, acquired first within 180 days of the effective date of this permit, and with subsequent acquisitions within 180 days of the start of each Five-Year Period. If you do not satisfy this condition, you are disqualified from exercising the privileges of this permit as long as the deficiency exists. If you select this option, you must also adhere to condition C(2).

(c) Do one of the following by December 31, <Service calculated year> to offset take for the full tenure of this permit. If you select this option, you must adhere to condition C(3):

(i) Retrofit <Service calculated> power poles with 10-year longevity, or

(ii) Retrofit <Service calculated> power poles with 30-year retrofit longevity.

(d) Do one of the following by December 31, <Service calculated year> to offset take for the first Five-Year Period of this permit. You must also complete one of the following within one year after the start of each subsequent Five-Year Period, for the duration of the permit tenure. If you select this option, you must adhere to condition C(3):

(i) Retrofit <Service calculated> power poles with 10-year longevity, or

(ii) Retrofit <Service calculated> power poles with 30-year retrofit longevity

(2) In-Lieu Fee Program or Mitigation Bank: If you elect to provide mitigation in Conditions (C)(1)(a) or (C)(1)(b), you must:

(a) Purchase or acquire credits from a Service-approved mitigation provider. A list of Service-approved mitigation providers can be found online at https://www.fws.gov/program/eagle-management/eagle-permits.

(b) Ensure that purchased or acquired credits apply to the same Eagle Management Unit(s) (EMU) as the authorized take. If your covered infrastructure spans more than one EMU, credits must be split between both EMUs in amounts proportionate to the percentage of covered infrastructure located in each EMU.

(c) Contact a Service-approved mitigation provider within 90 days of the effective date of this permit. This gives the provider some lead time to ensure they have eagle credits to sell in the required management unit. We recommend contacting providers as soon as possible for this purpose. Note that you are not required to purchase any credits until 180 days from the effective date of your permit.

(d) If, at any time, a Service-approved mitigation provider notifies you that they cannot supply mitigation credits required by your permit, you have the greater of the following timeframes to acquire credits from another source.

(i) 90 days from the date you are notified by the provider that they cannot supply credits.

(ii) 180 days from the effective date of this permit.

(e) Provide a copy of a signed agreement between you and the Service-approved mitigation provider to the Service within 180 days from the effective date of your permit. The copy of this agreement must include the number of eagle credits acquired. Reports can be uploaded into ePermits under this permit record or sent, via email, to the Issuing Office contact email on the face of this permit, with the subject line "EAGLE INCIDENTAL TAKE PERMIT MITIGATION AGREEMENT." Include your permit number in the email. Any modified or subsequent agreements must be provided to the Service as part of the next due annual report (Condition F(5))

(3) Permittee-Responsible Retrofits: If you elect to provide mitigation in Conditions C(1)(c) or C(1)(d), retrofitted poles must meet the following requirements. See the Frequently Asked Questions on Compensatory Mitigation for examples of how to achieve these requirements. You must keep records to document compliance with these requirements and provide them to the Service upon request.

(a) You must ensure that:

(i) Retrofits are in addition to any retrofits that are already being implemented or retrofits or pole replacements that are already planned by the utility company in the foreseeable future.

(ii) Retrofits are completed in areas and on poles that present the highest risk to [bald eagles and golden eagles] (i.e., poles within the highest quality eagle habitat, likely to be utilized as perches, and with hazardous configurations).

(iii) Equipment poles that pose an electrocution risk to [bald eagles and golden eagles] are prioritized for retrofit

(iv) Non-equipment poles selected for retrofitting must average a relative risk index (RRI) score >0.4 (refer to *Dwyer, J.F., R.E. Harness, and K. Donohue. 2014. Predictive model of avian electrocution risk on overhead power lines. Conservation Biology 28(1): 159-168. doi: 10.1111/cobi.12145* for an explanation of RRI score).

(v) Original poles were constructed or installed prior to September 11, 2009.

(vi) Retrofits occur within the same Eagle Management Unit for [bald eagles and golden eagles] as the authorized take.

(vii) Any pole known to have previously electrocuted an eagle is the responsibility of the utility company that owns the pole and, therefore, is not eligible to count towards compensatory mitigation requirements for this permit.

(viii) Retrofits are completed and maintained to ensure they remain safe for eagles, i.e., "avian-safe" as defined in 50 CFR § 22.260, and consistent with the Avian Power Line Interaction Committee's *Suggested Practices for Avian Protection on Power Lines* document (hereafter "APLIC suggested practices", 2024 or most current version) for the duration of the credited period (e.g., 10-year or 30-year retrofit longevity).

(ix) Retrofit actions have no effect to species listed, or proposed to be listed, on the List of Endangered or Threatened Species or impacts to designated Critical Habitats.

(x) Retrofit actions do not have adverse effects to historic properties. If a pole must be replaced or land disturbance is likely to occur, you must provide to the Service either:

(a) Written concurrence from the relevant State Historic Preservation Officer or Tribal Historic Preservation Officer that no historic properties are affected, or if affected, they are not adversely affected (36 CFR 800.4(d)(1), 800.5), or

(b) Written agreement with the relevant State Historic Preservation Officer or Tribal Historic Preservation Officer that outlines all measures to mitigate or prevent adverse effects to historic properties (36 CFR 800.6).

(xi) Retrofit actions comply with all applicable federal, state and tribal laws during selection and implementation.

(b) Within 60 days of the completion of all retrofit actions at all selected poles, you must submit a Retrofit Report. The Service has a **Retrofit Reporting Template** available. This report must include:

(i) Documentation that retrofits occurred in the highest quality [bald eagle and golden eagle] habitat (i.e. habitat with relatively high probability of eagle use/presence), including a description of any models and assumptions you made during analysis.

(ii) For each retrofitted pole, the GPS coordinates, year the original pole was constructed, RRI score of each pole and all pertinent pole attributes used to calculate RRI score (e.g., number of phases and jumpers, presence of grounding), whether the pole is an equipment pole or non-equipment pole, and any equipment installed on the structure.

(iii) For each retrofitted pole, a description of the retrofit action taken to make the pole consistent with APLIC suggested practices, the date retrofit was completed, and the expected retrofit longevity (i.e., for how many years will that action keep the pole in question consistent with APLIC suggested practices), and a photo of the pole before and after retrofitting, including a date each photo was taken.

(iv) A map of all retrofitted poles.

(v) Evidence to support that retrofitted poles would not have otherwise been retrofitted by the utility company in the foreseeable future if not for this mitigation effort.

(vi) Whether all of the qualifying equipment poles in the focal area were retrofit, and if not, an explanation as to why they were not retrofit.

(vii) A description of all the metrics used in retrofitted pole selection and how the metrics were used and calculated.

(viii) A statement certifying that all retrofitted poles will be inspected and maintained to ensure that they remain compliant with APLIC suggested practices for the expected longevity.

(ix) A statement by a qualified individual (e.g. a qualified utility staff member or contractor with expertise in APLIC suggested practices and materials used for retrofitting) stating that each retrofit was inspected and verified to have been performed/installed correctly.

(4) You must keep records to document compliance with mitigation requirements and provide them to the Service upon request.

(5) During the permit tenure, the Service will regularly estimate, using what we determine to be the best available information, the number of eagles the project has taken and the amount of eagle take that can be authorized while remaining consistent with the preservation of bald eagles and golden eagles. The Service will contact you if current mitigation requirements are inconsistent with estimated take or take limits. The Service may amend your permit, consistent with 50 CFR 13.23(b), to ensure consistency with estimated take and compatibility with the preservation of eagles. Should the Service estimate that take is higher than the mitigation provided, or that eagle take rates are no longer consistent with the preservation of eagles at the EMU or LAP scale, there may be an increase in your mitigation requirement or a decrease to your permit tenure accordingly. In addition, the Service may require mitigation for any unexpected take that was not offset at a ratio of 1.2:1. Should the Service's estimates of take decrease during the permit tenure, then any remaining compensatory mitigation already provided will be credited pro rata to the next Five-Year Period.

D. Avoidance, Minimization and Adaptive Management.

(1) New Poles. All new construction and rebuilding or replacement of poles in high-risk eagle areas must be avian-safe, as defined in 50 CFR § 22.260.

Except if this requirement would unduly impact human health and safety, require overly burdensome engineering, or have significant adverse effects on biological, cultural, or historical resources.

The Service recommends use of the technical references *Suggested Practices for Avian Protection on Power Lines* and *Reducing Avian Collisions with Power Lines: The State of the Art in 2012* (available at aplic.org), as well as updated versions or new suggested practice documents, as they become available.

(2) New Construction. For new construction, reconstruction, rebuilding, or replacement of poles, you must incorporate information on eagles into siting and design considerations. Minimize

eagle risk by siting away from eagle nests, foraging areas, and roosts to the extent practicable, accounting for the risk to and population status of the species.

Except, if this requirement would unduly impact human health and safety, require overly burdensome engineering, or have significant adverse effects on biological, cultural, or historical resources, this condition is not required, but you must document in writing why you are not implementing with a justification as to why the measure is not practicable.

(3) Reactive Retrofits. You must develop a reactive retrofit strategy, as defined in 50 CFR § 22.260, and implement that strategy following each discovery of an electrocuted eagle. The investigation, documentation, and retrofit design selection must be completed within 90 days of the incident. The retrofit(s) must be implemented within 1 year of the incident and remain effective for 30 years.

(4) Proactive Retrofits. You must create and implement a plan to proactively convert power poles that are risky to eagles to be avian-safe. This plan must identify practicable annual targets for the number of poles to be proactively retrofitted. Retrofits must remain effective for 30 years.

(5) Collision Response. You must implement a collision response strategy (see *Definitions*). Within 90 days of a collision, you must complete an investigation where the collision occurred by documenting the factors contributing to the collision and identifying appropriate risk-reduction measures. You must implement selected risk-reductions measures, such as installation of flappers, at the location of the collision within 1 year of the incident. No action may be an appropriate collision response if the incident is determined to be unlikely to occur again.

(6) Eagle-Shooting Response. You must implement an eagle-shooting response strategy (see *Definitions*). If eagle remains, or an injured eagle, is found near power line infrastructure in circumstances that suggest the eagle may have been shot, the permittee must contact the Office of Law Enforcement immediately (and in no case more than 72 hours from the discovery). If there are repeated shooting events in the same area, reasonable shooting-reduction measures should be described and implemented as part of the strategy.

The Service does not consider the power line entity at fault when raptors are illegally shot on power line infrastructure.

(7) Recordkeeping. You are required to create, keep current, implement, and retain the strategies and plans described in this condition and provide them to the Service upon request. These strategies and plans may be combined into a single, comprehensive plan, such as an Avian Protection Plan or a Bird Conservation Strategy. Strategies and plans must be made available to the Service upon request.

(8) Disturbance Risks. This permit does not authorize disturbance of eagles. [Alternative text: This permit does not authorize the disturbance of golden eagles. However, this permit does authorize disturbance of bald eagles under the following conditions. <Insert the relevant avoidance and minimization conditions from the Bald Eagle Disturbance General Permit Conditions in place of (b). Then insert any applicable monitoring and reporting conditions in those corresponding sections below.> Disturbance of golden eagles is considered a Tier 2 permit.]

(a) Golden eagle nests. Conduct non-emergency maintenance or other non-emergency activities within 1-mile of a golden eagle nest outside the breeding season to avoid the risk of disturbance. Non-emergency maintenance activities may include things like MET tower removal, road or pad maintenance, vegetation maintenance, etc.

(b) Bald eagle nests. Conduct non-emergency maintenance or other non-emergency activities near a bald eagle nest in accordance with the National Bald Eagle Management Guidelines (U.S. Fish and Wildlife Service 2007) to avoid the risk of disturbance.

(9) Awareness. If your operations occur on land not owned by you and you are contacted by a landowner who has found a bird or eagle, you must inform them on how to properly dispose of the bird. In any future written agreements with landowners, we recommend you include instructions on what to do if the landowner discovers a dead bird or eagle.

(10) [Alternative text: Nest Take: This permit does not authorize the take of golden eagle nests. However, this permit does authorize take of bald eagle nests under the following conditions. <Insert the relevant avoidance and minimization conditions from the Bald Eagle Nest Take General Permit Conditions. Then insert any applicable monitoring and reporting conditions in those corresponding sections below.>

E. Monitoring.

(1) You are required to implement the following methods to aid in the discovery and accurate documentation of dead or injured eagles in the vicinity of your power line activities and infrastructure.

(a) Train on-site personnel, including staff, contractors, and volunteers, to search for eagles and signs of their remains. Training must include how to (i) differentiate eagle remains from other raptor remains, (ii) identify eagle remains to species, (iii) document raptor remains that are identified as a non-eagle species, and (iv) document unidentified raptor remains. Staff must also be trained in reporting (Condition F) and disposition (Section G) requirements in this permit.

(b) Require that trained on-site personnel visually scan for signs of dead or injured eagles upon arriving at power line infrastructure during their day-to-day activities.

(c) Require that trained personnel remain alert for signs of dead or injured eagles while working at and travelling in the vicinity of power line infrastructure.

(2) If, upon discovery of eagle remains, evidence suggests that the direct cause of eagle mortality was not electrocution or collision, you must immediately report the mortality to the Service's Office of Law Enforcement by contacting an agent or by email at fwslawenforcementdomestic@fws.gov.

(3) [Alternate text to add only if authoring eagle disturbance or nest take under this permit per D(8) or D(9): You are required to do the follow to monitor nest sites <Insert monitoring language from general permit standard conditions>.]

F. Reporting.
You must report to the Service as required in conditions C(2)(e) and C(3)(b) (as applicable) and as set forth below.

(1) For each dead or injured eagle discovered, including those encountered during visual surveys, incidentally, or following an outage, you must collect the following relevant information and enter it into the Service's Injury and Mortality Reporting System (IMR; https://ecos.fws.gov/imr/welcome). Data entry in IMR must occur no later than two weeks from the date of discovery.

(a) Discovery date;

(b) Collection date;

(c) Species;

(d) Sex and age (fledgling, juvenile, adult), if known;

(e) Alive/Dead (was the bird alive or dead when discovered);

(f) Condition (if alive, indicate if sick or injured; if dead, indicate if intact, freshly killed (eyes moist), semi-fresh (stiff, eyes desiccated), partially decomposed feathers and/or bones, or other);

(g) GPS coordinates in decimal degrees with datum clearly identified (the reference system that geographic coordinates are associated with such as WGS 84) for the location where discovered;

(h) How remains were discovered and how remains were identified;

(i) Hazard type (type and configuration of structure or features found near eagle remains and potentially responsible for injury/mortality);

(j) Ground distance from hazard (estimated or exact distance from remains discovered to nearest pole, center-axis of line, or other structure);

(k) Possible cause of mortality/injury (e.g., collision with wire, collision with other structure, electrocution, other);

(l) Disposition (e.g., freezer onsite, National Eagle Repository, left in place, rehabilitator, Office of Law Enforcement (OLE));

(m) Banded Birds (remains collected and injured birds) must be reported to the U.S. Geological Survey Bird Banding Laboratory at Bird Banding Lab. Information provided must include, as accurately as possible, species of bird, band number, date recovered, recovery location, and name and contact information of the person who recovered the remains or bird.

(n) Any special notes or additional information (e.g., if associated with a mortality event involving unusually high numbers of eagle takes associated with a particular circuit or structure; weather conditions at likely time of death, if known); and

(o) Photos of the eagle remains, taken as close to the time of discovery as possible, including image of whole remains from top and bottom and the bird's leg(s) (including foot/feet), head (including eyes and bill), and tail. If remains are unidentifiable, include as many photos as you can to aid in future identification efforts.

(2) If remains of any large birds are discovered and cannot be identified to species, these remains must be treated as eagle remains until identified otherwise. You must collect and report the discovery as described in Condition F(1), including good quality photographs of the remains. For items F(1)(c-d), you must state that remains are unidentifiable. You must also include discoveries of unidentified remains in your Annual Report.

(3) *Annual Report.* You must submit an annual report of all dead or injured eagles, or unidentified large birds, discovered in the previous calendar year using Form 3–202–15. You must include with this form an exported IMR report of your activities/entries for the previous year. Annual reports must also include the following information.

(a) For each eagle electrocution or possible electrocution discovered, you must report the following information about the pole that is likely to have caused the electrocution and the 12 other poles nearest to the electrocution (or the poles within a half-mile segment, whichever is less). You must indicate clearly which of these poles are likely to be the cause of electrocution. You do not need to collect this information if avian remains cannot be identified as an eagle.

(i) Associated IMR record number (will be the same for all 13 poles reported, because all are affiliated with the same electrocution event)

(ii) a unique identifier (name/number) for each pole. This identifier does not need to match company internal records or naming/numbering schemes but must not be shared with any other permitted pole.

(iii) whether the pole was avian safe at the time the electrocution occurred.

(iv) whether the pole is known to have caused an eagle electrocution previously.

(v) the number of conductors on the pole at the time the electrocution occurred.

(vi) the number of jumpers on the pole at the time the electrocution occurred.

(vii) if a ground was present on the pole at the time the electrocution occurred.

(viii) at least one photo of the pole in its configuration at the time the electrocution occurred. The photo must be clearly labelled with the pole identifier and clearly showing the presence and configuration of conductors, jumpers, other hardware, static lines, and grounding hardware.

(ix) at least one photo of the dominant habitat type within 200 meters of each pole at the time the electrocution occurred. The photo must be clearly labelled with the pole identifier. If no dominant habitat type is apparent, submit photos of each habitat type.

(b) Any results, including complete necropsy reports, generated from eagle remains necropsied under G(2)(a) of this permit during the previous year. If no necropsies were performed, you do not need to attach any reports.

(c) [Alternate text to add only if authoring eagle disturbance or nest take under this permit per D(8) or D(9): You are required to submit… <Insert reporting language from applicable general permit standard conditions.>]

(4) Five-Year Report. Every fifth annual report must also include the following information.

(a) You must report the percent of total infrastructure that was visited by trained staff at least once during the previous Five-Year Period. This can be estimated if it is not known.

(b) You must report the current retrofit status of your permitted infrastructure. This report must include estimates of the percentage of infrastructure that is avian-safe. It must also include an estimate of the percentage of infrastructure to which collision-reduction measures have been applied. Include the level of confidence in each estimate.

(5) Annual Reports, including Five-Year Reports, can be uploaded into ePermits under this permit record or sent, via email, to the *Issuing Office* contact email on the face of this permit, with the subject line "EAGLE INCIDENTAL TAKE SPECIFIC PERMIT – ANNUAL REPORT." Include your permit number in the email. Reports must be submitted electronically by January 31 following each year the permit is valid.

G. Disposition.
You must dispose of all discovered eagles or eagle remains as set forth below, unless you are directed otherwise by the Service.

(1) *Injured Eagles*: If an eagle is injured, you must immediately contact a federally permitted migratory bird rehabilitator or a licensed veterinarian and follow their instructions for transport, care, and/or disposition of the injured eagle. To locate a nearby rehabilitator, visit https://www.fws.gov/story/find-migratory-bird-rehabilitation-facility. We encourage you to offset the costs of treating eagles injured by your operations by paying rehabilitation expenses through donations, in-kind assistance, or other means. If you cannot make contact with a rehabilitator or licensed veterinarian, local law enforcement officers may be of assistance.

(2) Deceased Eagles. Upon discovery of eagle remains, you must mark/tag eagle remains with information distinguishing those remains from others. You must use Form 3–2480 (i.e. Eagle Recovery Tag) or other durable tags/labels for this purpose. At a minimum, mark all remains with its associated IMR record number or the species, date, and location of discovery. Unless excepted by G(2)(a-b), you must then contact the National Eagle Repository at repository@fws.gov and follow their instructions for shipping or disposal of the remains. Remains must be shipped or disposed of within 2 weeks of discovery unless otherwise instructed by the Repository. You must include this permit number with each eagle remains shipped. If the Repository does not wish to receive the remains, they will provide instructions for disposal.

(a) If the cause of mortality is not readily apparent and determining the cause of mortality affects management of this permit or other permit-related decisions, you may make arrangements, at your expense, for necropsy of the eagle specimen. Necropsy can only be performed by a facility with all federal permits to do so. Complete (un-redacted) necropsy reports must be provided to the Service with annual reports. If cause of death is confirmed to be from something other than your permitted activity, you must report the mortality to the Service's Office of Law

Enforcement within 5 days of receipt of the necropsy report by contacting an agent or by email at fwslawenforcementdomestic@fws.gov.

(b) If evidence suggests that the direct cause of eagle mortality was not electrocution or collision, you must immediately report the mortality to the Service's Office of Law Enforcement by contacting an agent or by email at fwslawenforcementdomestic@fws.gov.. You must follow their direction related to disposition of the remains.

H. Subpermittees.
You may designate subpermittees to conduct some or all of your permitted activities. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Authorized subpermittees are any person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit.

You and any subpermittees must carry a legible paper or electronic copy of this permit and subpermittee designation letter and display it upon request whenever you are exercising its authority. Subpermittees must be at least 18 years of age. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of any designation letters provided to individuals not named above.

I. Other Conditions.
(1) You must comply with all of the regulations and permit conditions in 50 CFR parts 10, 13, 21, and 22.

(2) You must keep records of all activities conducted under this permit, including any subpermittee activities carried out under the authority of this permit (see 50 CFR § 13.46). Your records must include an internal, discovered-eagle reporting system for bald eagles and golden eagles discovered at the site of the activity.

(3) By accepting this permit, you are authorizing the Service to inspect the location and records relating to the activity (see 50 CFR § 13.21(e)). Service or Service contractors may require access to your project site to ensure permitting is consistent with eagle preservation. The Service will provide reasonable notice for requests to access sites and negotiate with the permittee about practicable and appropriate access conditions to protect human health and safety and address physical, logistical, or legal constraints.

(4) You are responsible for ensuring that the permitted activity complies with all Federal, Tribal, State, and local laws. This permit is not valid if implementing any of its provisions may affect a listed, proposed, or candidate species or designated or proposed critical habitat under the federal Endangered Species Act (ESA), unless you have obtained and are in compliance with authorization under ESA prior to implementing these provisions. This permit is not valid if implementing any of its provisions has the potential to cause effects to cultural resources or historic properties protected by the National Historic Preservation Act unless you have obtained and are in compliance with a written agreement with the relevant State Historic Preservation

Officer or Tribal Historic Preservation Officer that outlines all measures the applicant will undertake to mitigate or prevent adverse effects to historic properties.

(5) The Service may amend, suspend, or revoke a permit issued under this subpart if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspension, and revocation of Federal permits set forth in 50 CFR § 13.23, 13.27, and 13.28.

(6) Notwithstanding the provisions of 50 CFR § 13.26, you remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.