

# GOLDEN EAGLE ALLOCATION PROCEDURE

Created For:

National Flyway Council

By:

Atlantic Flyway Council  
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and

U.S. Fish and Wildlife Service, Migratory Bird Program

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## INTRODUCTION

The Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668-668d) allows the U.S. Fish and Wildlife Service (Service) to authorize the take, possession, and transportation of golden eagles (hereafter eagles) for falconry. In the past, falconers primarily obtained golden eagles removed from the wild to address issues of depredation on livestock or wildlife. In a 2009 Final Environmental Assessment (74 FR 46838) and its associated permitting regulation (50 CFR Part 22), the Service determined eagle populations were likely declining and limited authorized take of wild eagles to the level that occurred prior to the promulgation of the regulation (74 FR 46838), unless that take would be offset by compensatory mitigation. The 2016 Final Programmatic Environmental Impact Statement (81 FR 91494) affirmed this analysis and decision. The Service determined that the take of eagles from the wild for falconry can occur through permits for eagle depredation of livestock or wildlife (50 CFR 22.24(b)) or from releasable rehabilitated eagles. Because falconers had taken an average of six eagles annually prior to 2009, the Service determined that up to six eagles could be taken for falconry purposes each year.

In a letter dated February 8, 2018, the Service requested that the four flyway councils (Atlantic, Mississippi, Central, and Pacific) establish and manage an allocation procedure for placing eagles with falconers. Since January 2014, state wildlife agencies (hereafter state wildlife agencies with jurisdiction; SWAWJ) have been responsible for managing falconry permitting and maintaining data on falconers. SWAWJ that wish to allow the practice of falconry must meet the standards established by the Service, although their standards can be more restrictive than the federal guidelines. The SWAWJ maintain data on falconers and work with the Service to ensure falconry data are entered into the State/Federal Falconry 3-186A Database.

The flyway councils recommend the following as the sole procedure for allocating take and placing golden eagles with falconers. There are two components of this procedure:

1. Identification of eagles available for transfer to falconry.
2. Development of an equitable procedure to allocate and transfer eagles to qualified falconers.

SWAWJ and federal regulations will determine if a falconer is eligible to obtain an eagle permit. It is the falconer's responsibility to adhere to importation and permit requirements for each applicable SWAWJ. This document summarizes the recommendations of the Atlantic, Mississippi, Central, and Pacific flyways to the Service on the proposed distribution of eagles for use in falconry. This procedure does not supersede applicable laws and regulations of the SWAWJ regarding transfer or possession of golden eagles.

## AVAILABILITY OF GOLDEN EAGLES FOR FALCONRY

### DEPREDEATION AREAS

A federal Eagle Depredation Permit issued by the Service is required to intentionally take eagles determined to be injurious to wildlife, agriculture, or other interests or that pose a risk to human or eagle health and safety (50 CFR 22.23). Falconry regulations limit the situations when eagles may be transferred to falconers from livestock or wildlife depredation areas (50 CFR 22.24(b)). As part of the Eagle Depredation Permit application (Form 3-200-16), applicants (e.g., landowners and/or lessees) must contact the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS) to obtain an APHIS-WS Permit Review Form (Form 37). During the Form 37 review process, APHIS-WS staff discuss available alternatives with the applicant. When appropriate to reduce a livestock conflict or wildlife depredation problem, APHIS-WS staff include “trap-and-place” with a falconer as a recommendation. Under this recommendation, APHIS-WS staff will complete the “Location” block on Form 37 to recommend an area (including a map if appropriate) where trapping and removal can assist in reducing the depredation problem and the recommended dates within which eagles should be taken. To include “trap-and-place” with a falconer, the depredation permit applicant must include the completed Form 37 and confirm on their Eagle Depredation Permit application form that they will allow:

1. A legally permitted and selected falconer(s) (see allocation procedure below) access to remove target eagle(s) in accordance with any existing landowner/lessee agreement(s);
2. Removal of eagle(s) by an authorized agent or agency and placement of the eagle with the selected falconer(s); or
3. A combination of the two approaches.

A Designated State Wildlife Agency (DSWA) will assist the Service by administering a random drawing of qualified applicants for the distribution of eagles according to the allocation procedure (see page 3). The DSWA will send the drawing order of qualified applicants to the State Agency contacts. (Note: The DSWA will acquire the current list of State Wildlife Agency Falconry Contacts via the Service’s Migratory Bird Program point of contact.) The DSWA also will send a list of the SWAWJ over the first 10 falconers in the drawing order to the Services Migratory Bird Program point of contact. Individual falconer names will not be sent to the Service. Before the Service’s Migratory Bird Program Permit Office issues an Eagle Depredation Permit to the depredation permit applicant with authorization to “trap-and-place” with a falconer, the Service will notify the SWAWJ over the falconer who is next in the drawing and the SWAWJ over the depredation area where the eagle take will occur. The SWAWJ over the depredation area will provide information to the selected falconer regarding that state’s falconry regulations and, where applicable, the contact information for qualified individuals who may assist the falconer in the capture of the depredating eagle(s). Details on necessary communication between falconer, wildlife agencies with jurisdiction, and Eagle Depredation Permit holders are presented below in *Take from Golden Eagle Depredation Areas*.

Once the Service has issued an Eagle Depredation Permit that includes “trap-and-place” for falconry as an approved alternative, the Migratory Bird Program Permit Office will notify the

SWAWJ over the depredation area and any agency authorized as a sub-permittee, such as APHIS-WS, with respect to:

1. The number of eagle(s) authorized for take;
2. The date(s) authorized for take;
3. The legal location(s) of the trapping authorization (including a map);
4. Any limitations on access for falconers, or their authorized agent, imposed by the Eagle Depredation Permit holder;
5. Contact information for the Eagle Depredation Permit holder.

If a depredation permit applicant chooses not to request “trap-and-place” as an option on their Eagle Depredation Permit, it will not be possible to use falconry in an integrated management approach to help resolve the depredation problem.

## REHABILITATION

A permitted migratory bird rehabilitation facility (rehabilitator) may, if allowed by the SWAWJ, voluntarily transfer a rehabilitated wild raptor to a holder of the appropriate falconry permit as provided by federal law (50 CFR 21.31(e) (4) (ii)). The Service will notify all rehabilitators of the option to permanently transfer releasable eagles to falconers if allowed by the laws and regulations of the SWAWJ. If a rehabilitator deems a releasable eagle appropriate for transfer, the rehabilitator may submit an Acquisition and Transfer Request Form (Form 3-202-12) to the appropriate regional Service Migratory Bird Program Permit Office for approval. In the recipient box of the request form, the rehabilitator should state “Eagle Allocation Procedure,” select the “State Falconry” box, and leave the remainder blank. If the Service approves the request, the Migratory Bird Program Permit Office will contact the rehabilitator’s SWAWJ for concurrence. Once all agencies with jurisdiction concur on the transfer, the Migratory Bird Program Permit Office will provide the signed form to the rehabilitator and notify the SWAWJ over the falconer who will contact the accepting falconer identified according to the allocation procedure described below. Details on necessary communication between falconer, SWAWJ, and rehabilitator are presented below in *Transfer to Falconer from Rehabilitation*.

Falconers may continue to act as sub-permittees under a rehabilitation permit and temporarily possess eagles for conditioning and evaluation purposes prior to release according to 50 CFR 21.31 (e)(3). Falconers participating in the rehabilitation or conditioning of an eagle may only be authorized to add that eagle to their falconry permit (i.e., permanent transfer for falconry purposes) according to the allocation procedure described below. This allocation process does not apply to eagles determined to be non-releasable.

## ALLOCATION PROCEDURE

The National Flyway Council (NFC) will identify a DSWA, which will have responsibility for conducting the drawing and the notification of results to the appropriate agencies for the eagle allocation procedure for falconry. A DSWA will act in that capacity for 3 years. In January of the existing DSWA’s final year in that role, the NFC will solicit a new DSWA to serve for the next 3 years. The DSWA role will rotate so that each flyway serves a 3-year term within a 12-year period.

Based on past history, the rotation will follow a Pacific, Central, Atlantic, and Mississippi flyway rotation (Appendix 1). If there is no State Wildlife Agency within the respective Flyway volunteers to serve, then the following draw process will be initiated to select the next DSWA. Within the flyway whose turn it is to serve and under the direction of the respective Flyway Council, a random drawing of participating states (i.e., those that authorize falconry, even if they do not authorize the take of golden eagles, but states that do not allow eagle possession may be exempt) will occur at a meeting (in-person or virtually) of that flyway's nongame committee/technical section by the end of March. The drawing will be conducted by the chair of the nongame technical section. Appendix 2 provides an example outline to assist the DSWA in understanding and performing its role. The outgoing DSWA should provide example standard communications with the State Wildlife Agencies and the Service to the incoming DSWA. The incoming DSWA should acquire the current list of State Wildlife Agency Falconry Contacts from the Service's Migratory Bird Program point of contact.

The Service will be required to report the outcome of the Eagle Allocation Process to the NFC annually at the North American Wildlife Conference through their flyway representative. The Service's flyway liaisons will provide annual updates to the respective nongame committees and Councils regarding the results of the previous year's golden eagle permit allocation and take.

Opportunities to obtain an eagle for falconry purposes will be distributed by the Service using an annual random drawing conducted by the DSWA. These opportunities will be based on depredation permits and through rehabilitation transfers until the annual allocation of six eagle take opportunities is reached (81 FR 91494). No opportunities will be allocated to specific flyways, states, or tribal and territorial wildlife agencies; instead, the annual random drawing will establish a nationwide allocation for the distribution of eagles for falconry.

#### ANNUAL POOL OF APPLICANTS

Falconers with a valid falconry license/permit and approval by their SWAWJ to possess an eagle for use in falconry may apply to their SWAWJ to be included in the annual eagle allocation drawing. Each SWAWJ is responsible for evaluating applications they receive from falconers and certifying the list of valid applications (i.e., Master Eagle Falconers) to the DSWA by November 1 annually. If a SWAWJ chooses not to participate in this procedure or fails to submit the list of eligible applicants to the DSWA by the deadline, their applications will not be included in that year's drawing.

Applications will be accepted from all SWAWJ that elect to participate in this procedure and whose certified falconry regulations permit eagle acquisition and possession. Agencies must include the name, address, email address (optional), and phone number for each certified falconer applicant. The DSWA will compile applications, generate a nation-wide application list, and conduct a random drawing.

#### DRAW SYSTEM

The DSWA will conduct a random draw according to its state laws and processes to establish a drawing order from the applicant list. This drawing order will be finalized by December 31

annually. The DSWA, in coordination with the Service's Migratory Bird Program point of contact, will acquire the current list of State Wildlife Agency falconry administrators and notify them of the drawing order so that they can inform their falconers of their position in that order. The DSWA will also provide a list of the SWAWJ over the first 10 falconers that were drawn and the draw order to the Service's Migratory Bird Program point of contact. The advance notification does not guarantee an opportunity; rather it allows the falconers to prepare for the possibility of trapping an eagle or traveling to accept a rehabilitated eagle that year. The drawing order established for one year terminates upon the finalization of the next year's drawing order.

The Service will notify the SWAWJ over the falconer who is next in the drawing and the SWAWJ over the depredation area where the eagle take will occur. The SWAWJ over the first falconer in the drawing will offer the first eagle opportunity to said falconer, by phone and email, after notification from the Service.

This falconer will have five business days to accept the eagle take opportunity after receiving notice of its availability. If the falconer does not respond to the SWAWJ over the falconer within five business days of the initial contact attempt, or declines, the eagle take opportunity will be offered to the next falconer in the drawing order and the falconer's name who declined will be placed at the bottom of the draw list. The process, including additional advanced notification as needed, will be repeated until a falconer agrees to accept the eagle take opportunity or all names are exhausted. A falconer's name is only removed from the drawing list for that calendar year when they accept an eagle take opportunity for that calendar year, or they request to have their name removed from the list.

If a depredation permit holder has justifiable reasons (e.g., littering, disrupting agricultural operations, leaving gates open, etc.) to withdraw sub-permittee status from a falconer, then the permit holder should notify both the falconer and the Service of the sub-permittee withdrawal. The Service will notify the SWAWJ over the next falconer on the list of the opportunity to trap and place. The SWAWJ over the depredation area will also contact the Service's Migratory Bird Program point of contact. The falconer who loses their sub-permittee status will be moved to the bottom of the draw list.

#### TAKE FROM GOLDEN EAGLE DEPREDATION AREAS

After accepting the opportunity, the falconer will be provided with the necessary contact information (*for the Eagle Depredation Permit holder*) and the permit time frame for trapping. The falconer will be responsible for coordinating with the Eagle Depredation Permit holder and the SWAWJ over the depredation area. A selected falconer may designate one agent (either an authorized agency or another falconer) to obtain the eagle on their behalf. This agent must have the necessary authorization from the SWAWJ over the depredation area and that SWAWJ over the state from which that falconer or trapper resides to obtain the eagle as an agent (i.e., the agent must be a qualified falconer). The agent must transfer the captured eagle to the selected falconer within 48 hours. Federal authorization will be conveyed through the Eagle Depredation Permit. The SWAWJ over the depredation area will provide authorization to the selected falconer, agent, or agency according to their laws and processes, and can assist the selected falconer or sub-permitted agent or agency as a local point of contact to answer falconry-related questions and facilitate

transfer of the bird to the selected falconer. Falconers who have questions concerning how to find and select an agent should contact their state wildlife agency.

The falconer or authorized agent or agency must carry a copy of the Eagle Depredation Permit, written designation from the Eagle Depredation Permit holder authorizing the falconer as a sub-permittee, and any authorization needed from the SWAWJ over the depredation area on their person while conducting all eagle trapping and transportation activities.

#### TRANSFER TO FALCONER FROM REHABILITATION

When a Transfer Form for an eagle is approved by both the Service and the SWAWJ over the state where the rehabilitated eagle resides, the latter will notify the Service's Migratory Bird Program point of contact. The Migratory Bird Program point of contact will notify the SWAWJ over the next falconer on the drawing list of the eagle opportunity per the allocation procedure and deadlines above. If the falconer chooses to accept the eagle opportunity, the falconer will be provided with the rehabilitator's contact information to coordinate the transfer. The falconer must take possession of the eagle within 15 business days after receiving notice of availability, or request and receive approval for an extension from the Service and the rehabilitation facility to delay transfer. The falconer is responsible for any costs associated with the transfer. The falconer is responsible for submitting a form 3-186A in the State/Federal Falconry 3-186A Database within 10 days (or per their state wildlife agency rules) of taking possession of the eagle.

#### COMMUNICATION AND INFORMATION FEEDBACK

The Golden Eagle Allocation Procedure involves many partners including federal, state, tribal, NGOs and landowners. In order for the procedure to work, communication amongst all the partners is crucial to the success of the program. The DSWA will communicate the list of falconers drawn to each state falconry contact once the draw is complete. The DSWA will also send a list of state wildlife agencies with falconers drawn to the Service's Migratory Bird Program point of contact. Participating states shall ensure that the name and contact information for their falconry administrator is current in the Service's 3-186A database.

1. Once the Eagle depredation permit application is approved, the Service should be in communication with the SWAWJ over the depredation area and the SWAWJ over the next drawn falconer.
2. Once a falconer accepts the opportunity, the SWAWJ over the depredation area will forward the contact information of the depredation permit holder to the falconer.
3. If an eagle is captured by the falconer, the falconer will contact the SWAWJ over the depredation area and the Service, reporting the "trap-and-place" has occurred. The falconer is responsible for submitting a form 3-186A in the State/Federal Falconry 3-186A Database within 10 days (or per their wildlife agency rules) of taking the eagle.
4. If a depredation permit holder denies access to a selected falconer, the permit holder will request that the Service contact the next SWAWJ over the next falconer on the list. That state agency, in turn, will contact the next falconer in line on the list and the Service's Migratory Bird Program point of contact.

5. The process then starts over at step 1 until the six eagle take opportunities have been allocated for “trap-and-place” or the transfer of a rehabilitated bird occurs.

#### EAGLE TAKE AS IT RELATES TO PROCEDURE

Eagle take allocations authorized during this process will be counted against the annual quota of six. If, during trapping, an eagle dies or is injured beyond reasonable rehabilitation and must be euthanized, then that eagle is counted against the six-eagle annual quota. That take also counts as the falconer’s opportunity for an eagle during that year. The Service’s Migratory Bird Program point of contact will initiate the process to award the next falconer the opportunity.

#### AMENDMENTS

Amendments to this procedure will be coordinated by the NFC. Any of the four NFC representatives can request approval for an amendment to the NFC Chair, which will include details of the amendment and justification. The NFC Chair will distribute the requested amendment to the remaining representatives and allow 30 days for comments. The NFC Chair can call for a vote on the amendment any time after the 30 days has expired.

Figure 1. Golden Eagle\_Allocation Procedure Flow Chart: Take From Depredation Areas

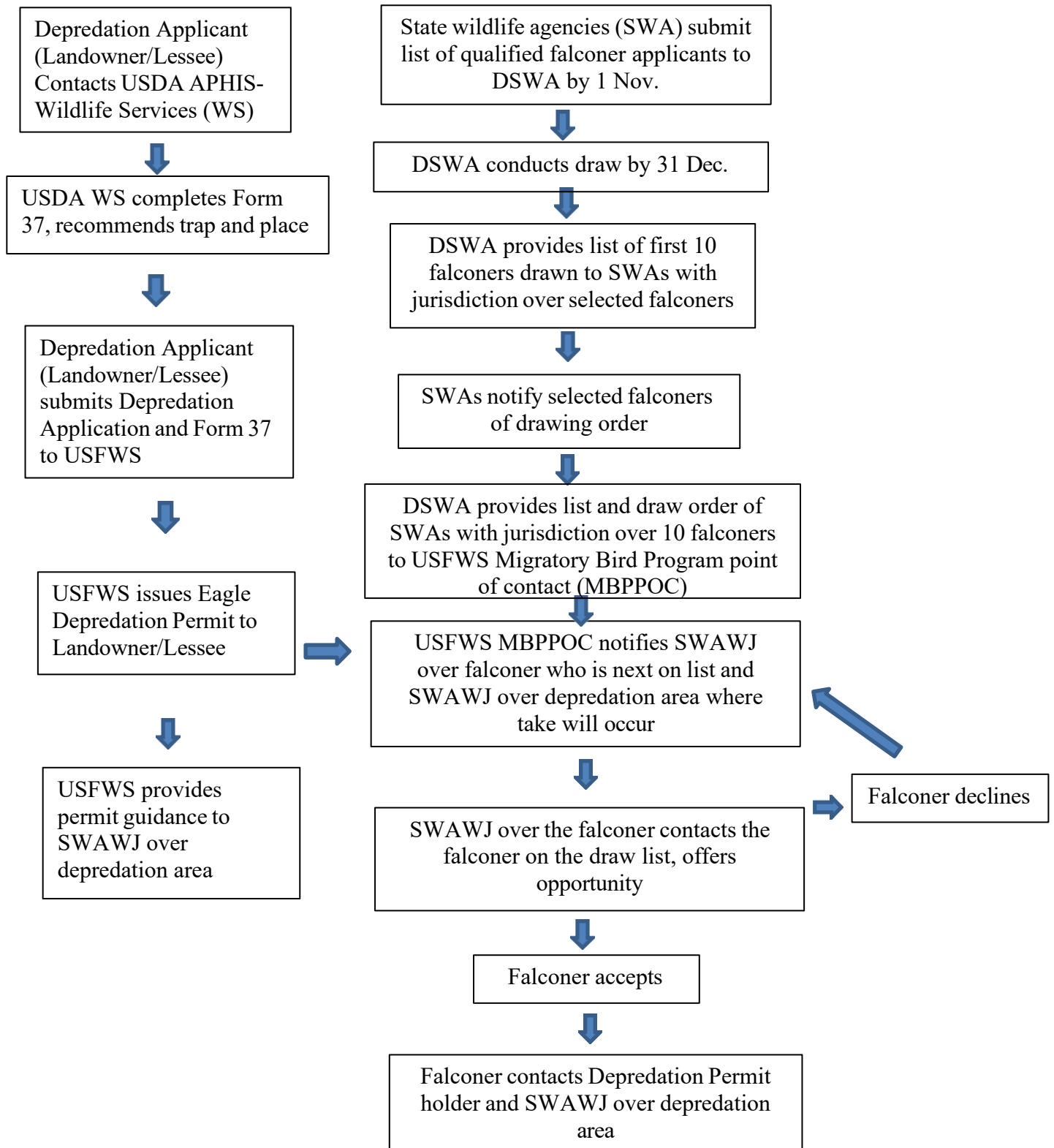
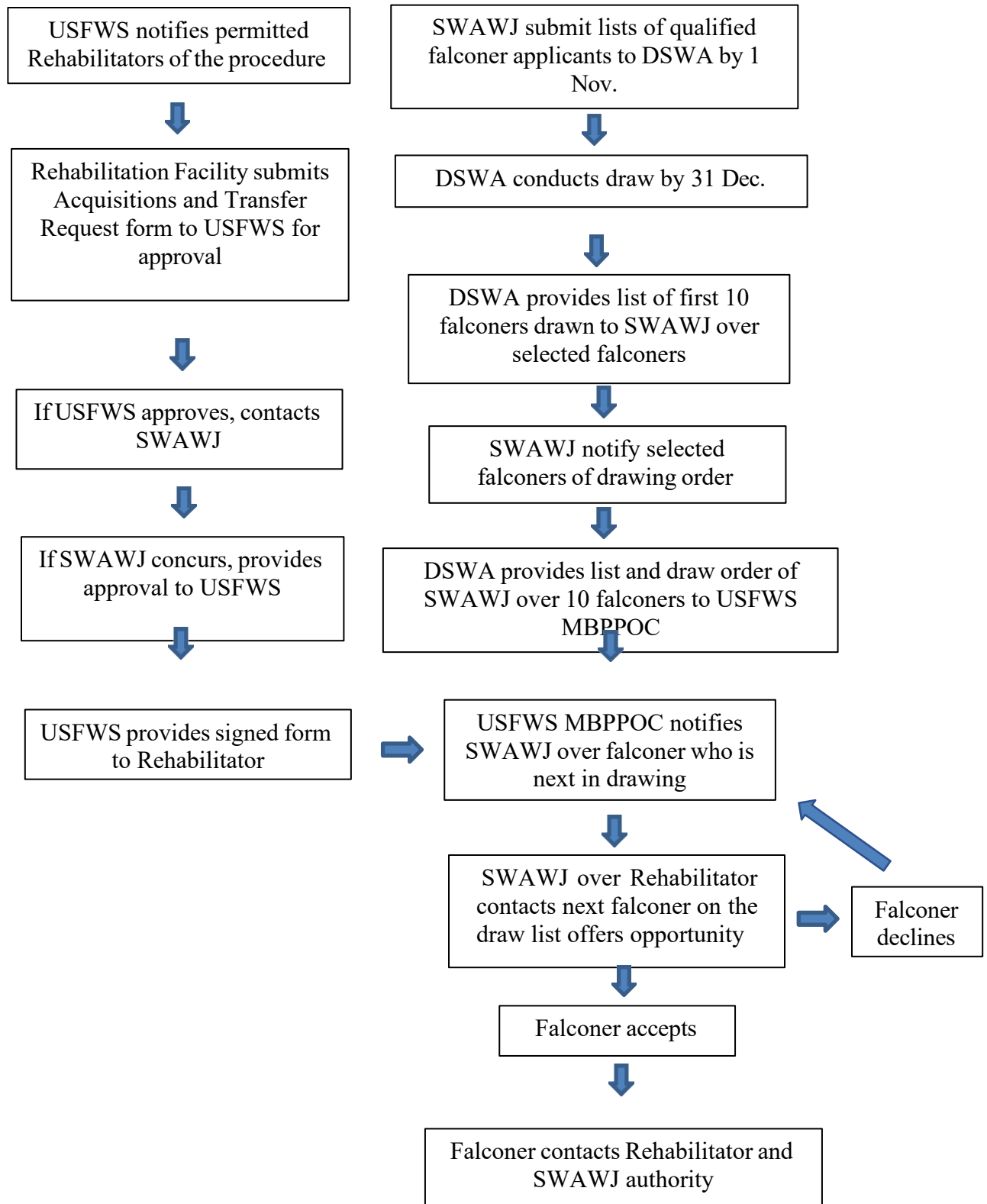


Figure 2. Golden Eagle Allocation Procedure Flow Chart: Rehabilitated Birds



Adoption  
National Flyway Council

A handwritten signature in black ink that reads "Scott Gardner". The signature is written in a cursive style with a long horizontal stroke at the end.

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Scott Gardner, Chair

## APPENDIX 1. Three-year Rotation Schedule for Designated State Wildlife Agencies

2018–2020: Pacific Flyway (Utah)  
2021–2023: Central Flyway (Wyoming)  
2024–2026: Atlantic Flyway (Connecticut)  
2027–2029: Mississippi Flyway  
2030–2032: Pacific Flyway  
2033–2035: Central Flyway  
2036–2038: Atlantic Flyway  
2039–2041: Mississippi Flyway  
2042–2044: Pacific Flyway  
2045–2047: Central Flyway  
2048–2050: Atlantic Flyway  
2051–2053: Mississippi Flyway

## APPENDIX 2. Example DSWA Selection Process Used by Wyoming in 2021–2023

Qualified eagle falconers may participate in an annual drawing for an opportunity to take golden eagles for falconry, either under depredation permits issued by the US Fish and Wildlife Service or from raptor rehabilitators. This document outlines the process followed by the Wyoming Game and Fish Department as the Designated State Wildlife Agency (DSWA) from 2021-2023 to run the drawing and establish the priority list of falconers seeking a capture opportunity. The process is outlined in the National Flyway Council Golden Eagle Allocation Procedure.

1. August/September: Initial email to state falconry coordinators with information about the upcoming drawing.
  - a. Obtain updated list of state falconry coordinators from the Service’s Migratory Bird Program point of contact.
  - b. State falconry coordinators email the name, address, and phone number of their qualified eagle falconer(s) wishing to participate in the drawing to the DSWA. Entries are not accepted from individual falconers without going through their state coordinator.
  - c. Entries shall be submitted by state coordinators no later than November 1.
2. October: Reminder emails to state falconry coordinators to enter their interested falconers prior to the deadline.
3. November:
  - a. November 2 – pre-scheduled email to state falconry coordinators that application period for the drawing is closed and no more entries will be accepted.
  - b. Compile falconer information submitted by the states in spreadsheet. Use Department’s “Virtual Hat” program to assign random numbers and execute the drawing. (Note: Drawing must be completed no later than January 1, the Department chose to conduct it in November).
  - c. Once draw list is established, notify state falconry coordinators with jurisdiction over the top 10 falconers on the list (phone call followed up with an email). Inform them of their falconer’s position on the list and to contact their falconer(s) to alert them of a possible capture opportunity during the next year.
  - d. Send the drawing order of the top 10 falconers (states only, no names) to the Service’s Migratory Bird Program point of contact.
  - e. Send email to remaining state falconry coordinators that the drawing has been completed and the coordinators for falconers in the top 10 have been notified. If requested, provide drawing order for falconers outside the top 10 to their state coordinator.
4. The DSWA for the drawing is not responsible for notifying individual falconers of capture opportunities as they arise. That responsibility falls to the Service and notification is made through the falconer’s state falconry coordinator.