

BALD EAGLE NESTING AND DEVELOPMENT CONSTRAINTS



BALD EAGLE HABITAT

The bald eagle (*Haliaeetus leucocephalus*) occurs throughout the lower 48 states and Alaska, and is federally protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Bald eagles prefer habitat near large bodies of water including inland lakes and rivers and seacoasts where an abundance of fish is present. Areas of frequent human activity and disturbance are usually avoided. Generally, nests are constructed within sight of these waters in mature trees. Nests are typically 4 to 6 feet in diameter. Bald eagles occasionally nest on man-made structures including communications towers and power line support structures.

REGULATORY GUIDELINES

The United States Fish and Wildlife Service (USFWS) and State wildlife agencies have established guidelines for avoiding impacts to bald eagles as a result of development activities. By following these guidelines, the need for federal and State permits can usually be avoided. Activities and projects that do not conform typically require some form of approval or permit from the USFWS and/or State wildlife agency.

The USFWS *National Bald Eagle Management Guidelines* recommend specific buffer distances from bald eagle nests, community roosting sites, and foraging areas. In general, USFWS recommends 1) keeping distance between the activity and the nest; 2) maintaining vegetated (preferably forested) buffers; and 3) avoiding certain activities during the breeding season.

The recommended buffers range from 330 feet to 660 feet. Some states recommend larger buffers and will review projects and make recommendations on a case-by-case basis.

NEPA APPROACH TO BALD EAGLES

As part of federal NEPA projects, applicants often consult with the USFWS and/or State wildlife agencies to obtain an opinion on whether impacts to federally protected species would occur.

To avoid project delays related to the presence of bald eagles, the applicant should consider whether suitable bald eagle habitat and/or known activity are present within or near a proposed project area. Specific attention should be given to those sites that are located within ½ mile or within sight of large water bodies. Some States and USFWS field offices maintain a publicly available mapping program with locations and activity status of known bald eagle nests. Where available, this information should be referenced. If publicly available information is not available,

USFWS and/or the State wildlife agency should be able to review locations of known bald eagle activity and provide recommendations based on the findings. When nests are present within close proximity to a project site and current nest activity status is unknown, a field survey may be necessary.

NESTS ON EXISTING TOWERS

Where bald eagles or their nests are present on communications towers or power line structures, care should be exercised to prevent violation of federal and State regulations when working on or near these structures. Federal regulations prohibit the “take” of bald eagles, including their parts, nests, or eggs. The term “take” includes disturbing eagles in such a way as to agitate to a degree that causes, or is likely to cause: 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. State regulations vary and may be more stringent than federal regulations. Disturbance of an active or unused nest should also be avoided. If work

on the structure containing a nest is unavoidable, further agency consultation is required.

ECA has performed hundreds of eagle, osprey, and migratory bird evaluations throughout the Southeast, Mid-Atlantic, Mid-west, and Gulf-states. If you have questions regarding a specific project or regulatory issue, please call Ben Salter of ECA at (828) 505-0755 or email ben.salter@eca-usa.com.

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