

ATTACHMENT #10
SPGP IV

**CLEARANCE TO PROCEED WITH CONSTRUCTION
ACTIVITIES
ADJACENT TO BALD EAGLE NESTS**

IN REPLY REFER TO:
FWS/R4/ES-JAFL

December 2, 2005

**CLEARANCE TO PROCEED WITH CONSTRUCTION ACTIVITIES
ADJACENT TO BALD EAGLE NESTS**

(Individual single-family homes and any project in the secondary zone)

To Whom It May Concern:

The Florida Ecological Services Field Offices of the U.S. Fish and Wildlife Service receive a large number of requests from applicants wanting individual clearance letters for construction activities in a bald eagle nest territory. Many City and County governments and Water Management Districts require these letters prior to issuing a permit.

In general, the Service discourages all types of construction within the primary zone (0 – 750 feet from a nest tree) of a bald eagle nest territory, based on recommendations in the **Habitat Management Guidelines for the Bald Eagle in the Southeast Region (1987)**. However, in recent years, with a growing bald eagle population in Florida, we have found that certain exceptions are acceptable without harm to the eagle.

This letter provides applicants guidance and subsequent clearance to proceed with construction for the following types of activities within a bald eagle nest territory (0 – 1,500 feet from a nest tree):

1. single-family home construction (not part of a subdivision) in the primary protection zone where a 330-foot buffer or greater, may be maintained from the nest tree and when all exterior construction occurs during the non-nesting season;
2. single-family home construction (not part of a subdivision) where an existing structure of similar size and scope already exist closer than 330 feet, as long as the new structure is at distance equal to but no closer than the existing structure and when all exterior construction occurs during the non-nesting season;
3. all development in the secondary protection zone (750 - 1500 feet) of bald eagle nest trees provided the **Bald Eagle Monitoring Guidelines (September 2005)** are followed for all exterior construction that occurs during the nesting season; or
4. surface water management ponds proposed in the primary zone from 100 feet to 750 feet, constructed during the non-nesting season, associated with new development in the secondary zone. For recommendations on stormwater management in the Florida panhandle, Panama City Ecological Service Field Office area of responsibility, please go to <http://www.fws.gov/panamacity/projects/stormwater.html>.

If the proposed project meets the parameters cited above, and adheres to the following protective measures, we request that local and state regulatory officials refer applicants to this letter, in lieu of sending them directly to the Service for an individualized response.

We will continue to provide formal consultation and written responses to individuals proposing any other type of activity within the primary zone of a bald eagle nest tree. **All projects greater than 1500 feet from a bald eagle nest tree do not need Service review.**

There are limited exceptions to the above when an individualized Service response is warranted. In cases where an applicant has an irregular or narrow lot configuration, or setback restrictions necessitate a reduced buffer even if there are no other existing structures within 330 feet of the nest tree, the Service will provide an individualized response via email or hardcopy.

In ALL cases, we recommend that **exterior** construction activities and site work in the primary and secondary zones be conducted outside of nesting season (October 1 - May 15). "Site work" is defined as all infrastructure work, including roads, sewer, water, power lines, fill and excavation work for homes and buildings. We discourage heavy construction activity during the nesting period, particularly the use of dump trucks. In the event that site work and exterior building construction in the secondary zone is proposed during the nesting season, the **Bald Eagle Monitoring Guidelines (September 2005)** should be initiated. These guidelines are available on our website at <http://www.fws.gov/northflorida>, and shall also be utilized for alternate nest sites.

Interior construction work may be conducted year-round in both the primary and secondary zones without monitoring.

In many instances, young eaglets fledge and are independent (flying and feeding on their own) of the nest during late March or April. If it is confirmed that the young eaglets are independent of the nest sooner than May 15, we do not object to the initiation of site and exterior work at that time. In the event that adult bald eagles do not return to the nest tree by October 1, we do not object to the continuation of work as long as the nest site is adequately monitored. In both situations, we request that the Service be notified, so we may respond to inquiries from concerned citizens.

Lost, Inactive or Abandoned Nests – Florida's destructive hurricane seasons resulted in a number of lost nests and nest trees. As expected, the birds are returning to rebuild their nests in the same tree, or in a tree close to the original territory. If a nest or a nest tree is lost by natural causes or storm events, we recommend that the management guidelines apply through two complete breeding seasons. A nest is considered "abandoned" if it is inactive (unused) but intact or partially intact through five complete breeding seasons; in which case the guidelines no longer apply.

In summary, if an applicant follows these above-referenced recommendations, the Service believes that "take", as defined under Section 9 of the Endangered Species Act, should not occur to the pair of bald eagles or their young, occupying the active nest in question. In the event that the applicant is unable to meet the recommendations provided in this letter, they may contact the Service directly for further guidance.

If you have any further questions, please contact one of the following individuals:

North Florida: Candace Martino via email – candance_martino@fws.gov or at (904) 232-2580, ext. 129;
South Florida: Alfredo Begazo via email – alfredo_begazo@fws.gov or at (772) 562-3909 ext. 234; or
Florida Panhandle: Stan Simpkins via email – stan_simpkins@fws.gov or at (350) 769-0552 ext. 234.

Sincerely,



David L. Hankla
Field Supervisor