

## **Bald Eagle Protection Guidelines**

### **VDGIF Internal-Only Guidance for Project Review**

**\*not for re-distribution – refer to National Guidelines for written language\***

**Breeding Season:** December 15 – July 15, absent documented nesting activity at other times at a particular nest in a given year.

**Summer Concentration Season:** May 15 – August 31.

**Winter Concentration Season:** December 15 - March 15.

#### **Nest / Nest tree Protection:**

- Nest structures and the trees that house them are protected from removal, harm, disturbance, etc.

#### **Habitat Protection around Nests:**

- These protection measures only apply to “recently active” nests.
- “Recently active” nests are those that have been attended (built, maintained, used) by a bald eagle pair within the last 3 breeding seasons (note; the federal guidance is 5 years). “Latent” nest sites are presumed to be protected for 2 years of documented nest site latency (note: the federal guidance presumes 3 years of protection for latent nest sites).
- All documented bald eagle nests are considered “recently active” for three years after latest “active” or “occupied” determination (as attributed in datasets or upon documentation of new sites) As stated above, the federal guidance provides 5 years of presumptive protection.
- Development Activity Restrictions:
  - If activity or completed project is / will be visible from nest:
    - The following activities (federal categories A and B) should not be performed within 660 ft of nest or, upon consultation with VDGIF or USFWS, potentially as close as existing tolerated activity of similar scope:
      - Building construction
      - Construction of roads, trails, canals, power lines, other linear utilities,
      - New or expanded agriculture or aquaculture
      - Alteration of wetlands or shorelines
      - Installation of docks or moorings, installation or expansion of marinas with a capacity of 6 or more boats
      - Water impoundment
      - Mining and associated activities
      - Oil and natural gas drilling and refining and associated activities
    - Any clearing, earth moving, external construction, or landscaping closer to nest than 660ft should be conducted outside of the breeding season.
    - Landscape buffers recommended.
  - If activity and completed project is not / will not be visible from nest:
    - The following activities (federal category A) should not be performed within 330 ft of nest or, upon consultation with VDGIF or USFWS, potentially as close as existing tolerated activity of similar scope:
      - Building construction, 1 or 2 story, with project footprint of less than ½ acre
      - Construction of roads, trails, canals, power lines, or other linear utilities
      - New or expanded agriculture or aquaculture
      - Alteration of wetlands or shorelines
      - Installation of docks or moorings

- Water Impoundment
  - The following activities (federal category *B*) should not be performed within 660 ft of nest or, upon consultation with VDGIF or USFWS, potentially as close as existing tolerated activity of similar scope:
    - Construction of building of 3 or more stories
    - Construction of building of 1 or 2 stories with project footprint of more than ½ acre
    - Installation or expansion of marinas with a capacity of 6 or more boats
    - Mining and associated activities
    - Oil and natural gas drilling and refining and associated activities
  - Any clearing, earth moving, external construction, or landscaping closer to nest than 660 ft should be conducted outside of the breeding season.
  - Landscape buffers are recommended.
- Timber Operations and Forestry Practices (federal category *C*):
  - Avoid construction of log transfer facilities and in-water storage areas within 330 ft of the nest.
  - Avoid clearcutting or removal of overstory trees within 330 ft of the nest at any time.
  - Avoid timber harvesting operations (including road construction, chain saw and yarding operations, construction of log transfer facilities, and in-water log storage areas) within 660 ft of nest during breeding season. This distance may be reduced to 330 ft around alternate nests (Jeff makes determination of this).
  - Habitat management designed to conserve or enhance habitat (burning, thinning, etc.). Consultation with VDGIF and USFWS necessary if need to burn during breeding season.
- Off-road Vehicle Use, including snowmobiles (federal category *D*):
  - No operation within 330 ft of nest during breeding season.
  - If appropriate landscape buffer missing (in open areas), this buffer may need to be extended to 660ft.
- Motorized Watercraft Use, including jet skis, pwc (federal category *E*):
  - No operation within 330 ft of nest during breeding season.
  - Avoid concentrations of noisy vessels within 330 ft of nest during breeding season, unless eagles show history of tolerance.
  - Buffers for airboats should be increased beyond 330 ft during breeding season.
  - All other craft should try to reduce number of trips and avoid stopping within 330 ft of nest during breeding season.
- Non-motorized Recreation and Human Entry (federal category *F*):
  - If activity highly visible or audible from nest, avoid incursion within 330 ft of nest during breeding season.
- Helicopters and Fixed-wing Aircrafts (federal category *G*):
  - Avoid operating aircraft within 1,000 feet of nest during breeding season, unless authorized biologists performing surveys or in an area where eagles have demonstrated tolerance of such activities.
- Blasting and Other Loud, Intermittent Noises (federal category *H*):
  - Avoid blasting, fireworks, etc within ½ mile of nest.

#### **Avoiding Disturbance within/around Concentration Zones and Roost Sites:**

- Recommend coordination with DGIF for any activity within concentration zone or within close proximity of identified roost site.
- Minimize potentially disruptive activities and development in the eagles' direct flight path between their nest and roost sites and important foraging areas.

- Locate long-term and permanent water-dependent facilities, such as boat ramps and marinas, away from important foraging areas.
- Avoid recreational and commercial boating and fishing near critical eagle foraging areas during peak feeding times, except where eagles have demonstrated tolerance.
- Do not use explosives within 1/2 mile (1 mile in open areas) of communal roosts when eagles are congregating, without prior coordination with USFWS and DGIF.
- Locate aircraft corridors no closer than 1,000 vertical or horizontal distance from roost sites.