



Public Works Department - July 2016

Construction Activities Protected and Listed Species



GENERAL INFORMATION



Photograph by Cindi Bateman

The bald eagle (*Haliaeetus leucocephalus*) is on a list of Threatened Species by the Florida Fish & Wildlife Conservation Commission. This classification means the bald eagle could become endangered without proper protection or management.

Protection of Cape Coral's bald eagles is important since Florida's nesting population constitutes over 80 percent of the entire bald eagle population within the southeastern United States.



Photograph by Cindi Bateman



Description

Although smaller than northern eagles, the Southern Bald Eagle weighs 8-10 pounds with a wingspan of 6-7 feet. Females are larger than males, as with most raptors. The head and tails of adult eagles are white and their bodies are dark brown. Their eyes, feet and bill are yellow. Juveniles do not yet have the white head and tail, and are brown with scattered white feathers.



Photograph by Norman Bateman

Diet

Bald eagles are primarily fish eaters, preying occasionally on small mammals and

carrion. Eagles have been seen feeding on roadside kill alongside vultures.



Photograph by Cindi Bateman

Breeding

Bald eagle nesting season runs October 1st through May 15th of the following year. Eagles mate for life and use the same site year after year, if the territory is available. In Florida, the eagles usually return in late September or early October.

One to three eggs are laid between late November and early January. The young eaglets hatch 32-34 days later and leave the nest in 11-12 weeks, usually by mid-May. The young birds wander northward as far as Canada and return by adulthood at 4-5 years of age. They find mates and initiate breeding in the vicinity where they were originally hatched.

It is not known how many eagles survive the first 4-5 years of life, but juvenile mortality is probably high as with most birds.

Protection

The main threat to bald eagles in Florida is loss of nesting habitat due to development. The U. S. Fish & Wildlife Service and the Florida Fish & Wildlife Conservation Commission have established guidelines for protective zones around eagle nests with certain restrictions imposed to ensure continued success of those sites.



Photograph by Cindi Bateman

In Cape Coral, eagles are also protected by city Ordinance 13-92 (Code of Ordinances, Chapter 23). Some of the Cape Coral eagles are somewhat “urbanized” and have had good nesting success with the regulations established. City regulations establish an eagle nest management zone that extends 1,100 feet in all directions from each eagle nest. Within any eagle nest management zone, heavy outdoor construction is prohibited during eagle nesting season. The

City may prohibit construction at any time within 350 feet of an eagle nest.

The following units (specific sections of Cape Coral) **may** be affected by eagle management zones:

28 54 58 63 70 72 73 90 90A

Property owners, real estate agents and contractors are encouraged to contact the Planning Division with any questions regarding eagle nest management zones. It is recommended that you call **prior to filing for a building permit or obtaining a construction loan** if you believe your property falls within any such zone.

Additional information on the study of suburban and rural eagle nesting success can be found at <http://wld.fwc.state.fl.us/eagle/>. The site details the travel patterns of selected bald eagles, including some Cape Coral eagles.

Questions

Malicious destruction of bald eagle nest sites or harassment of eagles should be reported to the Florida Fish and Wildlife Conservation Commission 24 hour Hotline at 1-888-404-FWCC (3922).

If you see a sick or injured eagle, please report C.R.O.W. (Clinic for the Rehabilitation of Wildlife) at 472-3644.

Cape Coral's **BALD EAGLES**



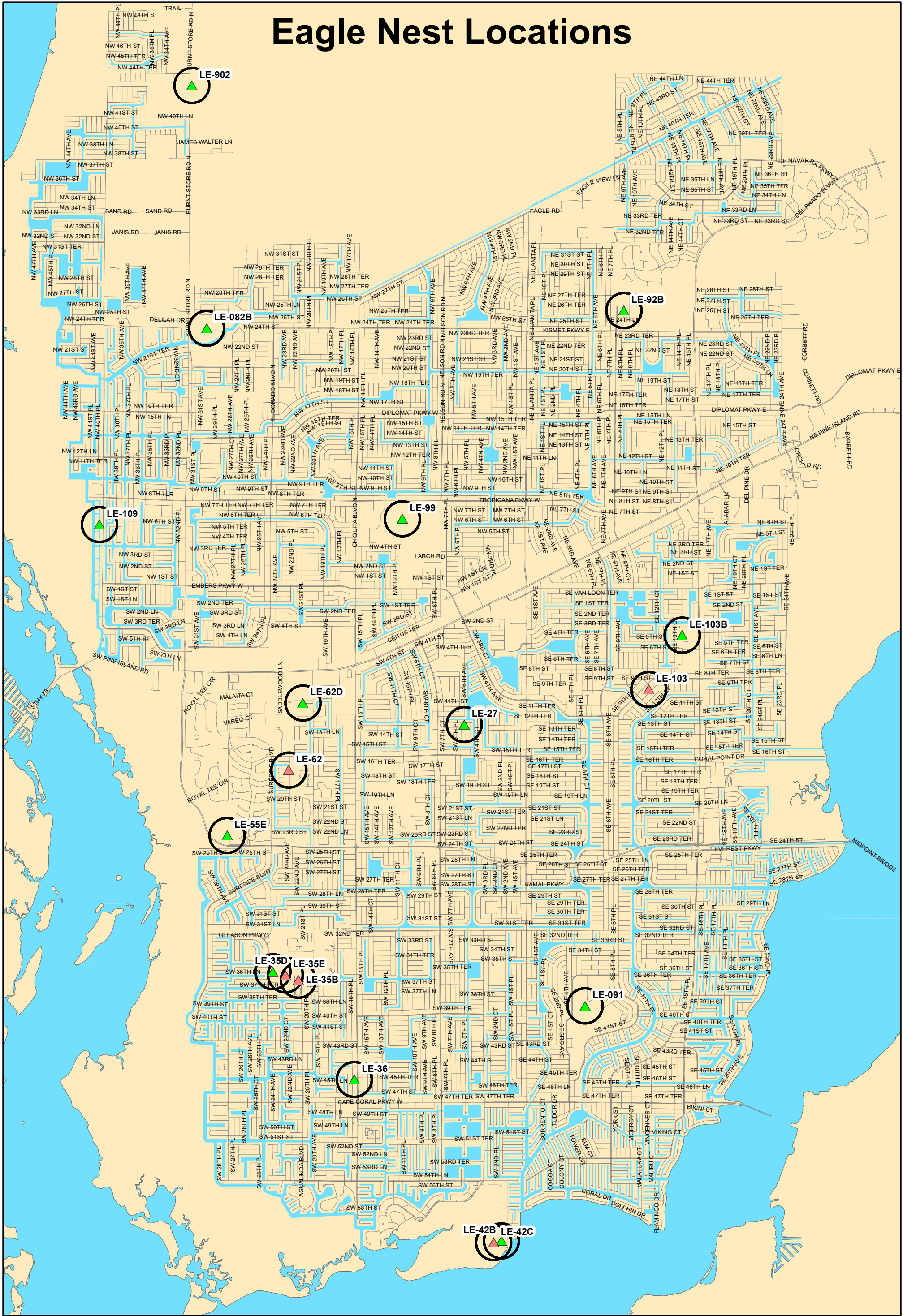
Photograph by Cindi Bateman



Prepared By:
City of Cape Coral
Department of Community
Development

P.O. Box 150027
Cape Coral, FL 33915-0027
(239) 573-3077

Eagle Nest Locations



Eagles2020

STATUS

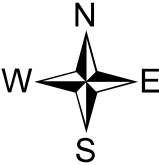
- Active
- Alternate
- 1100ft_Buffer

City of Cape Coral

Active & Alternate Eagle Nests 2020

0 0.25 0.5 1 1.5 2 2.5 3 Miles

*All boundaries are approximate and may vary slightly if measured in the field from the base of the nest tree.



Eagle Nest Locations



Eagles2020 STATUS

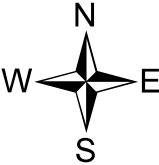
- ▲ Active
- ▲ Alternate
- 1100ft_Buffer

City of Cape Coral

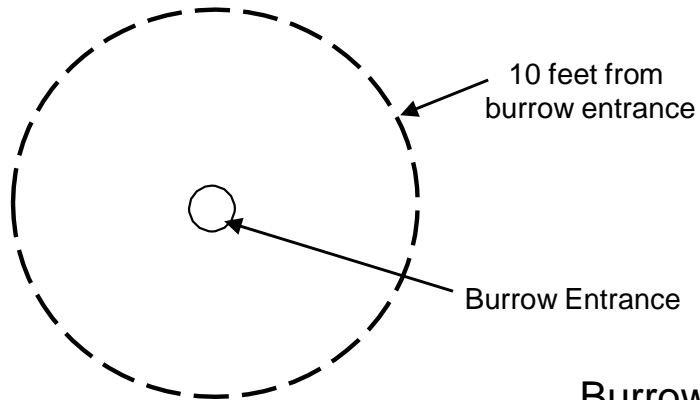
Active & Alternate Eagle Nests 2020

0 0.25 0.5 1 1.5 2 2.5 3 Miles

*All boundaries are approximate and may vary slightly if measured in the field from the base of the nest tree.



Burrowing Owl Protection Zone



Construction and lot mowing activities are prohibited within 10 feet of an owl burrow. This radius is measured from the burrow entrance out, in all directions, equaling a 20 foot diameter. Please store construction materials away from the protection zone, and avoid unnecessary activities near the protection zone.

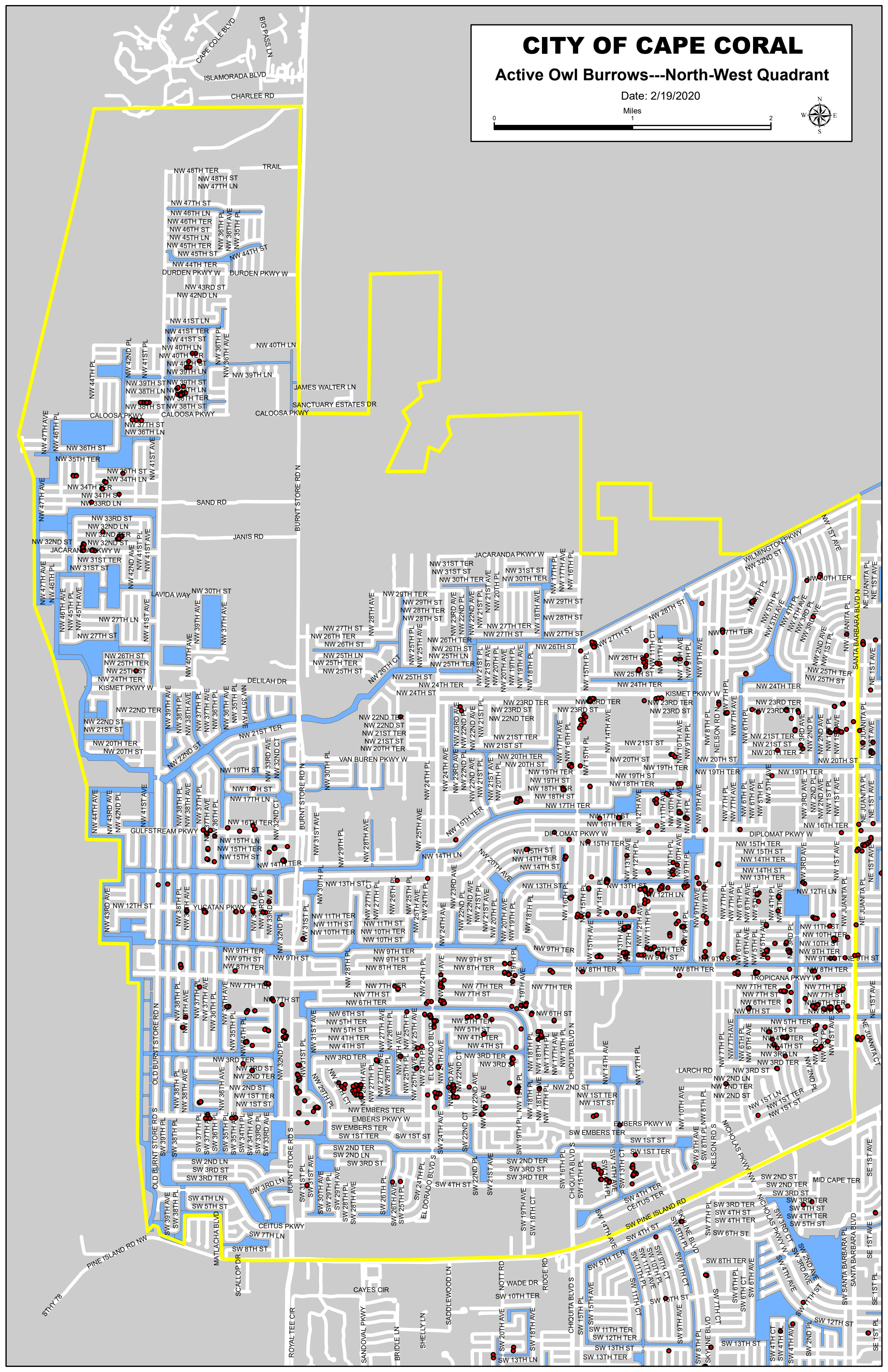
Burrowing Owl burrows – Notice the circular shape and large sand dirt pile (apron) in the front of the burrow opening. Many times there is trash or decoration around burrow. This indicates that the owls are mating or have eggs in the burrow.



CITY OF CAPE CORAL

Active Owl Burrows---North-West Quadrant

Date: 2/19/2020

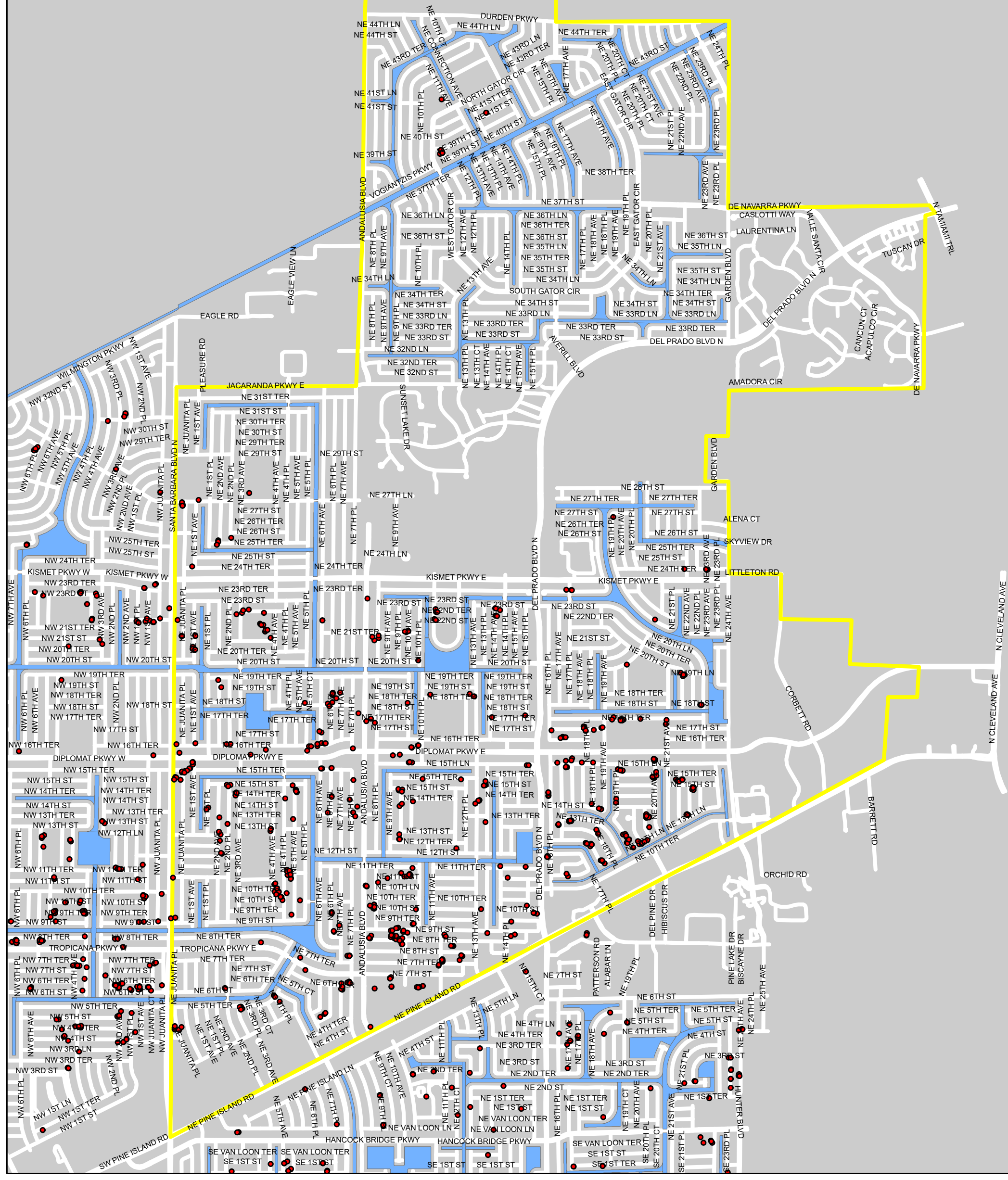


CITY OF CAPE CORAL

Active Owl Burrows---North-East Quadrant

Date: 2/19/2020

Miles
1



CITY OF CAPE CORAL

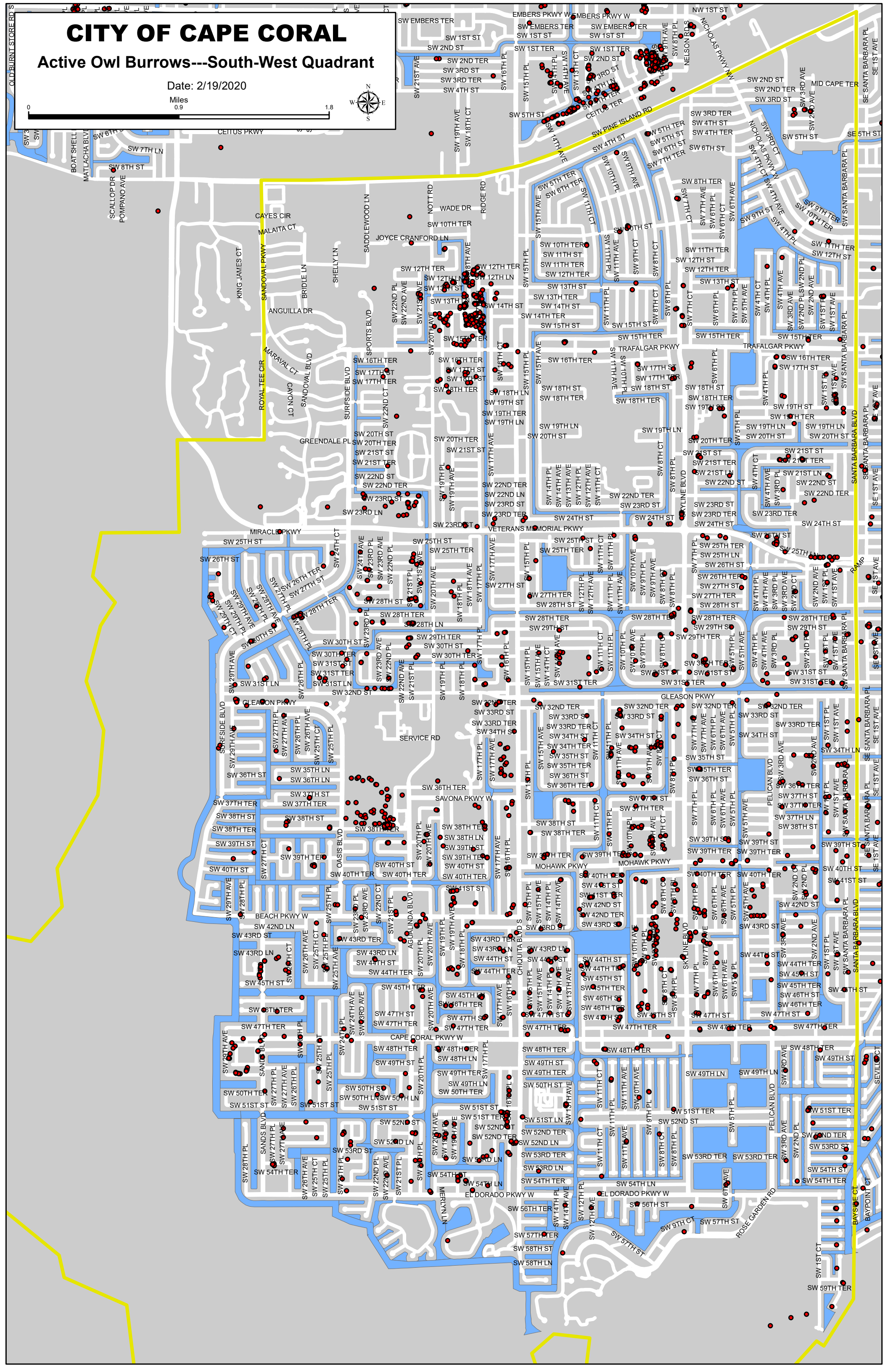
Active Owl Burrows---South-West Quadrant

Date: 2/19/2020

Miles

0.9

1.8

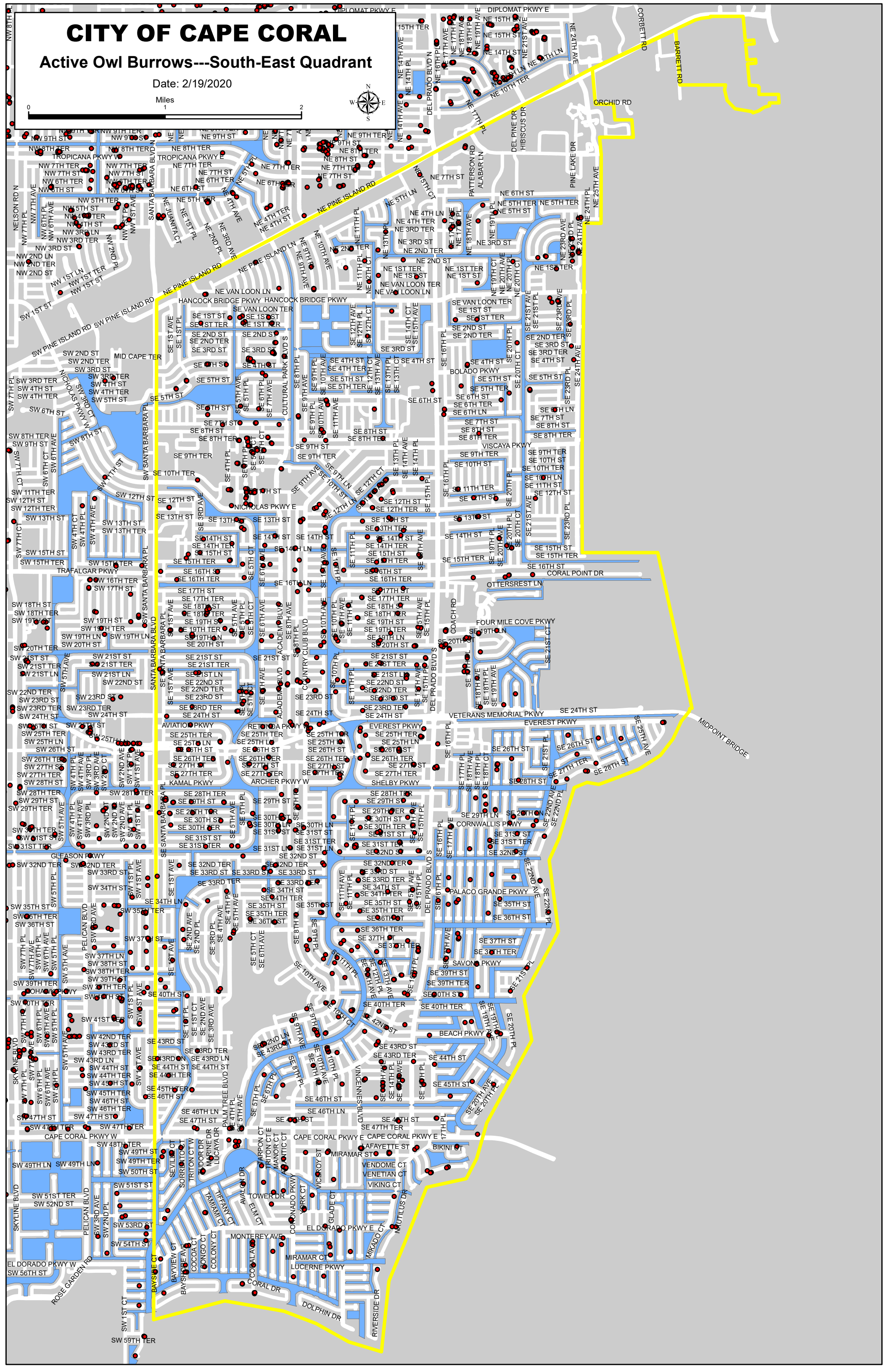


CITY OF CAPE CORAL

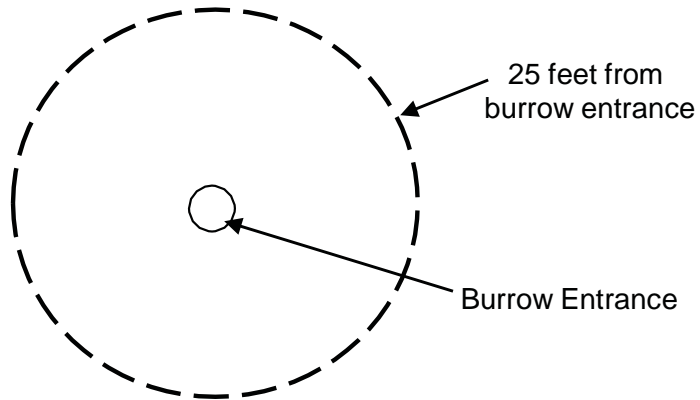
Active Owl Burrows---South-East Quadrant

Date: 2/19/2020

Miles

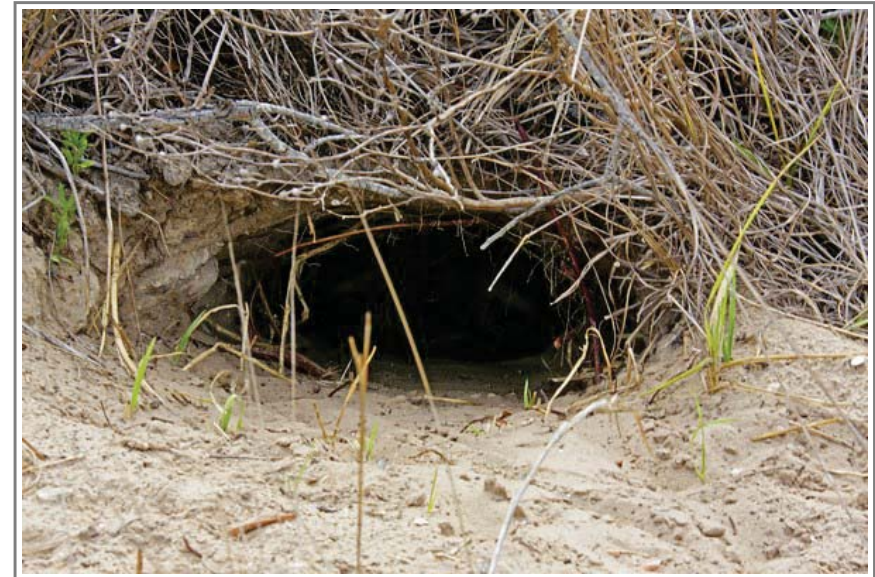


Gopher Tortoise Protection Zone



Construction and lot mowing activities are prohibited **within 25 feet of a gopher tortoise burrow. This radius is** measured from the burrow entrance out, in all directions, equaling a 50 foot diameter. Please store construction materials away from the protection zone, and avoid unnecessary activities near the protection zone.

Photos of Gopher Tortoise burrows – notice the half moon shape and large sand dirt pile (apron) in the front of the burrow opening.

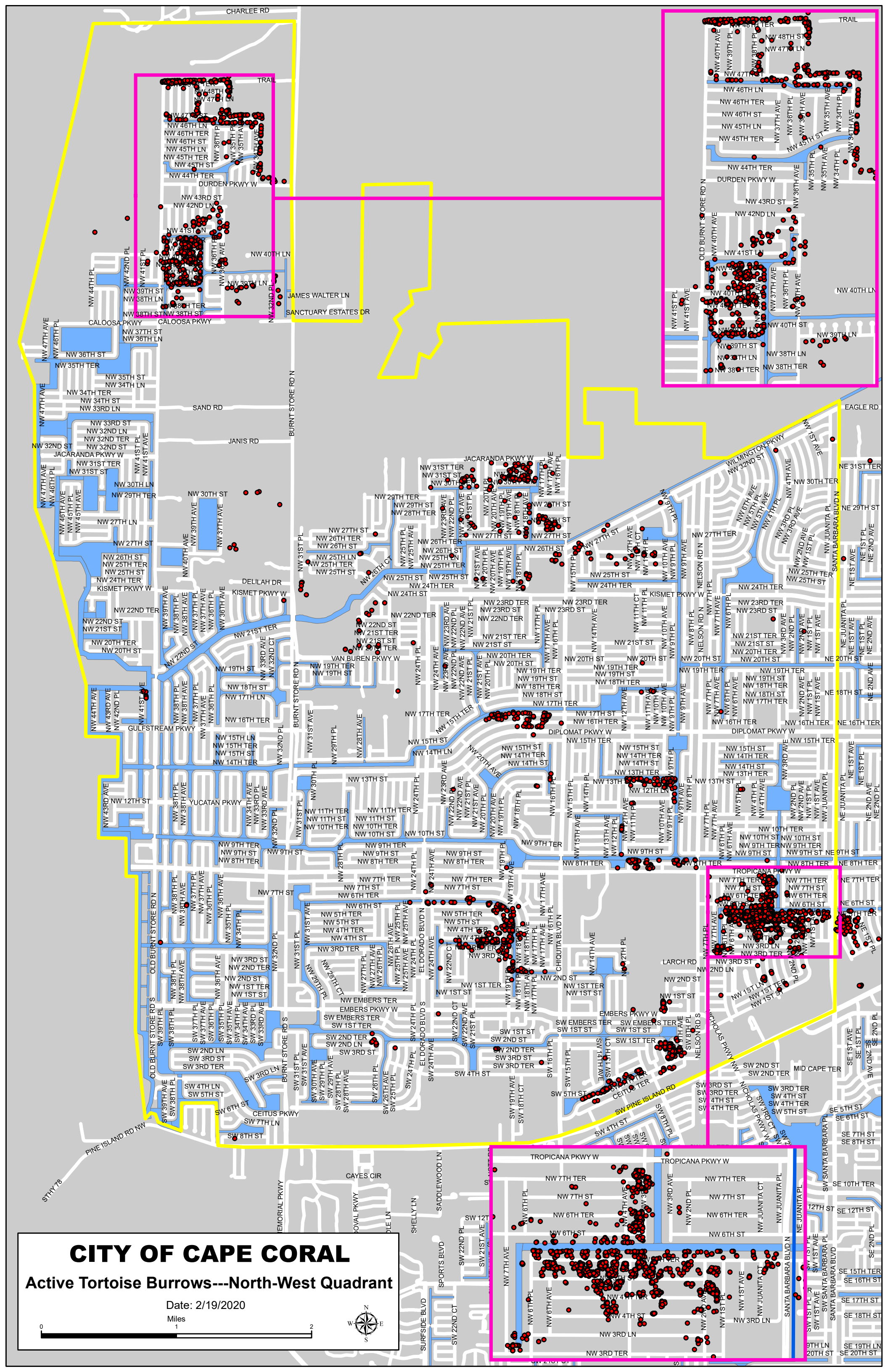


CITY OF CAPE CORAL

Active Tortoise Burrows---North-West Quadrant

Date: 2/19/2020

Miles

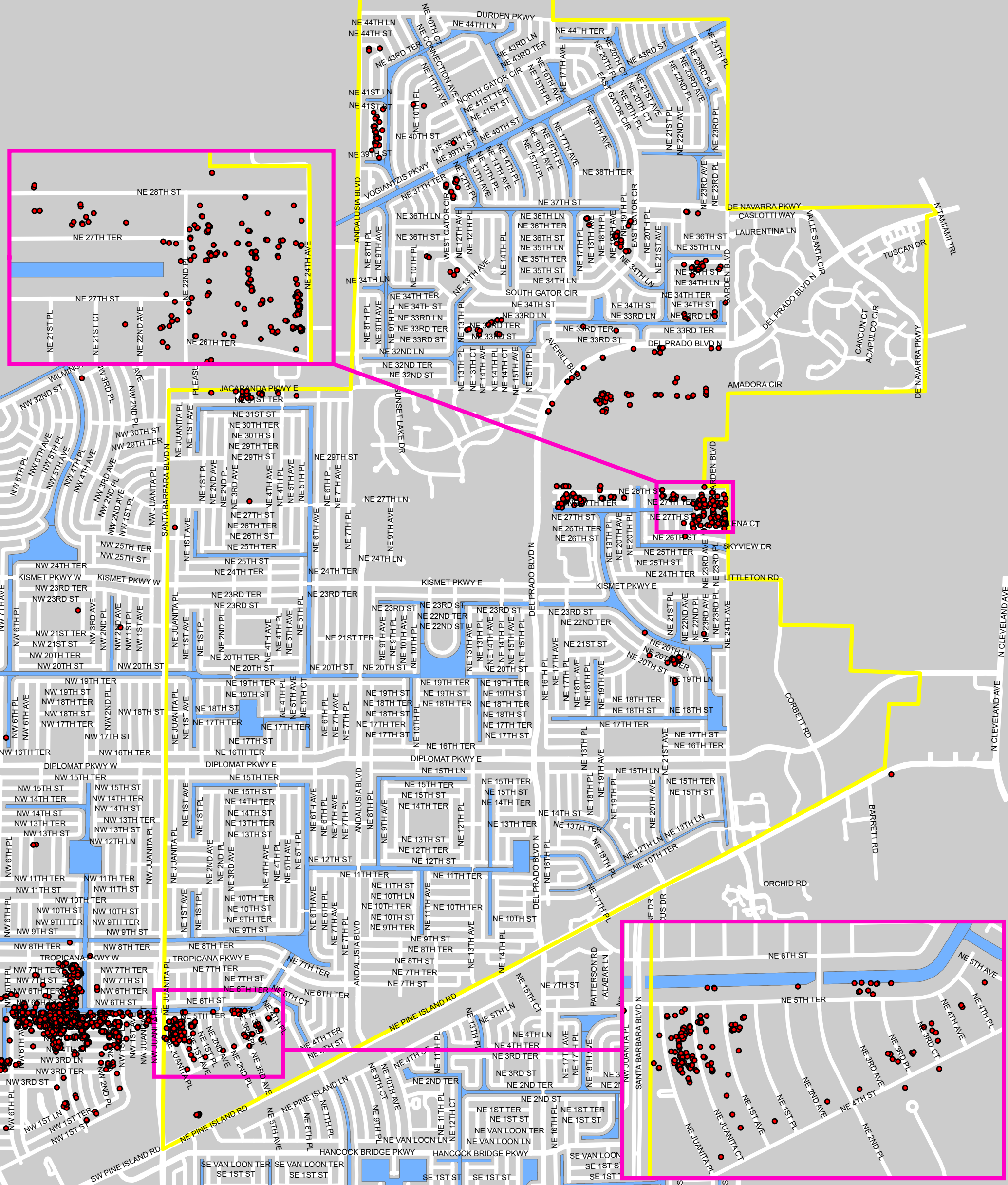


CITY OF CAPE CORAL

Active Tortoise Burrows---North-East Quadrant

Date: 2/19/2020

Miles
1

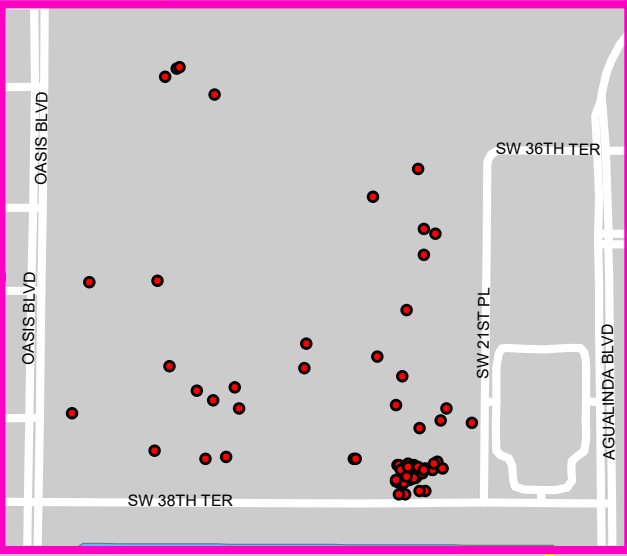
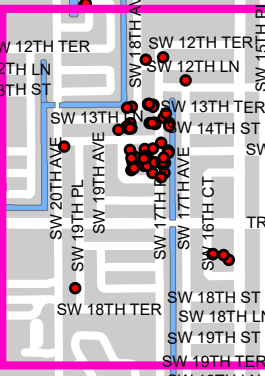
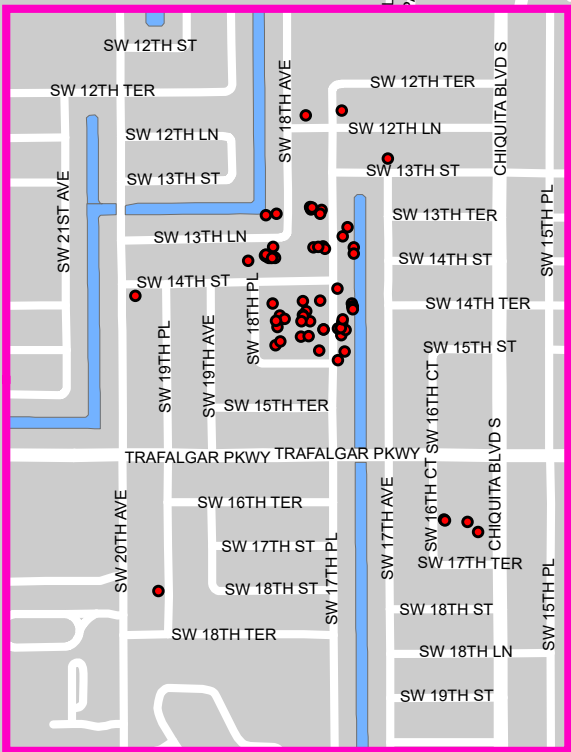
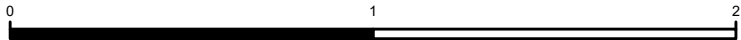


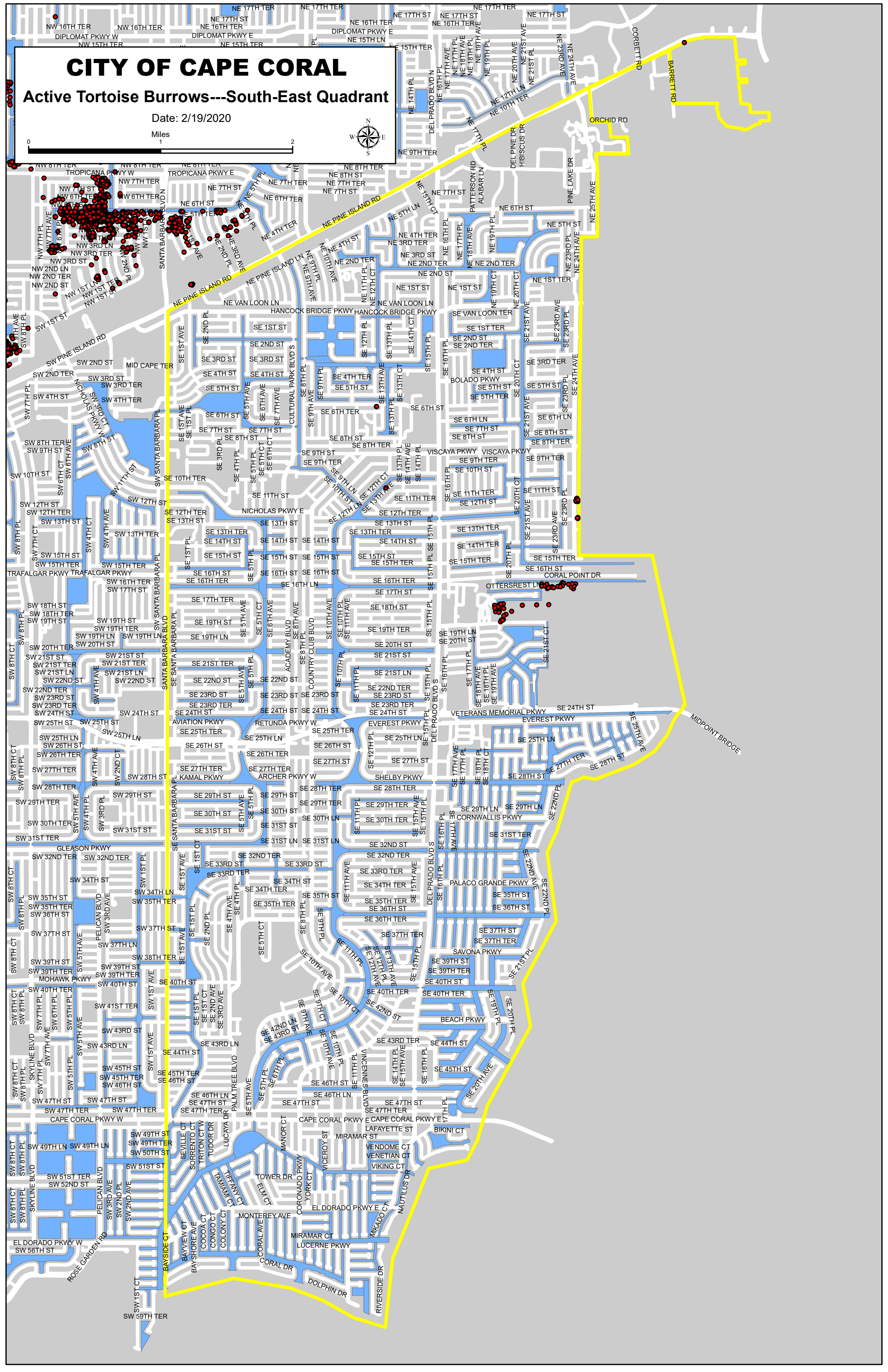
CITY OF CAPE CORAL

Active Tortoise Burrows---South-West Quadrant

Date: 2/19/2020

Miles





Important Phone Numbers

**FFWC (Florida Fish and Wildlife Conservation
Commission)**
(888) 404-3922

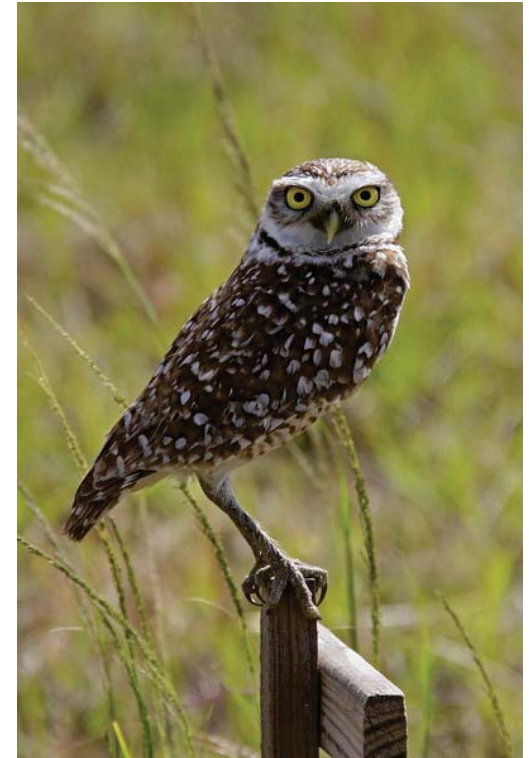
City of Cape Coral Planning Division
(239) 574-0553

City of Cape Coral Environmental Resources
(239) 574-0785

CROW (Clinic for Rehabilitation of Wildlife)
(239) 472-3644

Cape Coral Friends of Wildlife
(239) 980-2593

**City of Cape Coral
Community Development**
(239) 574-4587



CHAPTER 23: PROTECTED SPECIES

Article

I BALD EAGLE PROTECTION

ARTICLE I: BALD EAGLE PROTECTION

Section

- 23-1. Purpose.
- 23-2. Definitions.
- 23-3. Applicability.
- 23-4. Regulations.
- 23-5. Restricted activities.
- 23-6. Building permits.
- 23-7. Bald Eagle Management Plan.
- 23-8. Penalties.
- 23-9. Supplemental regulations.

§ 23-1 Purpose.

The purpose of this chapter is to protect and preserve the Bald Eagle by protecting, enhancing and preserving the nest of the eagle and its immediate environs. With reasonable compensation incentives and proper management, the population of the Bald Eagle in Cape Coral can be maintained.

(Ord. 165-06, 11-27-2006)

§ 23-2 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BALD EAGLE (*HALIAEETUS LEUCOCEPHALUS*). As per the Federal Endangered Species List and the State Threatened Species List, a mature eagle with white plumage on its head and tail feathers, or an immature eagle with dark plumage, which

resides throughout Florida around estuarine areas and along the lakes and river drainage basins within the interior of the state.

CITY. The City of Cape Coral, Florida.

COMMISSION. The Florida Fish and Wildlife Conservation Commission.

CRITICAL EAGLE HABITAT. Lands which are essential to the feeding, breeding, sheltering and other vital behavioral patterns of eagles.

DEVELOPER. Any person undertaking development.

DEVELOPMENT. Any improvement or change of the land induced by human activities.

DEVELOPMENT OF REGIONAL IMPACT (DRI). Any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county, as defined by § 380.06, as the same now exists or may from time to time be amended.

EAGLE NEST MANAGEMENT ZONE. A buffer area that shall consist of a circular area with the active nest of the bald eagle in the center with a radius of 1,100 feet or an irregularly shaped area of approximately equivalent acreage that should be protected and managed to promote optimum protection and nesting conditions for the bald eagle.

HEAVY CONSTRUCTION. Certain construction activities which result in large amounts of noise and land vibration which would result in detrimental impacts to nesting bald eagles. These activities include, but are not limited to, earth moving, excavation, well drilling, lot clearing and grading, concrete work, roofing, framing, pile driving, seawall and dock construction, earth compaction and other outdoor construction activities.

LAND. The earth, water and air above, below or on the surface.

LARGE SCALE DEVELOPMENT. Developments of one acre or greater including, but not limited to, planned development projects and developments of regional impact, which could have a significant effect on the natural environment and population of the city.

LIGHT CONSTRUCTION. Certain construction activities which, if properly performed, should not be detrimental to nesting bald eagles. These activities include, but are not limited to, manual house painting and stucco work, indoor finishing work and the placing of sod and landscaping.

NEST. A structural mass of sticks, twigs, leaves, mosses or other materials which is being occupied or has been occupied by the bald eagle for the hatching and nurturing of eagle young.

NEST TREE. A tree which contains the nest of a southern bald eagle.

NESTING PERIOD. The period of time during which courtship, nest building, egg laying, incubation, brooding and the fledging of the young occur. This period of time is from October 1 to May 15 for most bald eagles.

PARCEL. For purposes of this chapter only, one or more contiguous lots under unified control.

PERCH TREE. A tree used by bald eagles for resting, sleeping, foraging, hunting, feeding, lookout, display or thermal benefit.

PERSON. Any and all persons, including, but not limited to, an individual, firm, association, organization, partnership, business trust, trust, corporation or company.

PLANNED DEVELOPMENT PROJECT (PDP). A complex of structures and uses planned as an integral unit of development rather than as a single principal structure or use on a single lot.

PROPERTY OWNER. Any person having recorded legal title to real property.

QUALIFIED EAGLE MONITOR. A person formally educated in the biological sciences, well experienced in recognizing specific patterns and changes of eagle behavior and capable of recording those observations in a scientific manner, who has been approved by the Director of Community Development, or the Director's designee, to serve in this capacity.

SINGLE-FAMILY RESIDENCE. A single, free standing building designed for one dwelling unit and intended for occupancy by one family.

SUBSTANTIAL COMPLETION. That stage of construction activity at which all heavy construction and all outdoor construction activities which utilize heavy equipment have been completed.

UNIFIED CONTROL. The unrestricted right of any owner or agent to enforce whatever conditions are placed on the use and development of a parcel of land through the provisions of this chapter, by binding his or her heirs, assigns or other successors in title or interest with covenants or restrictions of the development and subsequent use of the land.

(Ord. 165-06, 11-27-2006)

§ 23-3 Applicability.

The regulations contained in this chapter shall apply to all parcels of land located within an Eagle Nest Management Zone. For purposes of this chapter, all nests of bald eagles are presumed to be active nests until determined to be abandoned by the city in accordance with this section. For the purpose of determining whether a particular nest has been abandoned, the city shall utilize the Commission's annual Bald Eagle Nesting Survey in conjunction with eagle monitoring records maintained by the city's Department of Community Development. The Commission's annual Bald Eagle Nesting Survey shall be conclusive as to all nests identified in the survey. With respect to other nests, abandonment shall be determined by the city based on competent evidence. Where eagle nests and/or nest trees which have been identified in Commission or city records are damaged or lost as a result of natural causes, including but not limited to, electrical storms, wind storms, hurricanes, tornadoes or floods which are not the result of human action or inaction, the provisions of this section shall continue to apply for a period of time as established by the Commission.

(Ord. 165-06, 11-27-2006)

§ 23-4 Regulations.

(a) Except as provided elsewhere in this chapter, no construction or development shall take place within an Eagle Nest Management Zone until the plans for construction or development have first been submitted to and reviewed by the city and the Commission.

(b) Developments on parcels of one acre or more, including, but not limited to planned development projects and developments of regional impact, which contain all or part of an Eagle Nest Management Zone shall be required to submit a Bald Eagle Management Plan which complies with the requirements set forth in [§ 23-7](#) below. This plan shall be submitted at the time the initial environmental survey for the project is submitted to the city.

(c) Within that portion of an Eagle Nest Management Zone located within 350 feet of an active bald eagle's nest, the city may prohibit any development or construction from taking place. In the event the city prohibits the development or construction with respect to a parcel and the owner or developer is unable to reasonably accommodate this restriction through planning and design of conservation open space so that this restriction has the effect of depriving the owner of the practical use of the parcel, then the city shall, at the owner's request, purchase the parcel at its fair market value. For purposes of this chapter, the fair market value of the parcel shall be the value as determined by an independent real estate appraiser chosen by mutual agreement of the city and the owner. In the event the city and the owner are unable to mutually agree on the selection of an appraiser, then the city shall select an appraiser and the owner shall select an appraiser and those two appraisers shall then select a third appraiser, who shall then determine the fair market value of the parcel.

(Ord. 165-06, 11-27-2006)

§ 23-5 Restricted activities.

(a) *Prohibited activities.*

(1) During eagle nesting season, or until there is sufficient evidence that all young eagles in the nest have successfully fledged, or until the United States Fish and Wildlife Service or the Commission verifies that a nest is not being used or that no fledgling has survived, the following activities are prohibited within Eagle Nest Management Zones, except as provided in subsection (b) below:

a. All construction and development activities, including, but not limited to, excavation, land clearing, tree trimming or tree cutting; and

b. Lot mowing on vacant lots.

(2) The use of any chemicals which are known to be toxic to wildlife is prohibited at all times within Eagle Nest Management Zones.

(3) No person shall be permitted within 150 feet of the base of any tree which is occupied by an eagle or an eagle's nest, or beyond the edge of the nearest street to the tree, whichever is the greater distance, during eagle nesting season or until all young eagles have successfully fledged. This section shall not, however, be construed to, in any way, limit or restrict normal vehicular travel on or along any public roadway or street located within the 150 feet distance. Furthermore, this section shall not be construed to prohibit or unduly restrict activities which are normally associated with residential living for persons who may reside within the 150 feet distance.

(4) The use by any person of any device, including, but not limited to, any foodstuff or lure, to entice a bald eagle away from its nest for any purpose, including, but not limited to, photography or observation, is prohibited without the prior written consent of the Commission.

(5) Nest trees shall not be removed, cut, trimmed or otherwise disturbed in any manner at any time unless the nest has first been declared to be abandoned pursuant to the provisions of this chapter.

(6) Perch trees located within an Eagle Management Zone shall not be removed, cut, trimmed or otherwise disturbed in any manner at any time unless the prior written approval of the city's Department of Community Development is obtained. It shall be the responsibility of the owner to request the prior written approval from the city's Department of Community Development and to provide the city's Department of Community Development with competent sufficient evidence that the location of the particular perch tree is such as to deprive the owner of the practical use of the parcel or that the perch tree is dead and, by its continued existence, poses a danger to life and

property. In the event the removal of the perch tree is approved by the city, then the owner may be required to provide an alternative eagle perch if the alternative perch would mitigate the negative effects of the removal of the perch tree.

(b) *Exceptions.*

(1) If construction is begun and is substantially complete prior to nesting season, an owner may be permitted to perform light construction activities so as to complete the principal structure during nesting season if approved by the city and the commission. However, construction of accessory structures, including, but not limited to pools, pool enclosures (other than those which are fabricated off-site), docks, piers, seawalls, gazebos or worksheds shall not take place during nesting season.

(2) Scientific investigations approved by the Commission and/or the United States Fish and Wildlife Service shall be permitted, provided that the city's Planning and Environmental Resource Divisions are given prior notification of all the investigations and are provided with all study reports and publications.

(3) Licensed veterinarians shall be permitted to provide medical attention to any sick or injured eagle.

(4) Emergency repairs of damage caused by fire, wind, flood or similar disaster may be permitted by the city for any habitable building, as necessary to protect the structural integrity thereof or as necessary for the health or safety of its occupants.

(5) The city may permit the repairs of septic tank failures, storm water drainage systems, and ruptured water, sewer, electricity, telephone and other utility lines and pipes, as are necessary to protect the public health and safety.

(6) For public infrastructure projects commenced and substantially completed prior to the nesting period, the city may permit the completion of the construction activities, as are necessary to protect the public health and safety. For purposes of this subsection (b)(6) only, the term ***SUBSTANTIALLY COMPLETED*** shall refer to a public infrastructure project that is nearing completion and shall not be construed as subject to the definition of "substantial completion" set forth in § [23-2](#) above.

(7) The city may permit the mowing of vacant lots when declared to be necessary by the Chief of the Cape Coral Fire Department to prevent or ameliorate a fire hazard.

(8) During the nesting period, heavy construction and development activities may be conducted within an Eagle Nest Management Zone if those activities are in accordance with an approved Bald Eagle Management Plan, which complies with the requirements set forth in § [23-7](#) below. The construction activity pursuant to this subsection, shall be permitted only if the developer agrees in writing, as part of the submission of the Bald Eagle Management Plan, that all construction activity will

immediately cease in the event the Director of the Department of Community Development, or the Director's designee, or the approved Qualified Eagle Monitor observe abnormal eagle behavior as provided for in § [23-7](#)(f) below.

(Ord. 152-06, § 1, 10-30-2006; Ord. 165-06, 11-27-2006)

§ 23-6 Building permits.

All building permits issued by the city for property located within all or part of an Eagle Nest Management Zone shall have affixed thereto a label which clearly states that the property lies within the Eagle Nest Management Zone. The City Building Official, Code Enforcement Officer or other person as may be designated by the City Council, shall issue stop work orders for any development or construction that is not in compliance with the provisions of this chapter or until any suspected infractions have been inspected and resolved.

(Ord. 165-06, 11-27-2006)

§ 23-7 Bald Eagle Management Plan.

(a) Bald Eagle Management Plans shall be prepared by qualified experts with knowledge and experience in the biology of the Bald Eagle.

(b) The Bald Eagle Management Plan shall be reviewed by the Director of the Department of Community Development or the Director's designee concurrently with other development plans for the project. The Director or the Director's designee shall determine that the Bald Eagle Management Plan provides appropriate safeguards to prevent disturbing the bald eagle to the degree that it interferes with or interrupts normal breeding, feeding or shelter habits, causing injury, death or nest abandonment and to avoid potential violations of federal, state and local laws. The Department of Community Development shall provide the applicant with written comments concerning the plan. Those comments may include, but not be limited to, modifications necessary to obtain development permits for the project.

(c) Approved Bald Eagle Management Plans shall run with the land and be binding on the owner, his or her successors, and assigns.

(d) The owner shall prepare, on an annual basis, a monitoring report on the condition of the eagle habitat. Monitoring reports shall be required for a period of five years from the date when final approval of the project was obtained.

(e) All bald eagle management plans shall include, at a minimum, the following:

(1) *Site plan.* A site plan, drawn to scale, shall be submitted and shall depict the following:

- a. Location of any and all bald eagle nests and nest trees which are either on the site or within the Eagle Nest Management Zone applicable to the site;
- b. Areas of the parcel proposed to be cleared of any vegetation;
- c. Location of all existing and proposed structures, accessory structures and parking areas;
- d. Location of all perch trees frequented by eagles;
- e. Proposed densities on the parcel;
- f. A listing of all proposed uses by type (e.g. single-family, multi-family, commercial, professional, industrial);
- g. Height of all structures;
- h. Location of proposed and existing roadways;
- i. Phasing plans for construction, indicating activities proposed during nesting and non-nesting periods; and
- j. Size and location of areas proposed for designation as a Critical Eagle Habitat.

(2) *Outline of management activities.* An outline of proposed management activities shall be submitted and shall address the following:

- a. Proposed preservation of any exotic trees, including, but not limited to, Melaleuca, Brazilian Pepper and Australian Pine which are actually used as eagle nest or perch trees and any proposed removal of exotic vegetation from the site; and
- b. Proposed education plan for residents or occupants of the site through the use of written materials including, but not limited to, brochures and signage.

(3) *Statement of qualifications.* For bald eagle management plans that are seeking permission to perform heavy construction and/or development activities within an Eagle Nest Management Zone during the eagle nesting period, a proposed Qualified Eagle Monitor shall be identified and a statement of the qualifications including, but not limited to, relevant education, training and experience, of the proposed Qualified Eagle Monitor shall be submitted.

(f) The city may approve Bald Eagle Management Plans that will permit heavy construction and development activities within an Eagle Nest Management Zone during the eagle nesting period. A Bald Eagle Management Plan shall be considered for approval only if it identifies a Qualified Eagle Monitor, approved by the Director of the

Department of Community Development or the Director's designee, who will monitor the heavy construction and development activities during the eagle nesting period. Monitoring shall be implemented in accordance with the monitoring protocol described in the *United States Fish and Wildlife Service Bald Eagle Monitoring Guidelines* ("USFWS Guidelines"), dated September 2006, except that the monitoring protocol shall be applied to the entire 1,100 feet of the Eagle Nest Management Zone as opposed to any lesser dimension that may be identified in the *USFWS Guidelines*. The purpose of monitoring bald eagle nests under this section is to prevent disturbing the bald eagle to the degree that it interferes with or interrupts normal breeding, feeding or shelter habits, causing injury, death or nest abandonment and to avoid potential violations of federal, state and local laws. The Monitor shall immediately notify the City of Cape Coral if there is observation of abnormal behavior of the adult eagles or their chicks that may be elicited in response to development activities occurring within the Eagle Nest Management Zone, as described in the *United States Fish and Wildlife Service Monitoring Guidelines*. If the Director of the Department of Community Development, or the Director's designee and/or the Monitor observes abnormal behavior, the city shall stop all construction and development activity. The city will report any suspension of work activities and/or observed abnormal eagle behavior to the Developer, United States Fish and Wildlife Service and the Commission. The City of Cape Coral, United States Fish and Wildlife Service and the Commission will coordinate a review of the reported behavior and circumstances associated with any suspension of work activities to make a written recommendation as to whether construction should resume or be modified, or if monitoring frequency should be increase.

(g) Any amendments to a Bald Eagle Management Plan must first be approved by the City Council after review and recommendations from the city's Planning and Environmental Resources Divisions and the Commission Director of the Department of Community Development or the Director's designee. Proposed amendments which would have the effect of decreasing or diminishing the development or construction restrictions with respect to a parcel may be permitted only if the applicant submits sufficient evidence that is found by the Director of the Department of Community Development or the Director's designee to be sufficient to establish that the degree of protection offered by the original plan is no longer necessary.

(Ord. 165-06, 11-27-2006)

§ 23-8 Penalties.

(a) Any person convicted of violating any of the provisions of this chapter shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both the fine and imprisonment. That person shall also pay all costs and expenses incurred by the city in instituting or having such an action instituted. Each day the violation continues shall be considered a separate offense.

(b) In addition to any other penalty provided by this chapter, any person who violates this chapter may be required to restore the Eagle Nest Management Zone to its

condition prior to the violation. In the event restoration is not completed within a reasonable time after notice to the violator of the need for the restoration, then the city may undertake the restoration and the cost of the restoration shall constitute a lien upon the property until paid in full.

(c) In addition to any other penalty provided by this chapter, any violation of this chapter constitutes a public nuisance subject to restraint by injunction.

(Ord. 165-06, 11-27-2006)

§ 23-9 Supplemental regulations.

This chapter does not replace the Federal Endangered Species Act, the Federal Migratory Bird Act, the Federal Bald Eagle Act, the Florida Threatened Species Act or any other like regulation. Rather, this chapter is intended to supplement those laws to ensure protection of Critical Eagle Habitat.

(Ord. 165-06, 11-27-2006)



Quick reference information for Florida bald eagle regulations, permitting and contacts Florida Fish & Wildlife Conservation Commission (FWC) and U.S. Fish & Wildlife Service (USFWS)

*To avoid a potential violation of state and federal eagle laws, FWC and USFWS eagle permit(s) may be required for any project or activity within 660 feet of a bald eagle's nest tree.
Please consult the state and federal bald eagle management guidelines listed below for guidance.*

Information	State (FWC) Eagle Rule 68A-16.002	Contents	Federal (USFWS) 50 CFR 22.23, 22.26, & 22.27	Contents
Nest Locator	https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx	FWC Database of all documented nests in Florida. Please report any undocumented eagle nests and send any nest related questions to baldeagle@myfwc.com .		
Bald Eagle Website	http://myfwc.com/wildlifehabits/managed/bald-eagle/	Management plan, permitting, nest locator, contacts, etc.	www.fws.gov/migratorybirds/baldeagle.htm	Management plan, permitting, contacts, etc.
Bald Eagle Management Guidelines	http://myfwc.com/media/427567/Eagle_Plan_April_2008.pdf	FWC eagle regulations, buffer zones, eagle biology, etc.	http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/NationalBaldEagleManagementGuidelines.pdf	National eagle regulations, buffer zones, eagle biology, etc.
Eagle Disturbance Application	http://myfwc.com/license/wildlife/protected-wildlife/eagle-permits/	FWC application when there is a potential to disturb or otherwise take eagles.	http://www.fws.gov/forms/3-200-71.pdf	Rule 50 CFR 22.26 USFWS application when there is a potential to disturb or otherwise take eagles.
Eagle Nest Take Application	http://myfwc.com/license/wildlife/protected-wildlife#howToApply	FWC application for cases when there is a threat to human or eagle health or safety and the nest must be removed to alleviate the threat.	http://www.fws.gov/forms/3-200-72.pdf	Rule 50 CFR 22.27 USFWS application for nest removal. See #1 on application for full list of qualifying criteria applicable to this permit type.
Eagle Depredation Application	http://myfwc.com/license/wildlife/protected-wildlife#howToApply	FWC application for the non-injurious disturbance of eagles that are threatening livestock or other personal property.	http://www.fws.gov/forms/3-200-16.pdf	Rule 50 CFR 22.23 USFWS application for the take of eagles that are threatening livestock or other personal property. Also for human or eagle health and safety.
Contact Information:	FWC Eagle Plan Coordinator Michelle.Vandeventer@MyFWC.com or 941-894-6675 Office or 352-260-8699 Cell Eagle Nest Locator Questions: baldeagle@MyFWC.com		USFWS Southeast Region Eagle Permit Information Resee_Collins@fws.gov or Ulgonda_Kirkpatrick@fws.gov 404-679-4163 Office 352-253-6957 Office	



Florida Fish & Wildlife Conservation Commission (FWC) & U.S. Fish & Wildlife Service (USFWS)



Bald Eagle Laws and Regulations Information

How can I make sure that a bald eagle's nest will not be impacted by a new project?

The FWC and USFWS encourage all permit applicants and regulatory officials to utilize the [FWC nest locator](#) before permitting or starting any project that has the potential to impact a bald eagle's nest, i.e. land clearing, construction, etc. This database does not take the place of an on-the-ground survey, but it is an excellent place to start. Check [here](#) to see if the eagle's nest is documented; if not then please [report it to the database](#). The [FWC eagle web site](#) features a [technical assistance page](#), a list of construction and other activity types that may disturb nesting bald eagles, and links to the [state](#) and [federal](#) bald eagle management plans.

What do I do if a project may need an eagle permit?

If an eagle or eagle nest may be affected by the proposed project it may be necessary to obtain both a federal and state eagle permit. More information on state and federal permit requirements can be found on the [FWC eagle permitting web site](#). [Regional Biologists](#) and the [FWC eagle plan coordinator](#) are also available to provide additional assistance as necessary. The [USFWS eagle permit coordinator](#) or the [USFWS Bald Eagle Biologist](#) may also be contacted if you have questions about the federal eagle permit.

Will there always be a need for both a federal and state eagle permit?

Ultimately the goal for FWC and USFWS is to have a single permitting process. In the interim, applicants may be required to obtain both FWC and USFWS eagle permits.

What are the federal permitting regulations?

There are two new federal permitting regulations under the Bald and Golden Eagle Protection Act. The regulation set forth in [50 CFR § 22.26](#) provides for issuance of permits to take bald eagles and golden eagles where the taking is associated with but not the purpose of the activity and cannot practicably be avoided. Most take under this regulation will be in the form of disturbance, with avoidance and minimization measures, mitigation and monitoring are generally required. Inactive nests, as defined by FWC, are defined by the absence of eagle activity for a period of 5 years. The regulation at 50 CFR § 22.27 establishes permits for removing eagle nests. Nests may only be removed in cases of safety emergencies, public health and safety, when a nest prevents the use of a human-engineered structure, or when it provides a net benefit to eagles. Only inactive nests may be taken, except in the case of safety emergencies. Inactive nests are defined by USFWS by the continuous absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days leading up to the time of take. Please visit the [Questions and Answers web site](#) of the USFWS for more information.

Since the bald eagle is no longer a listed species, is it still being protected by state and federal laws?

Yes, the bald eagle is still protected by both state and federal eagle laws. The Florida eagle rule, [F.A.C. 68A-16.002](#), outlines that it is illegal to disturb or take an eagle in Florida. There are two federal eagle laws, the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). For more information about the federal eagle laws please visit the [USFWS bald eagle web site](#).

Will previously issued state and federal permits still be honored by FWC and/or USFWS?

Yes, under part (1)(c) of F.A.C. 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*), FWC permits issued under imperiled species regulations or Biological Opinions or permits issued by the USFWS under the Endangered Species Act will be honored. The USFWS also has a permit available to extend the authorization granted under a previously issued Biological Opinion, however there is specific issuance criteria under 50 CFR § 22.28.

When was the bald eagle removed from the state and federal endangered species list?

The FWC removed the bald eagle from the state list of threatened species and adopted a rule to protect eagles (F.A.C. 68A-16.002) in May 2008. The FWC has also released a state [Bald Eagle Management Plan](#) which has guidelines to use when conducting any project within 660 feet of an eagle's nest. The bald eagle was removed from the federal list of endangered species in August 2007. There are also federal [National Bald Eagle Management Guidelines](#) available through the USFWS. The state and federal eagle management plan guidelines are not law. The plans provide guidance to help people avoid violating state and federal eagle laws.

What is the current population status (both nationally and in Florida) of the bald eagle?

The current nesting population of the bald eagle in the lower 48 states is estimated at 10,000 pairs. The numbers for the 2008/2009 nesting survey represent an estimated population of between 3,565 and 5,360 (breeding adults, non-breeders, subadults, and young produced in 2009). Florida is home to more nesting pairs than any state other than Alaska and Minnesota.

What has contributed to the recovery of the Florida eagle population?

The Florida bald eagle population and their nests have been protected through science-based land management, regulation, public education and law enforcement. Since the ban of the pesticide Dichloro-Diphenyl-Trichloroethane (DDT) in 1972 Florida's eagle population has increased more than 300 percent. In addition, the rehabilitation and release of injured and orphaned bald eagles back to the wild have also contributed to their recovery in Florida.

Will bald eagles in Florida still be monitored?

The documented nesting population of bald eagles in Florida will continue to be monitored to obtain the information needed to determine the population trend. The FWC eagle nesting territory survey is conducted annually from November to March using airplanes. In 2009, FWC re-designed the survey so that each nest is visited once every three years. By doing this we are able to focus on a sub-sample of nests (which statistically represent the entire state) and get complete information about productivity and nest status. This information is critical to ensure we are meeting the conservation objectives of the Bald Eagle Management Plan. Visit the [FWC eagle nest database web site](#) for more information.