



## PROJECT NARRATIVE AND PNDI RECEIPT

### A. Overall Project

TMI-1 operated at industry-leading levels of safety and reliability for decades before being shut down for economic reasons in 2019, and now is in the process of restarting operations to meet recent increases in energy demand and planned data centers in the region.

After the facility shutdown, in 2022 SRBC Docket No. 20221203 was modified to reduce the withdrawal and consumptive needs to what was required for decommissioning efforts. Prior to 2019, the facility was approved for a surface withdrawal of 122.8 MGD, groundwater withdrawal of 0.225 MGD, and consumptive use allocation of 19.2 MGD (URS, 2009).

The attached PNDI receipt is to support a new SRBC Surface Withdrawal and Consumptive use application to increase the withdrawal and consumptive water use quantities to amounts needed for generation at capacity. While Constellation Energy Generation, LLC intends to generate approximately the same amount of electricity as before, plant upgrades and water conservation measures have allowed for a surface water withdrawal request of 73.2 MGD (a 40% reduction compared to pre-2022 allocation), groundwater withdrawal of 0.225 MGD, and consumptive use of 21 MGD.

### B. Work to be Performed

This effort is mostly administrative, there are no planned disturbance activities. This effort includes some internal upgrades to TMI-1 and any necessary maintenance to restart the facility.

These efforts will not necessitate new construction or change the operation of the intake, outfall/discharge, or the reactor. Therefore, there will not be any new/additional environmental impact.

### C. Current Physical Characteristics

The site supports the generation of electricity. The majority of the developed portions of the site are the buildings housing the nuclear reactors and support and safety systems, the cooling towers, and parking lots for the approximately 500 full-time personnel needed when the facility is in operation.

**D. Acreage to be Impacted**

This effort is mostly administrative; there will not be any construction or modifications to the operation of the intake, outfall or power generation. Therefore, there will be no new/additional impact to surroundings or acreage.

## 1. PROJECT INFORMATION

Project Name: **TMI-1 SRBC Docket Application for Withdrawal Increases from the Susquehanna River**

Date of Review: **6/23/2025 06:40:49 PM**

Project Category: **Water extraction/transfer, Extraction of surface water (e.g., from stream, river, creek, lake, or pond)**

Project Area: **233.50 acres**

County(s): **Dauphin**

Township/Municipality(s): **Londonderry Township**

ZIP Code:

Quadrangle Name(s): **MIDDLETOWN**

Watersheds HUC 8: **Lower Susquehanna-Swatara**

Watersheds HUC 12: **Laurel Run-Susquehanna River**

Decimal Degrees: **40.152607, -76.724520**

Degrees Minutes Seconds: **40° 9' 9.3846" N, 76° 43' 28.2723" W**



## 2. SEARCH RESULTS

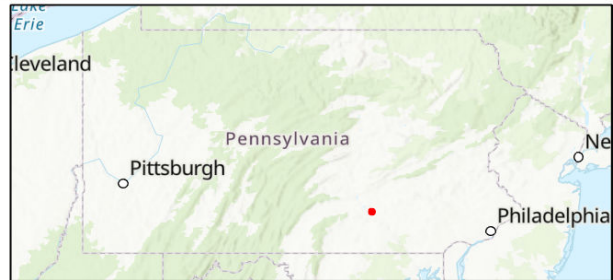
Agency	Results	Response
PA Game Commission	<b>Potential Impact</b>	<b>FURTHER REVIEW IS REQUIRED, See Agency Response</b>
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	<b>Potential Impact</b>	<b>MORE INFORMATION REQUIRED, See Agency Response</b>

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

### Map Title

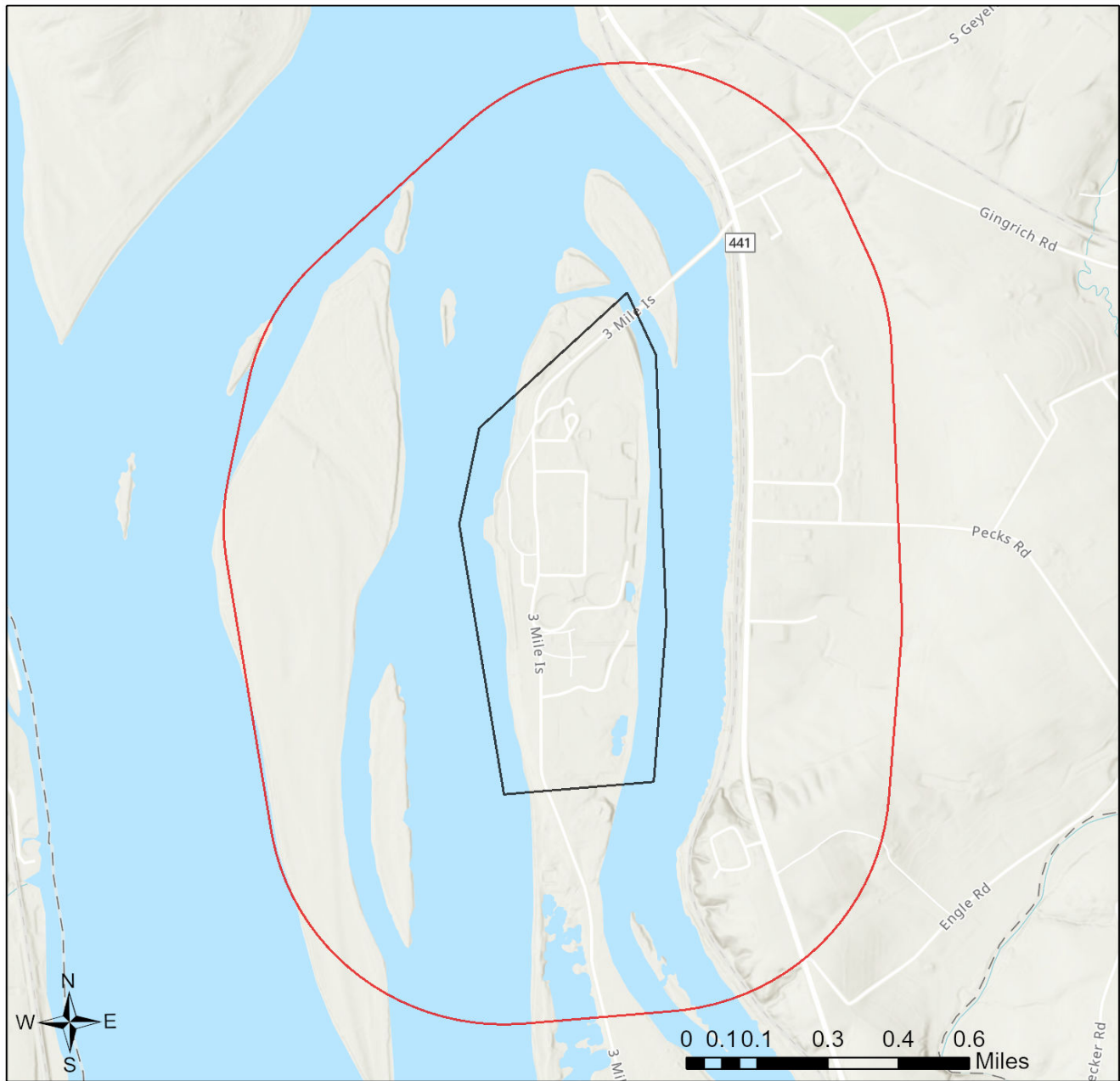




-  Buffered Project Boundary
-  Project Boundary

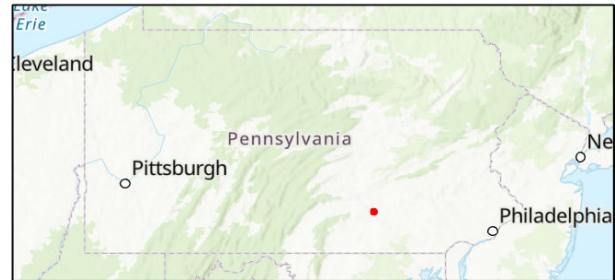


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community  
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

### Map Title



-  Buffered Project Boundary
-  Project Boundary



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community  
Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA,

## RESPONSE TO QUESTION(S) ASKED

**Q1:** Is tree removal, tree cutting or forest clearing necessary to implement all aspects of this project?

**Your answer is:** No

**Q2:** Will the action include disturbance to trees such as tree cutting (or other means of knocking down, or bringing down trees, tree topping, or tree trimming), pesticide/herbicide application or prescribed fire?

**Your answer is:** No

**Q3:** Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, culverts, or tunnels that could provide habitat for hibernating bats?

**Your answer is:** No

**Q4:** Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, culverts, or tunnels that could provide habitat for hibernating bats?

**Your answer is:** No

### 3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

#### PA Game Commission

##### RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

**PGC Species:** (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name	Common Name	Current Status
Falco peregrinus	Peregrine Falcon	Special Concern Species*

#### PA Department of Conservation and Natural Resources

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Fish and Boat Commission

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

## U.S. Fish and Wildlife Service

### RESPONSE:

Information Request: Due to the proximity of this project to a bald eagle nest, it is possible that project activities may disturb bald eagles, which is a form of "take" under the Bald and Golden Eagle Protection Act and may require a permit. The Service has prepared a project screening form to help you determine which specific measures may be necessary to avoid disturbing bald eagles and their nests, based on the type and scope of your proposed project or activity, and its distance from a bald eagle nest. Complete the "Bald Eagle Project Screening Form" (see [https://www.fws.gov/northeast/ecologicalservices/pdf/eagle/NE\\_Bald-Eagle\\_Project-Screening-Form\\_rev20200416.pdf](https://www.fws.gov/northeast/ecologicalservices/pdf/eagle/NE_Bald-Eagle_Project-Screening-Form_rev20200416.pdf)) and implement the measures identified on that form. Submit a copy of the completed Screening Form to the appropriate federal or state permitting agencies (e.g., PA DEP).

\* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

\*\* Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

## WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, upload\* or email the following information to the agency(s) (see AGENCY CONTACT INFORMATION). Instructions for uploading project materials can be found [here](#). This option provides the applicant with the convenience of sending project materials to a single location accessible to all three state agencies (but not USFWS).

\*If information was requested by USFWS, applicants must email, or mail, project information to [IR1\\_ESPenn@fws.gov](mailto:IR1_ESPenn@fws.gov) to initiate a review. USFWS will not accept uploaded project materials.

### Check-list of Minimum Materials to be submitted:

\_\_\_ Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.

\_\_\_ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

### In addition to the materials listed above, USFWS REQUIRES the following

\_\_\_ **SIGNED** copy of a Final Project Environmental Review Receipt

### The inclusion of the following information may expedite the review process.

\_\_\_ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

\_\_\_ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

## 4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

## 5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page ([www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us)). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

## 6. AGENCY CONTACT INFORMATION

### PA Department of Conservation and Natural Resources

Bureau of Forestry, Ecological Services Section  
400 Market Street, PO Box 8552  
Harrisburg, PA 17105-8552  
Email: [RA-HeritageReview@pa.gov](mailto:RA-HeritageReview@pa.gov)

### PA Fish and Boat Commission

Division of Environmental Services  
595 E. Rolling Ridge Dr., Bellefonte, PA 16823  
Email: [RA-FBPACENOTIFY@pa.gov](mailto:RA-FBPACENOTIFY@pa.gov)

### U.S. Fish and Wildlife Service

Pennsylvania Field Office  
Endangered Species Section  
110 Radnor Rd; Suite 101  
State College, PA 16801  
Email: [IR1\\_ESPenn@fws.gov](mailto:IR1_ESPenn@fws.gov)  
NO Faxes Please

### PA Game Commission

Bureau of Wildlife Management  
Division of Environmental Review  
2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
Email: [RA-PGC\\_PNDI@pa.gov](mailto:RA-PGC_PNDI@pa.gov)  
NO Faxes Please

## 7. PROJECT CONTACT INFORMATION

Name: Debra Musser  
Company/Business Name: Constellation Energy Group, LLC  
Address: 2625 River Road  
City, State, Zip: Middletown, PA 17057  
Phone: ( 267 ) 533-7308 Fax: (            )             
Email: Debra.Musser@constellation.com

## 8. CERTIFICATION


I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

Debra Musser  
applicant/project proponent signature

8/7/2025  
date




### Legend

 Three Mile Island Parcels


### Wetlands

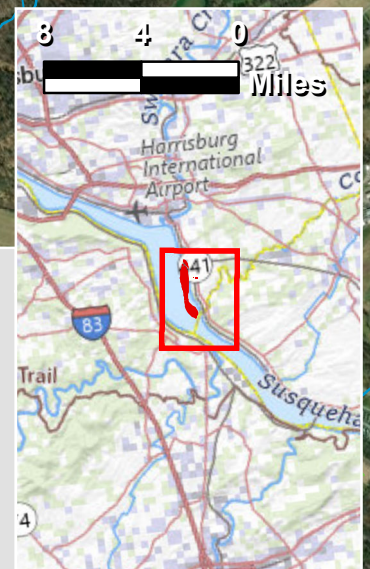
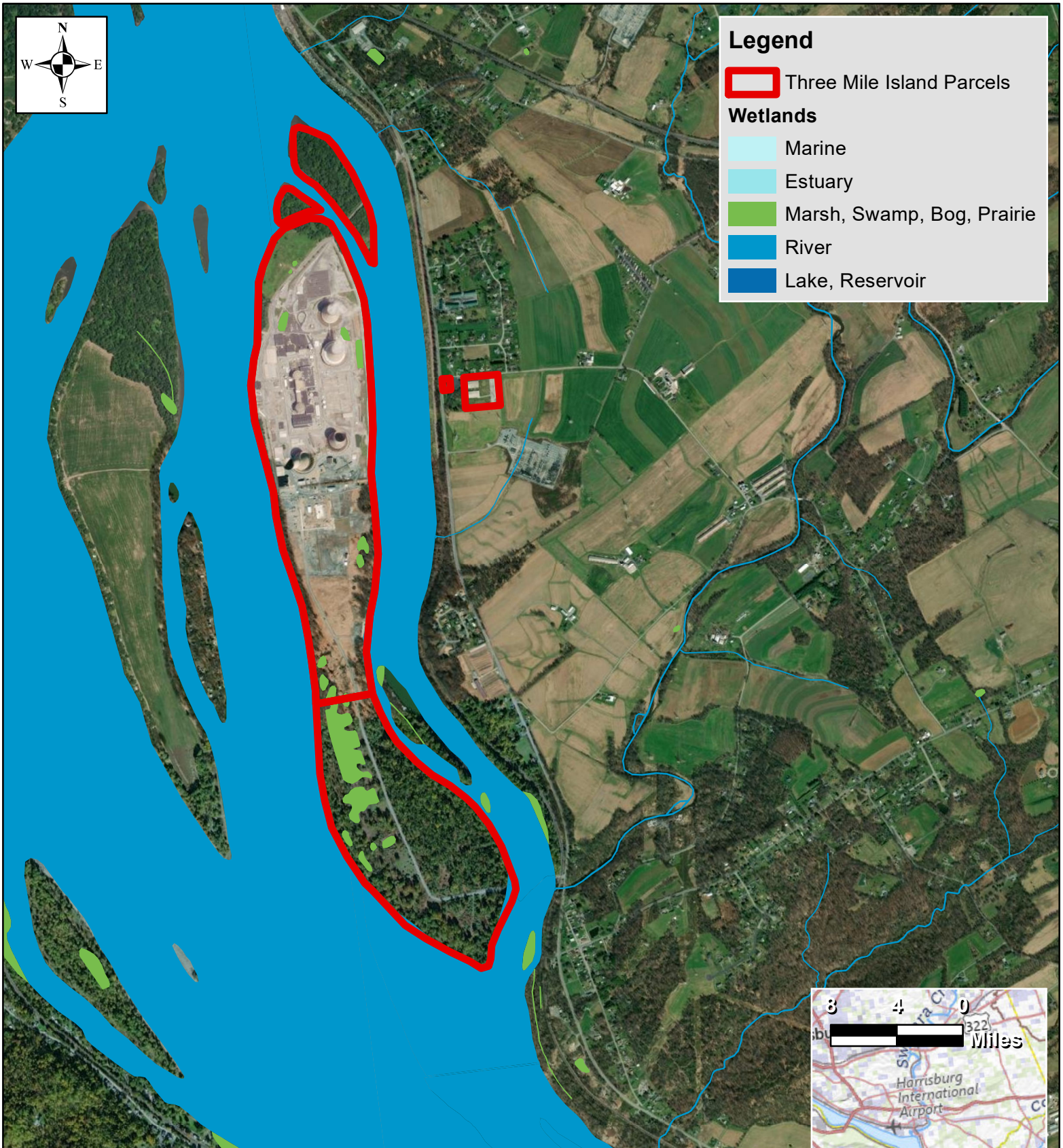
 Marine

 Estuary

 Marsh, Swamp, Bog, Prairie

 River

 Lake, Reservoir




### Notes:

Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community  
USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed April, 2023.

Date: 5/30/2025

For:  
PNDI Clearance Letters

Scale:  
0 0.25 0.5  
 Miles

Prepared by:





# PENNSYLVANIA GAME COMMISSION

## BUREAU OF WILDLIFE MANAGEMENT

2001 ELMERTON AVENUE HARRISBURG, PA 17110-9797 | (717) 787-5529

July 25, 2025

Elizabeth Colletti  
ASA Analysis & Communication, Inc.  
20001 Downes Road  
Parkton, Maryland 21120  
[ecolletti@asaac.com](mailto:ecolletti@asaac.com)

Project Search ID: PNDI- 835538

PNDI Receipt: *project\_receipt\_tmi\_1\_srbc\_docket\_applica\_835538\_FINAL\_1.pdf*

Re: TMI-1 SRBC Docket Application for Withdrawal Increases from the Susquehanna River  
Londonderry Township; Dauphin County, PA

Dear Elizabeth Colletti,

Thank you for submitting the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt *project\_receipt\_tmi\_1\_srbc\_docket\_applica\_835538\_FINAL\_1.pdf* for review. The Pennsylvania Game Commission (PGC) screened this project for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

### **No Impact Anticipated – PNDI Species**

PNDI records indicate species or resources of concern are located within the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, the PGC has determined that no impact is likely. Therefore, no further PNDI coordination with the PGC will be necessary for this project at this time.

This response represents the most up-to-date summary of the PNDI data files and is valid for two (2) years from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an “Update” (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for two additional years.

This finding applies to impacts to birds and mammals only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure that the U.S. Fish and Wildlife Service, the PA Department of Conservation and Natural Resources, and/or the PA Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at [www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us).

Sincerely,



Sue Guers  
Environmental Review Lead  
Bureau of Wildlife Management  
Phone: 717-787-4250, Extension 73412  
Fax: 717-787-6957  
E-mail: [suguers@pa.gov](mailto:suguers@pa.gov)

A PNHP Partner



SLG/slg

# NORTHEAST BALD EAGLE PROJECT SCREENING FORM



## Welcome!

**What is the purpose of this form?** The U.S. Fish and Wildlife Service (Service) designed this form as a voluntary tool to help people comply with the Bald and Golden Eagle Protection Act (BGEPA) by planning activities in a manner that avoids disturbing nesting bald eagles. To disturb a bald eagle nest means to agitate or bother a bald eagle to a degree that causes, or is likely to cause, that eagle to abandon its nest, suffer injury, or be unable to perform activities necessary to its survival. While all guidance included in this form is voluntary, individuals and organizations that disturb eagles may be subject to fine and prosecution under BGEPA.

**How is this form different from the National Bald Eagle Management Guidelines?** The National Bald Eagle Management Guidelines ([Guidelines](#)) is a document published by the Service in 2007 that provides background information on the biology of bald eagles, explains the Federal laws and regulations protecting them, and lays out guidance for several categories of human activities that can affect their nesting. This form takes the Guideline's recommendations, fits them to the regional conditions of the Northeast, and offers them to you in an interactive and intuitive format. Because the form fits its assessments and recommendations to the needs and behaviors of nesting bald eagles in the Northeast, you may find that it differs from the Guidelines on certain details. Nonetheless, the ultimate goal remains the same: to keep project proponents in compliance with BGEPA, while also protecting nesting bald eagles from disturbance.

**How this form works.** To complete this form, first, find the category of activities that includes your proposed activity. Then, go to the page listed for that category to assess whether your project may risk disturbing nesting bald eagles. If the form identifies that your activities may disturb nesting bald eagles, follow the recommended avoidance measures. These measures will identify factors that could influence nesting eagles' sensitivity to your activities: distance, visibility, timing, and exposure to other human activities. Sign the self-certification that you have committed to implementing the appropriate measures. If your proposed activities fall into multiple categories, repeat this process for each category. Additionally, if your project has the potential to affect multiple nests, complete a separate form for each nest site.

**What to do with your completed form.** Once you have signed your self-certification, keep the form for your personal records. You do not need to submit your completed form to the Service. Keep the form and additional pages that may be helpful to your future planning and compliance. If a local, state, or federal authority asks for documentation that you are complying with the Service's regional guidance, you can present them with your completed and signed form.

## INTRODUCTION

**What to know before you start.** You will need a few pieces of information to help you complete this form.

### Breeding Season

For temporary activities that might be loud or very visible, one of the simplest and most effective ways to avoid disturbing a bald eagle nest is to time the activity when eagles are not nesting, that is, outside the bald eagle breeding season. Wildlife agencies often refer to this type of measure as a time-of-year restriction. The bald eagle breeding season lasts approximately seven to eight months and has many stages. Start and end dates to this season can vary by location, year, and breeding pair. For simplicity, general dates are often set at a statewide level. Consult Appendix A to find the breeding season in your area.

### Visibility

For some categories of activities, this form will ask whether your project activities will be visible to the nest. There are two general approaches to answering this question, a desktop assessment and a site visit. A desktop assessment involves consulting online mapping resources, such as Google Maps or state nest maps (see Appendix B), which can display your project location and the nest location on satellite or aerial imagery. When viewing this imagery, look to see whether there are landscape features or structures that might screen the nest's view of your activities. Your assessment is only as good as your imagery. Make sure the imagery is current and accurately reflects visibility conditions on the ground.

The second option is to visit your project location. Assess from various points in your project footprint whether you can see the nest. Use binoculars (4X power or greater) or spotting scope to assist your viewing. If you plan to visit the project site during the breeding season, be aware that your presence could also disturb the nest. Maintain 330' feet between you and the nest, or at least as much distance as the nearest ongoing foot traffic at the nest site. You should only perform your site visit from property legally accessible to you.

Using both the field and desktop approach will give you your best answer. If there is need to select between the two options, a site visit will generally provide a better sense of visibility. In either approach, consider that your activities may become more visible during portions of the year when leaves are off trees and other vegetation.

### Nest Location

To figure out how close or how visible your activities will be, you will need precise knowledge of the nest's location. If you do not already have this information, check Appendix B to see if any online or state resources are available. If you are unable to get this information from any of these sources, survey the site. As when assessing visibility, you should only perform your visit on property legally accessible to you. You should also avoid coming within 330 feet of a nest during the breeding season, unless you know that the eagles have previously tolerated people at whatever shorter distance you are planning to use. For descriptions and examples of bald eagle nests, and explanation of how they differ from other large bird nests, see "Appendix C – Guide to Nest Identification."

## INTRODUCTION

If you feel unable to perform this search, consider employing the services of a wildlife biologist experienced in this type of surveying. Alternatively, consider contacting your state or local wildlife agency to see if they would be able to perform a site visit (please be aware that many state and local wildlife agencies are constrained in their resources and time and may not be able to offer this service). Be sensitive to sharing information about nest locations. Attracting public interest to a nest site can threaten the safety of that nest. Some states also continue to prohibit the release of nest locations.

It is possible that you will be unable to find a reported nest. While bald eagles commonly use nests across breeding seasons, nests do not always survive from one season to the next. Nests may fall apart of their own accord or be blown down by high winds. Bald eagles may also stop using a nest for one season or more, even if the nest as a structure still exists. In these scenarios, bald eagles may still reuse a former nest site in the following breeding seasons. The temporary absence of a nest or nesting eagles does not absolve you of your responsibilities to avoid disturbing future nesting at that site. The Service recommends implementing the measures included in this form for five years after the last breeding season eagles used a nest or, where the nest no longer exists, three years after the last breeding season in which the nest existed.

### Similar Activities

One of the best indicators of what a nesting bald eagle pair will tolerate is what they have already tolerated. In certain places, this form will ask whether the nesting pair has experienced and tolerated similar activities at the nest location. To answer this question, you will need to know about previous human activity at that location. Was that activity similar in nature to what you propose? As close as or closer than what you propose to do? Did it occur at the same time of day? Time of year? Did it last as long? Was it as frequent? Was it as loud? Was it as visible? You will also need to know basic history about the nest. Did the nest exist before that previous activity? Was it ever used after that activity? If your answer to any of these questions is 'no,' you cannot answer 'yes' to the broader question of whether there is similar activity at that site. See "Appendix D – Similar Activity Example Exercise" for a demonstration of how to apply this principle.

### Limitations

Know when and how you should be using this form. See "Appendix E – Limitations of this form."

**Where to go for help.** The Service understands that project proponents may occasionally need clarification on which assessments are relevant to them and how to implement certain avoidance and minimization measures. If you find you are unable to complete this form, you can contact your regional eagle coordinator (Shaughn Galloway) for assistance at

[shaughn\\_galloway@fws.gov](mailto:shaughn_galloway@fws.gov) - or - 413-253-8577

When emailing, please include in your subject line "BALD EAGLE SCREENING FORM QUESTION." If you are unable to connect with your regional eagle coordinator when calling, please leave a voice message that you are calling about this form and how best to reach you.

For explanation of technical terms used in this form, see "Appendix F – Glossary of Terms."

PROJECT INFORMATION

**PROJECT INFORMATION**

**Project Name:** \_\_\_\_\_

**City:** \_\_\_\_\_ **County:** \_\_\_\_\_ **State:** \_\_\_\_\_

**Lat/Long** (decimal degrees; ex. 38.418310, -76.001096): \_\_\_\_\_

[Find Lat/Long via map](#)

**Size:** \_\_\_\_\_ acres\miles

**PROJECT CONTACT INFORMATION**

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Email:** \_\_\_\_\_

**If your project has a Federal (ex. U.S. Army Corps), state (ex. PNDI), or other ID number, please list here:** \_\_\_\_\_

**PROJECT ACTIVITY CATEGORY(S)**

**Place a check next to all activities you plan to perform.**

- Construction and Development Activities → go to pages 5 - 7
- Maintenance and Restoration Activities → go to pages 8 - 9
- Timber Operation and Forestry Practices → go to page 10
- Use of Helicopters and Fixed-wing Aircraft → go to page 11
- Blasting and Other Loud, Intermittent Noises (including Fireworks) → go to page 12
- Recreational Activities → go to pages 13 – 14

**Feedback?** The Service is continuously looking to improve this form. If you have suggested changes, please feel free to email them to us at [shaughn\\_galloway@fws.gov](mailto:shaughn_galloway@fws.gov). Include “Bald Eagle Project Screening Form – Feedback” in your subject line.

## Construction and Development Activities

**Which specific construction activities do you plan to perform? (check all that apply)**

- |  |  |
|--|--|
| <input type="checkbox"/> Building construction   | <input type="checkbox"/> Water impoundment or withdrawal   |
| <input type="checkbox"/> Tree and land clearing  | <input type="checkbox"/> Mining  |
| <input type="checkbox"/> Construction of roads, trails, canals, power lines, pipelines and other linear utilities    | <input type="checkbox"/> Oil and natural gas drilling and refining                               |
| <input type="checkbox"/> Agriculture or aquaculture – new or expanded operations                                     | <input type="checkbox"/> Wind farm construction  |
| <input type="checkbox"/> Alteration of shorelines or wetlands  | <input type="checkbox"/> Installation or expansion of marinas with a capacity of 6 or more boats |
| <input type="checkbox"/> Installation of docks, piers, or moorings (pile driving may qualify as loud noise, page 12) | <input type="checkbox"/> Communications tower construction (excluding maintenance and repairs)   |

**Is your activity similar to an ongoing or previous activity that coincided with the breeding season and that bald eagles tolerated? Consider both construction and use/operation of your project.**

Consider all of the following elements/factors in answering:

- |              |                 |                 |
|--------------|-----------------|-----------------|
| -duration    | -time of season | -area/footprint |
| -frequency   | -visibility     | -magnitude      |
| -time of day | -distance       | -nature         |

- Yes → No avoidance measures recommended. Go to self-certification (page 7).
- No → Go to next question.

**Will your activities be visible to the bald eagle nest(s)?**

- Yes → Stop. Implement Avoidance Measures (AM) 2, 4, and 5 (see page 7)
- No → Go to the next question

CONSTRUCTION & DEVELOPMENT

**Which of these categories most closely matches your proposed project or activity?**

(check all that apply)

<ul style="list-style-type: none"><li><input type="checkbox"/> Building construction, 1 or 2 story, with a project footprint of ½ acre or less</li><li><input type="checkbox"/> Construction of roads, trails, canals, power lines, or other linear utilities</li><li><input type="checkbox"/> Agriculture or aquaculture – new or expanded operations</li><li><input type="checkbox"/> Alteration of shorelines or wetlands</li><li><input type="checkbox"/> Installation of docks or moorings</li><li><input type="checkbox"/> Water impoundment or withdrawal</li><li><input type="checkbox"/> Construction of communication towers</li></ul> <p style="text-align: center;"><b>→ Implement AM 3, 4 and 5 (page 7)</b></p>	<ul style="list-style-type: none"><li><input type="checkbox"/> Building construction or expansion, 3 or more stories</li><li><input type="checkbox"/> Building construction or expansion, 1 or 2 story, with project footprint more than ½ acre</li><li><input type="checkbox"/> Mining</li><li><input type="checkbox"/> Oil and natural gas drilling and refining</li><li><input type="checkbox"/> Installation or expansion of marinas with a capacity of 6 or more boats</li></ul> <p style="text-align: center;"><b>→ Go to the next question</b></p>
---	---

**Is there a similar activity within 1 mile of the nest?**

- Yes → Implement AM 3, 4 and 5 (see page 7)
- No → Implement AM 1 and 5 (see page 7)

CONSTRUCTION & DEVELOPMENT

**AVOIDANCE MEASURES - Place a check mark next to each avoidance measure (AM) that this form instructed you to implement and that you can commit to following. The Service recommends you follow the applicable AMs to prevent your activities from disturbing nesting bald eagles.**

- AM 1 – Maintain a distance buffer of at least 660 feet (200 meters) between all project activities and the nest.
- AM 2 – Maintain a distance buffer of at least 660 feet (200 meters) between all project activities and the nest. If there is an existing human-made feature (e.g., house, road, dock) similar to your project that is closer than 660 feet and tolerated by the nesting eagles, maintain a distance buffer equal to or greater than the distance separating that tolerated feature and the nest.
- AM 3 – Maintain a distance buffer of at least 330 feet (100 meters) year-round between all project activities and the nest. If a similar activity (i.e., similar in kind and size) is closer than 330 feet and has been tolerated by eagles, the distance buffer will be the same or greater than that of the existing tolerated activity.
- AM 4 – Do not perform disruptive project activities within 660 feet (200 meters) of the nest during the breeding season. This time-of-year restriction is in addition to your recommended distance buffer. Disruptive activities include, but are not limited to, external construction, excavation, use of heavy equipment, use of loud equipment or machinery, vegetation clearing, earth disturbance, planting, and landscaping.
- AM 5 – Maintain existing landscape buffers that visually screen the activity from the nest.

**Do you commit to following all recommended avoidance measures?**

- YES – I certify that I have completed this form to the best of my ability, answered all questions completely and accurately, and committed to implementing all applicable avoidance measures.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

*U.S. Fish and Wildlife Service Determination: Based on your responses and commitment to implementing all applicable avoidance measures, the Service has determined that your proposed activities are unlikely to disturb nesting bald eagles.*

- NO – I am unable to follow one or more of the avoidance measures recommended by this form.

**Go to page 15 for further instruction.**

## Maintenance and Restoration Activities

This category includes outdoor maintenance of existing structures or infrastructure, where the maintenance activity is temporary and obtrusive (e.g., requires use of heavy equipment or loud machinery), and within the previously disturbed footprint of the structure or infrastructure. If maintenance is proposed outside the previously disturbed footprint, see **Construction and Development Activities** (pages 5-7). This category also applies to the maintenance and restoration of natural habitats (e.g., wetlands, streams, rivers, non-forested uplands). This category does not include routine, ongoing activities to which bald eagles have already exhibited a tolerance (e.g., lawn mowing; plowing, planting or harvesting of agricultural fields; etc.).

**Which maintenance or restoration activities do you plan to perform?** (check all that apply)

- Maintenance of linear utilities (e.g., power lines, pipelines, water and sewer lines)
- Road, bridge, or culvert maintenance
- Trail, campground, or recreational area maintenance
- Maintenance of oil and gas wells, well pads, and storage tanks
- Maintenance of dams, levees, berms, canals and other water-control structures
- Pond, lake, or reservoir maintenance (draw downs, dredging)
- Stream or stream bank maintenance /restoration (e.g., stream bank fencing, stream bank stabilization, livestock crossings, in-stream habitat improvements, channel maintenance, dredging)
- Wetland maintenance / restoration (e.g., invasive plant control, restoration of hydrology)
- Prescribed burning for invasive control
- Upland habitat maintenance / restoration (e.g., planting or cutting of vegetation, invasive plant control, trash cleanup, abandoned mine lands restoration). This does not include activities in forests/woodlands (see **Timber Operation and Forestry Practices**) or in agricultural fields.

**Is your activity similar to an ongoing or previous activity that coincided with the breeding season and that bald eagles tolerated? Consider both construction and use/operation of your project.**

Consider all of the following elements/factors in answering:

- |              |                 |                 |
|--------------|-----------------|-----------------|
| -duration    | -time of season | -area/footprint |
| -frequency   | -visibility     | -magnitude      |
| -time of day | -distance       | -nature         |

- Yes → No avoidance measures recommended. Go to self-certification.
- No → Go to Avoidance Measures.

MAINTENANCE & RESTORATION

**AVOIDANCE MEASURES - Place a check mark next to each AM that you can commit to following. The Service recommends you follow these AMs to prevent your activities from disturbing nesting bald eagles.**

- AM 6 - Within 660 feet (200 meters) of the nest, perform all loud and intrusive maintenance and restoration work outside the breeding season. These activities include, but are not limited to, the following: construction, excavation, use of heavy equipment, use of loud equipment or machinery, vegetation clearing, earth disturbance, planting, landscaping, and habitat restoration activities.
- AM 7 - Maintain existing landscape buffers that visually screen the activity from the nest.
- AM 8 - Do not perform prescribed burning within 660 feet (200 meters) of the nest during the breeding season. If there is no practicable alternative to scheduling prescribed burning during the breeding season, only conduct burns when adult eagles and young are absent from the nest tree (i.e., at the beginning of, or end of, the breeding season, either before the particular nest is in use or after the young have fledged from that nest).
- AM 9 - When performing prescribed burning within the drip line of the nest tree, rake leaves, vines, and woody debris from around the base of the tree to prevent fire from climbing the tree. When burning within a patch of forest containing the nest tree, take precautions to prevent crown fire.

**Do you commit to following all recommended avoidance measures?**

- YES – I certify that I have completed this form to the best of my ability, answered all questions completely and accurately, and committed to implementing all applicable avoidance measures.

\_\_\_\_\_ *Debra Musser* \_\_\_\_\_

(signature)

\_\_\_\_\_

(date)

*U.S. Fish and Wildlife Service Determination: Based on your responses and commitment to implementing all applicable avoidance measures, the Service has determined that your proposed activities are unlikely to disturb nesting bald eagles.*

- NO – I am unable to follow one or more of the avoidance measures recommended by this form.

**Go to page 15 for further instruction.**

## Timber Operation and Forestry Practices

**AVOIDANCE MEASURES - Place a check mark next to each AM that you can commit to following. The Service recommends you follow these AMs to prevent your activities from disturbing nesting bald eagles.**

- AM 10 – Do not perform clear-cutting or overstory tree removal within 330 feet (100 meters) of the nest at any time of the year.
- AM 11 - During the breeding season, do not perform timber harvesting, road construction, chain saw use, or yarding operations within 660 feet (200 meters) of the nest. Around alternate nests (including nests that were attended during the current breeding season but not used to raise young), you may reduce this distance to 330 feet (100 meters), provided the eggs laid in another nest within the nesting territory have hatched.
- AM 12 – Do not construct or operate log transfer facilities and in-water log storage areas within 330 feet (100 meters) of nests at any time of the year.
- AM 13 – Do not perform selective thinning, prescribed burning, or other similar silviculture practices for the enhancement or conservation of habitat within 660 feet (200 meters) of the nest during the breeding season. If there is no practicable alternative to scheduling prescribed burning during the breeding season, only conduct burns when adult eagles and young are absent from the nest tree (i.e., at the beginning of, or end of, the breeding season, either before the particular nest is active or after the young have fledged from that nest).
- AM 14 – When performing prescribed burning within the drip line of the nest tree, rake leaves, vines, and woody debris from around the base of the tree to prevent fire from climbing the tree. When burning within a patch of forest containing the nest tree, take precautions to prevent crown fire.

**Do you commit to following all recommended avoidance measures?**

- YES – I certify that I have completed this form to the best of my ability, answered all questions completely and accurately, and committed to implementing all applicable avoidance measures.

\_\_\_\_\_

(signature)

\_\_\_\_\_

(date)

*U.S. Fish and Wildlife Service Determination: Based on your responses and commitment to implementing all applicable avoidance measures, the Service has determined that your proposed activities are unlikely to disturb nesting bald eagles.*

- NO – I am unable to follow one or more of the avoidance measures recommended by this form.

**Go to page 15 for further instruction.**

### Use of a Helicopter and Fixed-wing Aircraft

**Is your activity similar to an ongoing or previous activity that coincided with the breeding season and that bald eagles tolerated?**

Consider all of the following elements/factors in answering:

- |              |                 |                 |
|--------------|-----------------|-----------------|
| -duration    | -time of season | -area/footprint |
| -frequency   | -visibility     | -magnitude      |
| -time of day | -distance       | -nature         |

- Yes → No avoidance measures recommended. Go to self-certification.
- No → Go to Avoidance Measures.

**AVOIDANCE MEASURES - Place a check mark next to each AM that you can commit to following. The Service recommends you follow this AM to prevent your activities from disturbing nesting bald eagles.**

- AM 15 - During the breeding season, do not fly within 1000 feet (305 meters) of bald eagle nests.

**Do you commit to following all recommended avoidance measures?**

- YES – I certify that I have completed this form to the best of my ability, answered all questions completely and accurately, and committed to implementing all applicable avoidance measures.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

*U.S. Fish and Wildlife Service Determination: Based on your responses and commitment to implementing all applicable avoidance measures, the Service has determined that your proposed activities are unlikely to disturb nesting bald eagles.*

- NO – I am unable to follow one or more of the avoidance measures recommended by this form.  
**Go to page 15 for further instruction.**

### Blasting and Other Loud, Intermittent Noises (including Fireworks)

**Is your activity similar to an ongoing or previous activity that coincided with the breeding season and that bald eagles tolerated?**

Consider all of the following elements/factors in answering:

- |            |                 |           |
|------------|-----------------|-----------|
| -duration  | -time of day    | -distance |
| -frequency | -time of season | -volume   |

- Yes → No avoidance measures recommended. Go to self-certification.
- No → Go to Avoidance Measures.

**AVOIDANCE MEASURES - Place a check mark next to each AM that you can commit to following. The Service recommends you follow this AM to prevent your activities from disturbing nesting bald eagles.**

- AM 16 - During the breeding season, do not perform blasting and other activities that produce extremely loud noises within 1/2 mile (800 meters) of in-use nests. This measure also applies to the use of fireworks classified by the Federal Department of Transportation as Class B explosives, which includes the larger fireworks intended for licensed public display.

**Do you commit to following all recommended avoidance measures?**

- YES – I certify that I have completed this form to the best of my ability, answered all questions completely and accurately, and committed to implementing all applicable avoidance measures.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

*U.S. Fish and Wildlife Service Determination: Based on your responses and commitment to implementing all applicable avoidance measures, the Service has determined that your proposed activities are unlikely to disturb nesting bald eagles.*

- NO – I am unable to follow one or more of the avoidance measures recommended by this form.  
**Go to page 15 for further instruction.**

## Recreational Activities

**Is your activity similar to an ongoing or previous activity that coincided with the breeding season and that bald eagles tolerated?**

Consider all of the following elements/factors in answering:

-duration	-time of season	-area/footprint
-frequency	-visibility	-magnitude
-time of day	-distance	-nature

- Yes → No avoidance measures recommended. Go to self-certification.
- No → Go to next question

**Will your recreation occur during the breeding season?**

- Yes → Go to Avoidance Measures.
- No → No avoidance measures recommended. Go to self-certification.

**AVOIDANCE MEASURES – For each applicable recreational subcategory, place a check mark next to the AMs you can commit to following. The Service recommends you follow the applicable AMs to prevent your activities from disturbing nesting bald eagles.**

**Non-motorized recreation and human entry (including hiking, camping, fishing, hunting, canoeing)**

- AM 17 - Stay at least 330 feet (100 meters) from the nest if you walk, bike, canoe, camp, fish, or hunt near an eagle nest during the breeding season and your activity will be visible or can be heard from the nest.

**Off-road vehicle use (including snowmobiles)**

- AM 18 - Stay at least 330 feet (100 meters) from the nest. In open areas, where there is increased visibility and exposure to noise, stay at least 660 feet (200 meters) from the nest.

RECREATION

**Motorized watercraft use (including jet skis/personal watercraft)**

- AM 19 - Do not operate jet skis (personal watercraft) or airboats within 330 feet (100 meters) of the nest.
- AM 20 - Avoid concentrations of noisy vessels (e.g. commercial fishing boats and tour boats) within 330 feet (100 meters) of the nest, except where eagles have demonstrated tolerance for such activity.
- AM 21 - For all motorized boat traffic within 330 feet (100 meters) of the nest, minimize trips and avoid stopping in the area, particularly where eagles are unaccustomed to boat traffic.

**Do you commit to following all recommended avoidance measures?**

- YES – I certify that I have completed this form to the best of my ability, answered all questions completely and accurately, and committed to implementing all applicable avoidance measures.

\_\_\_\_\_

(signature)

\_\_\_\_\_

(date)

*U.S. Fish and Wildlife Service Determination: Based on your responses and commitment to implementing all applicable avoidance measures, the Service has determined that your proposed activities are unlikely to disturb nesting bald eagles.*

- NO – I am unable to follow one or more of the avoidance measures recommended by this form.

**Go to page 15 for further instruction.**

## FURTHER GUIDANCE

### -- SEEK FURTHER GUIDANCE --

You have indicated that you are unable to implement all the recommended avoidance measures. Without all avoidance measures, your activities may risk disturbing nesting bald eagles.

Consult with your regional eagle coordinator to determine the appropriate next steps. The Service will work with you to help develop alternate measures to avoid disturbance of nesting bald eagles. If there are no feasible alternate measures, the Service may advise that you obtain an eagle incidental take permit to relieve you of legal liability in the event that your activities unintentionally disturb nesting bald eagles.

Contact regional eagle coordinator (Shaughn Galloway) for help at [shaughn\\_galloway@fws.gov](mailto:shaughn_galloway@fws.gov)

When emailing, please include in your subject line “[Your project name] – SCREENING FORM FURTHER GUIDANCE.” In the body of your message, include

- a brief description of your project, including its location and when you plan to start;
- the activity category(s);
- the ID number(s) (e.g., AM 5) of the Avoidance Measure(s) you are unable to implement; and
- the nest location(s), if available.

To see the Service’s eagle incidental take permit application form, go to

<https://www.fws.gov/forms/3-200-71.pdf>

For answers to Frequently Asked Questions on this form, go to

<https://www.fws.gov/migratorybirds/pdf/policies-and-regulations/3-200-71FAQ.pdf>

The Service advises you talk with your regional eagle coordinator before deciding to apply.

## APPENDIX A

## Bald Eagle Breeding Season by State

State	Breeding Season
VA	December 15 – July 15
DC	December 15 – July 15
WV	January 1 – June 30
MD	December 15 – June 30
DE	December 15 – June 30
PA	January 1 – July 31
NY	January 1 – September 30
NJ	January 1 – July 31
RI	January 1 – July 31
CT	January 1 – July 31
MA	January 1 – August 15
VT	February 1 – August 15
NH	February 1 – August 15
ME (coastal)	February 1 – August 15
ME (northern)	March 1 – August 30

## APPENDIX B

## State Mapping Resources

**Connecticut**

Contact state  
 Brian Hess, CT DEEP  
[Brian.Hess@ct.gov](mailto:Brian.Hess@ct.gov)

**New Jersey**

Contact state  
<https://www.nj.gov/dep/parksandfor-ests/natural/heritage/datareq.html>

**Delaware**

Contact state  
 Katie Kadlubar, Delaware Division of  
 Fish & Wildlife  
[Kathryn.Kadlubar@delaware.gov](mailto:Kathryn.Kadlubar@delaware.gov)

**New York**

Contact state  
<https://www.dec.ny.gov/animals/31181.html>

**DC**

Contact National Park Service  
 Mikaila Milton, NPS  
[mikaila\\_milton@nps.gov](mailto:mikaila_milton@nps.gov)

**Pennsylvania**

<https://fws.maps.arcgis.com/apps/webappviewer/index.html?id=87ac96536654495b9f4041d81f75d7a0>

**Maine**

<https://www.arcgis.com/apps/webappviewer/index.html?id=796b7baa18de43b49f911fe82dc4a0f1>

**Rhode Island**

Contact state  
[DEM.DFW@dem.ri.gov](mailto:DEM.DFW@dem.ri.gov)

**Maryland**

<https://marylandbirds.org/report-bald-eagle-nest/>

**Vermont**

Contact state  
<https://vtfishandwildlife.com/conservation/development-review>

**Massachusetts**

Contact state  
 Andrew Vitz, MassWildlife  
[Andrew.vitz@state.ma.us](mailto:Andrew.vitz@state.ma.us)

**Virginia**

<https://www.ccbirds.org/maps/#eagles>

**New Hampshire**

Contact state  
[https://www2.des.state.nh.us/nhb\\_datacheck/signin.aspx](https://www2.des.state.nh.us/nhb_datacheck/signin.aspx)

**West Virginia**

Contact state  
 Rich Bailey, WVDNR  
[Richard.S.Bailey@wv.gov](mailto:Richard.S.Bailey@wv.gov)

Please note that maps are not exhaustive records of all nests within that state.

## APPENDIX C

## Guide to Nest Identification

**Is it a bald eagle nest?** Because bald eagle populations have grown so rapidly in recent years, not every bald eagle nest is registered to an online map or known to wildlife management agencies. As a result, project screening form users may occasionally have to make their own assessment of whether the nest near their project or activity is a bald eagle nest. Users should be cautious in making these determinations. Bald eagle nests can easily be confused with nests of other large birds such as osprey.

This guide will help landowners and project proponents assess whether a nest belongs to bald eagles or another species. It describes for readers the most commonly encountered large nests in the Northeast, with several reference figures for bald eagle nests, and provides tips for telling nest types apart. Any user who reads this guide and still feels uncertain about what type of nest they have encountered should contact their regional eagle coordinator for further guidance.

**Common types of large nests.****Bald Eagle**

The most notable aspect to a bald eagle nest is generally its size. Bald eagles build some of the largest nests in the world, with most nests around 5 feet in diameter and 3 feet in height (Fig. 1). Nests can grow well beyond these dimensions (Fig. 2), as bald eagles tend to repair and expand their nests each year and can use individual nests for decades. Bald eagle nests are mainly composed of large interwoven sticks. Nests will also have a soft interior bowl made up of materials such as hay, cornhusks, and grass clippings. However, this portion of the nest is rarely visible to human observers. The shape of bald eagle nests varies; they can take the general form of flat discs, inverted cones, cylinders (Fig. 2), or spheres (Fig. 3).

Bald eagles typically place their nests in prominent trees that sit above the surrounding forest canopy. These nest trees will often be on hillsides, lake and ocean shorelines, riverbanks, and forest edges. Nests are generally in the top third of a tree, below the crown, secured in a prominent fork off the main trunk (Fig. 4.). Bald eagle nests can be in living deciduous (Fig. 3-4) and coniferous trees (Fig. 1), or dead trees (snags; Fig. 5). Within the Northeastern U.S., bald eagles use a wide range of tree types, including white pines, loblolly pines, tulip poplars, sycamores, oaks, and cottonwoods. Despite their common perception as an emblem of wilderness, bald eagles are also increasingly nesting on human-made structures such as electric transmission towers (Fig. 6) and communication towers.

### Osprey

Osprey build large stick nests that can look quite similar to bald eagle nests. In general, osprey nests are smaller, flatter, more disorganized, and more often composed of unnatural materials, such as bailing twine and plastic bags. Osprey also show a stronger preference than bald eagles for human made structures, regularly nesting on light polls, channel markers, and cell towers. When osprey do select a natural support for their nest, it tends to be the topmost part of dead trees, in contrast to bald eagles, which seek out slightly lower portions of trees.

The best clue to which species occupies a nest, osprey or bald eagles, is who shows up. Bald eagles arrive back at their nests earlier in the year than osprey, but by late spring, both species are usually attending their nests. At this time of year, watching a nest over a period of hours will generally reveal which species is using it. However, through fall and early winter, both species are usually away from their nests. During these seasons, the only immediate sources of information on nest will be the physical details described above and online mapping resources.

In addition to the state maps for bald eagles listed in Appendix C, Osprey Watch (<http://www.osprey-watch.org/>) provides a mapping database of osprey nest locations. As with the bald eagle mapping resources, this map is thorough, but does not represent all existing nests.

### Red-Tailed Hawk/Red-Shouldered Hawk

Generally around 1.5 feet wide and 2 feet tall, nests of red-tailed hawks and red-shouldered hawks are less than one-half the size of bald eagle nests. The individual sticks in these hawk nests also tend to be smaller, with diameters of about 1-2 inches. Overall appearance of these nests can be slightly more frayed and chaotic than that of bald eagle nests. Like bald eagles, both hawk species show a tendency towards nesting in upper portions of prominent trees. Red-tailed hawks also share bald eagle's occasional preference for human made structures such as cell towers and transmission towers.

### Common Raven

Common ravens construct stick nests that vary substantially in size, from 1.5 to 5 feet across and from little over 0.5 to 2 feet high. The sticks making up the main structure of these nests can be around 3 feet in length and 1 inch in diameter. Ravens place their nests in a variety of natural and developed settings. Raven nests are easily confused with bald eagle nests when located on cell towers, transmission towers, or in trees. When situated in trees, these nests are usually in the upper portion of the tree in a crotch of the main tree stem. The best means of telling raven and bald eagle nests apart are likely size and shape; raven nests are noted for occasionally being asymmetric, and even at their larger sizes, they still tend to be smaller than bald eagle nests.

## APPENDIX C

### Great Horned Owl

In addition to nesting in tree cavities, great horned owls also frequently use the former nests of other animals, including squirrels, ravens, crows, and herons. The size and nature of a great horned owl nest therefore depends on the nest's original creator. Red-tailed hawk may be the most common source of nests for great horned owls in the Northeast. However, great horned owls will also occasionally take over bald eagle nests.

### Heron

Herons nest in colonies known as "rookeries" where many nests are present; individual heron nests are rare. Multiple nests can be present in one tree and some nests may be located relatively high up or far out on branches. Nest sites are usually near water. Heron nests are mainly composed of sticks, and are flat and broad, often resembling a thin platform. Nests used for several years may grow taller and wider. Heron nests can give off a general impression of messiness or flimsiness.

### Squirrel

Squirrel nests can reach basketball size or larger. They are distinguished from bird nests mainly by their materials, which include leaves and other soft vegetation material (e.g., grasses), and very few sticks. They are usually round shaped, and often look messy.

## **Legal definitions and protections for eagle and migratory bird nests.**

### Eagle Nests

BGEPA protects eagle nests in same manner it protects eagles; they cannot be destroyed, possessed, or relocated without a permit from the Service, which the Service only provides under a limited set of circumstances. Regulation defines an eagle nest as "any assemblage of materials built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction" (50 CFR 22.3). A nest is an eagle nest if it was built by or ever used by eagles, even if other species of birds played a role in the nest's history. For example, if osprey build a nest and eagles take that nest over, legally, the nest is an eagle nest. Alternatively, if great horned owls begin to use a nest originally built by eagles, that nest remains an eagle nest for as long as it exists. An eagle nest also retains protection regardless of where it was built, whether it was ever finished or successful, or when it was last used. Additionally, BGEPA's protections apply regardless of the nest's size and condition.

### Migratory Bird Nests

The Migratory Bird Treaty Act (MBTA) protects migratory bird nests in the many of the same ways that BGEPA protects eagle nests. Unless a permit is in place, migratory bird nests cannot be possessed or relocated at any time or intentionally destroyed while active. One notable difference between MBTA and BGEPA is MBTA's standard on inactive nests. If a migratory bird nest is inactive, meaning it does not contain viable eggs or chicks, it can be destroyed without a permit. (Note: the

## APPENDIX C

terms 'active' and 'inactive' here are different from the 'in-use' and 'alternate' standards used for eagle nests [see Appendix E for definitions].) For more information, please read the Service's [2018 Nest Destruction Memo](#). Bird species protected under MBTA are listed under regulation at 50 CFR 10.13. Additional protections not described here apply to any migratory bird species listed under the Endangered Species Act. Tribal, state, and local laws may also place greater restrictions on the destruction of migratory bird nests.

APPENDIX C



Figure 1.



Figure 2.

APPENDIX C



Credit: Craig Koppie/USFWS

Figure 3.



Credit: Craig Koppie/USFWS

Figure 4.



Figure 5.



Figure 6.

## APPENDIX D

## Similar Activity Example Exercise

**What is the purpose of this appendix?** This appendix provides project screening form users with an example of how to assess the similarity between two activities. By reading through this example, landowners and project proponents can develop a better sense of what factors they should consider when answering the question of whether their activity is similar to an ongoing or previous activity tolerated by eagles.

In the example scenario, a proposed residential construction project is compared to previous farming activity. The example starts with an overview of the historic farming activity, nest, and proposed project; then goes through a full assessment, set up in table format; and finally closes with a summary of the determination and explanation of how that determination would influence completion of the form.

**What is the scenario?**Previous/Existing Activities

The project site is a large agricultural field that was farmed nearly every year for the past two decades. Human activity at the site was limited to occasional operation of heavy farm equipment. The broader area out to one mile includes other agricultural fields and medium density residential and commercial development.

Nest Location & History

Five years ago, a pair of bald eagles constructed a nest in a cottonwood located in the hedgerow bordering the agricultural field. The pair were unsuccessful in their first year, but fledged young from the nest each of the following four years up to present. Workers observed that the pair did not respond to operation of farming equipment, but became vigilant whenever an equipment operator stepped outside their vehicle.

Project Narrative

The proposed project will convert portions of the existing agricultural field to a residential development with 30 single-family homes, which places it under the screening form's Construction and Development category. Construction will require extending water, sewage, and electrical utilities and adding a small network of residential streets. Preparing each lot will involve grading, home and driveway construction, and landscaping. Ten acres of property near the nest will be signed over as a conservation easement.

APPENDIX D

<b>Factor</b>	<b>Previous/Existing Activity: Farming</b>	<b>Proposed Activity: Construction</b>	<b>Similar?</b>
NATURE	Heavy equipment preparing field, planting, and harvesting crop. Two-three workers, generally confined to closed cab tractors.	Twenty workers either in heavy equipment or on foot. Ground disturbance. Placement/extension of utilities. Landscaping. Construction of 20 homes.	No
HISTORY	Farming activity predated nesting and continued while eagles successfully fledged young from the nest. This success demonstrates the eagles tolerated the farming.	N/A	Yes
DISTANCE	Distance between farming activity and the nest tree was essentially 0 feet; the hedgerow in which the nest is located bounds the agricultural field.	Nearest lot boundary will be 400 feet from nest. Area between home and nest will be converted conservation easement and left in passive, natural state.	Yes
TIMING	Farming activity began in March and continued through October each year.	Proposed schedule is April through October.	Yes
DURATION	The field was generally worked for one to two days at time, from sunrise to sundown.	On days of construction activity, work will occur during standard business hours.	Yes
FREQUENCY	Intermittent. Farming occurred in stages (e.g., fertilizing, plowing, harvesting) and events were often separated by weeks or months.	Continuous. Work will occur most weekdays and occasionally on weekends.	No
NOISE	Farming equipment (e.g., tractor) generated loud noises within the range of 80 – 100 decibels.	Construction will not require blasting or pile driving. Construction equipment (e.g., backhoes) will generate loud noise within the range of 80 – 95 decibels.	Yes
VISIBILITY	High. Because the field was flat and there was no vegetation other than the hedgerow, practically all farming activity was visible to the nest.	High. There will be no topography or vegetation screening view of construction. Visibility will only begin to lower once exterior walls are put up.	Yes

Final Assessment & Conclusion

The proposed construction activity is different from the historic farming activity in general nature and frequency. Construction will require more workers and more equipment, operating at greater intensity and higher frequency. Because of these differences, the construction cannot be considered similar to the historic farming activity, and it cannot be assumed that the breeding pair will tolerate the activity. Avoidance measures will be necessary to reduce the likelihood of disturbing the nest.

Having made these conclusions, the form user would mark 'No' to the question on page 5 of whether the activity was similar to an ongoing or previous activity. Then, at the next question the user would mark 'Yes' because the project would be visible to nest over the open intervening space. At that point, the form would direct them to implement AMs 2, 4, and 5. The project design, as proposed, would not meet AM 2, the 660-foot buffer. The user's options then would be to revise the project to eliminate the portions within 660 feet of the nest and sign the self-certification, or check no on the commitment to follow all recommended AMs and seek further guidance.

## APPENDIX E

### Limitations of This Form

This project screening form is not a permit or authorization to disturb bald eagles. It does not free you from legal liability under BGEPA. Rather, this form provides instruction on how to minimize the legal risk of disturbing nesting bald eagles.

The effectiveness of this form depends on the accuracy and completeness of your answers and your compliance with the avoidance measures. Using this form inappropriately may put you at risk of disturbing nesting bald eagles and violating BGEPA.

This form's recommendations are specific to the Northeast and may not be effective outside this region. If your project is in another area of the U.S., do not use this form. Instead, consult with your regional eagle biologist or migratory bird permit office for guidance matched to your locality.

This form only relates to managing activities near bald eagle nests. It does not provide direction on how to avoid disturbing bald eagle communal roosts and concentration areas, which, compared to nest sites, have different biological significance to eagles and present different sets of concerns. If you believe your activities have any potential to affect a communal roost or concentration area, consult the [Guidelines](#) document for guidance.

Conditions such as the location and existence of nests and surrounding habitat are subject to change between years. For this reason, the Service recommends revisiting your determinations every breeding season after completing this form until your project is complete. The more time that passes between when you complete this form and when you end your activities, the more likely it is that conditions will change enough that your original determinations no longer apply.

This form only addresses nesting bald eagles. To identify other USFWS-managed resources and suggested conservation measures for your project, go to <https://ecos.fws.gov/ipac/>.

Wind energy developers seeking to address potential take of eagles should use this form in conjunction with the Service's [Eagle Conservation Plan Guidance](#). Use of this form alone will not assure wind projects' compliance with BGEPA's protections on disturbance or other take.

Certain states and localities have their own laws, regulations, and guidelines for protecting bald eagles and their nests. Completing this form does not guarantee that you are also in compliance with these other standards and/or regulations. If you are unfamiliar with your state and local standards, consult with the appropriate agencies and authorities.

You are responsible for ensuring that your activities comply with all applicable Federal, tribal, State, and local laws and regulations. This form will only help you in your compliance with BGEPA and its protections on the nesting activity of bald eagles.

## APPENDIX F

## Glossary of Terms

**Alternate nest** – one of potentially several nests within a nesting territory that is not an in-use nest at the current time. When there is no in-use nest, all nests in the territory are alternate nests. Also sometimes referred to as an inactive nest (e.g., in the Service’s 2009 Eagle Rule).

**Communal roost** – an area where eagles gather repeatedly in the course of a season and shelter overnight and sometimes during the day in the event of inclement weather.

**Disturb** – to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 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, by substantially interfering with normal breeding, feeding, or sheltering behavior.

In addition to immediate impacts, this definition also covers impacts that result from human-caused alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle’s return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

**Eagle nest** – any assemblage of materials built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction.

**Fledge** – to leave the nest and begin flying. For bald eagles, this normally occurs at 10-12 weeks of age.

**In-use nest** – a bald or golden eagle nest characterized by the presence of one or more eggs, dependent young, or adult eagles on the nest in the past 10 days during the breeding season. Also sometimes referred to as an active nest.

**Landscape buffer** – a natural or human-made landscape feature that screens eagles from human activity (e.g., strip of trees, hill, cliff, berm, sound wall).

**Nest abandonment** – nest abandonment occurs when adult eagles desert or stop attending a nest and do not subsequently return and successfully raise young in that nest for the duration of a breeding season. Nest abandonment can be caused by altering habitat near a nest, even if the

## APPENDIX F

alteration occurs prior to the breeding season. Whether the eagles migrate during the non-breeding season, or remain in the area throughout the non-breeding season, nest abandonment can occur at any point between the time the eagles return to the nesting site for the breeding season and the time when all progeny from the breeding season have dispersed.

**Nesting territory** – the area that contains one or more eagle nests within the home range of a mated pair of eagles, regardless of whether such nests were built by the current resident pair.

**Northeast** – Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

**Project footprint** – the area of land (and water) temporarily or permanently altered by a project.

**Tolerate** – the acceptance of specific human activities by eagles at the nest site. Demonstrated in the eagles' continued ability to successfully feed, breed, and shelter, and the general absence of stress or agitation in their behavior.