



## Town Planning Commission Regular Meeting

Tuesday, May 16, 2023 – 7:00 PM

Town Hall/Virtual

4030 95<sup>th</sup> Ave NE, Yarrow Point, WA. 98004

### Meeting Participation

Members of the public may participate in person at Town Hall or by phone/online. Town Hall has limited seating, up to 15 public members. Individuals who call in remotely who wish to speak live should register their request with the Deputy Clerk at 425-454-6994 or email [depclerk@yarrowpointwa.gov](mailto:depclerk@yarrowpointwa.gov) and leave a message before 4:30 PM on the day of the Planning Commission meeting. Wait for the Deputy Clerk to call on you before making your comment. If you dial in via telephone, please unmute yourself by dialing \*6 when it is your turn to speak. Speakers will be allotted 3 minutes for comments. Please state your name (and address if you wish.) You will be asked to stop when you reach the 3-minute limit.

#### **Join on computer, mobile app, or phone**

1-253-215-8782

Meeting ID: 884 3009 0265

<https://us02web.zoom.us/j/88430090265>

1. **CALL TO ORDER:** Commission Chairperson, Carl Hellings
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Commissioners, Chuck Hirsch, David Feller, Jeffrey Shiu, Lee Sims,
4. **APPROVAL OF AGENDA**
5. **STAFF REPORTS**
  - 5.1 **Updated Planning Commission Work Plan**
6. **PUBLIC COMMENT**

Members of the public may speak concerning items that either are or are not on the agenda. The Planning Commission takes these matters under advisement. Please state your name (and address if you wish) and limit comments to 3 minutes. If you call in via telephone, please unmute yourself by dialing \*6 when it is your turn to speak. Comments via email may be submitted to [depclerk@yarrowpointwa.gov](mailto:depclerk@yarrowpointwa.gov) or regular mail to: Town of Yarrow Point, 4030 95<sup>th</sup> Ave NE, Yarrow Point, WA 98004.
7. **APPROVAL OF THE MINUTES**

April 18, 2023 Regular Planning Commission Meeting
8. **REGULAR BUSINESS**

8.1 – Comprehensive Plan Update	-	(25 min)
8.2 – Short Term Rentals	-	(35-55 min)
8.3 – Eagle Protection	-	(50 min)
8.4 – Preferred and Prohibited Plants List-		(35 min)
9. **PUBLIC COMMENT**
10. **ADJOURNMENT**



## **Town of Yarrow Point**

### **2023 Planning Commission Work Plan**

The Planning Commission's mission is to serve as advisor to the Town Council in the review, recommendation, and development of Town land-use and policy issues. To accomplish this, the Planning Commission reviews current land-use issues facing the Town, the region, and the nation and then develops and/or reviews land-use and zoning ordinances in response to those issues. After holding public hearings to review these draft ordinances with citizens of the Town and obtain their comments on the proposed legislation, the Planning Commission forwards their draft and recommendation for action to the Town Council for discussion and possible adoption.

#### **2023 Work plan items:**

- Hedge code update
- Code to address HB1220
- Periodic comprehensive plan update
- Short term rental code and policy
- Eagle Protection (Added in May)
- Preferred and Prohibited Plants List (Added in May)

#### **2023 Planning Commission regular meeting dates:**

- January 16<sup>th</sup> (Special Meeting January 17<sup>th</sup> due to Holiday on January 16<sup>th</sup>)
- February 21<sup>st</sup>
- March 21<sup>st</sup>
- April 18<sup>th</sup>
- May 16<sup>th</sup>
- June 20<sup>th</sup>
- July 18<sup>th</sup>
- August 15<sup>th</sup>
- September 19<sup>th</sup>
- October 17<sup>th</sup>
- November 21<sup>st</sup>
- December 19<sup>th</sup>

**TOWN OF YARROW POINT  
PLANNING COMMISSION REGULAR MEETING MINUTES  
April 18, 2023**

The following is a condensation of the proceedings and is not a verbatim transcript.

**1. CALL TO ORDER:**

Commission Substitute Chairman David Feller called the meeting to order at 7:00 p.m.

**PRESENT:**

Chairman: Carl Hellings – *Excused absence*

Commissioners: Chuck Hirsch  
Jeffrey Shiu – *Excused absence*  
David Feller  
Lee Sims  
Ex officio Planning Commissioner Carl Scandella –  
*Excused absence*

Staff: Austen Wilcox – Deputy Clerk  
Aleksandr Romanenko – Town Planner

Guests:

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL/AMENDMENTS TO AGENDA**

MOTION: Motion by Commissioner Sims, seconded by Chairman Hirsch to approve the agenda as presented.

VOTE: 3 for, 0 against. Motion carried.

**5. STAFF REPORTS:**

Deputy Clerk Wilcox and Town Planner Aleksandr Romanenko provided staff reports.

**6. PUBLIC COMMENT**

None.

**7. MINUTES:**

- March 21, 2023 Regular Meeting

MOTION: Motion by Commissioner Hirsch, seconded by Commissioner Sims to approve the March 21, 2023 regular meeting minutes as presented.

VOTE: 3 for, 0 against. Motion carried.

## **8. REGULAR BUSINESS:**

### **8.1 Comprehensive Plan Update**

Since the last Planning Commission meeting, the Town planner has worked with the Department of Commerce (DOC) to update the grant deliverables and scope to more closely reflect the Town's needs based on the initial review of existing documents. Deliverables reflecting the new scope are being prepared for the DOC review and will be included in next month's Town Council packet. This will include a staff report, initial conditions report, and an audit of the existing plan including the recommended and required update elements. The Planner discussed upcoming public outreach.

### **8.2 – Short Term Rentals**

The Town has the ability to regulate short-term rentals. Currently no such regulations, taxes, or codes are in place. The Town council placed the topic of short-term rentals (STR) on the 2023 Planning Commission work plan. Short term rentals can be regulated by creating a permit system along with various fees, and taxes. At the April meeting, the goal is to decide on the direction with the Town would like to take with regards to the regulation of STRs.

With possible changes coming from the state legislature, and the demand for high-quality short-term rentals for business professionals visiting the area, the Town may see an increase in the number of STRs. With this increase comes an increase in public facilities and infrastructure usage.

Staff has done a preliminary look at possible pathways for the Town which fall generally into three categories; first is to do nothing relating to STRs, second would be to create a system for basic tracking of STRs and perhaps a permit system, third would be the creation of a permitting process along with instituting fees or taxes which are in line with what the state and county allow the Town to collect. The third option may also include the creation of a business license program, or other business-related regulatory actions which have not previously been undertaken by the Town.

The Planning Commission discussed:

Vacant homes;

Effects that short term rentals can have on adjacent neighbors;

Potential business license requirement; and

Potential taxation requirement for hotels.

MOTION: Motion by Commissioner Sims, seconded by Commissioner Hirsch to continue the discussion of short term rentals at the next regular Planning Commission meeting when more Commissioners are in attendance.

VOTE: 3 for, 0 against. Motion carried.

**9. PUBLIC COMMENT:**

**10. ADJOURNMENT:**

MOTION: Motion by Substitute Chairman Feller, seconded by Commissioner Hirsch to adjourn the meeting at 7:35 p.m.

VOTE: 3 for, 0 against. Motion carried.

APPROVED:

ATTEST:

\_\_\_\_\_  
Carl Hellings, Chairman

\_\_\_\_\_  
Austen Wilcox, Deputy Clerk

DRAFT

<b>Comprehensive Plan Update</b>	<b>Proposed Planning Commission Action: Discussion</b>
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<b>Presented by:</b>	Town Planner
<b>Exhibits:</b>	Draft Survey Questions TYP GMA Full Update Overview

**Summary:**

At the May council meeting the town planner presented on the current status of the comprehensive plan update process. This included over 80 pages of packet material which constitute the deliverable materials to the Department of Commerce. Council has directed planning staff to further detail how the comprehensive plan will integrate the International Wildland Urban Interface code, and how the Tribal element will be addressed.

In the month to come, staff will be updating the Town website to include a summary of the update process and timeline, along with sending out a mailer to Town residents which will inform them of the update process and prompt them to participate in a survey. While these engagement materials will disseminate information and create opportunities for public involvement, the development of a Comprehensive Plan which is fully compliant with Department of Commerce, Puget Sound Regional Council, and King County requirements will continue.

The attached Draft Survey Questions present some of the elements the town planner has identified as most useful for informing the Comprehensive Plan. These questions are still under internal review and have been shared with the Town Council. The survey, as drafted, incorporates notes from previous Planning Commission meetings, Comprehensive Plan requirements, and best practices to ensure that the result can be an effective piece of the Comprehensive Plan process. Commission feedback can help guide some of the questions or topics to better capture local sentiment on these elements of the Plan.

**Action Items**

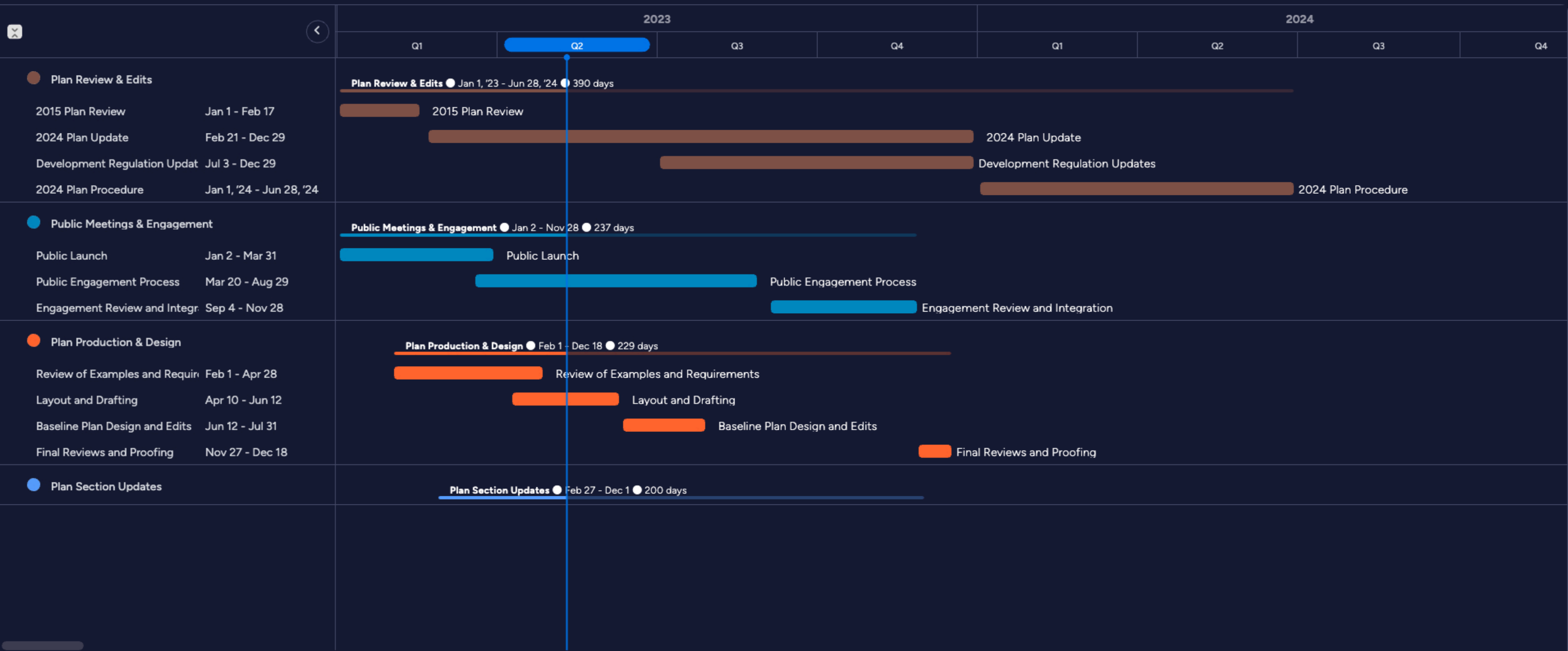
- Staff Presentation on the Comprehensive Plan Process (15 min)
- Discussion on survey questions and preferences (10 min)

**Commission Options:**

- Take no action
- Continue Discussion

**Recommended Motion:**

- NA



## Public Participation Survey

The survey will be conducted online throughout the summer and will inform the comprehensive plan update. The following questions will be delivered through an online survey advertised in multiple formats. In addition, residents will be able to take the survey on provided devices during tabling events.

1. **How many years have you been a resident of Yarrow Point?**
  - a. 0 - 5 years
  - b. 6 - 15 years
  - c. 16 - 25 years
  - d. 26 years or more
  
2. **Where do you work?**
  - a. In neighboring municipalities (Bellvue, Seattle, Redmond, etc.)
  - b. In King County, outside of neighboring municipalities
  - c. From home/work remotely
  - d. I'm retired
  - e. Not employed
  - f. Other
  
3. **What is your primary mode of transportation?**
  - a. Personal vehicle
  - b. Carpool
  - c. Bicycle
  - d. Walking
  - e. Public transportation (including park and rides)
  - f. Rideshare apps
  
4. **How old are you?**
  - a. Under 18
  - b. 18 - 24
  - c. 25 - 34
  - d. 35 - 44
  - e. 45 - 54
  - f. 55 - 64
  - g. 65 - 74
  - h. 75 and over
  
5. **How would you rate your satisfaction with the existing community facilities and services?**

*Scaled rating from Very Dissatisfied, Somewhat Dissatisfied, No Opinion, Somewhat Satisfied, Very Satisfied*

  - a. Community Events
  - b. Parks and Greenspaces
  - c. Trash Removal
  - d. Stormwater Drainage (flooding)
  - e. Water and Sewer utilities
  - f. Electric Utilities



6. How has housing quality (cost, property maintenance, availability) changed over the past 5 to 10 years in Yarrow Point?
- Much better
  - Somewhat better
  - About the same
  - Somewhat worse
  - Much worse
7. What impact does the following type of future development or residential use have on Yarrow Point?
- Scaled Response from Very Negative Impact, Somewhat Negative Impact, Somewhat Positive Impact, Very Positive Impact*
- Single-family homes
  - Accessory Dwelling Units and Mother-in-law units
  - Short-term vacation rentals
  - Duplexes or triplexes
  - Age-restricted housing
8. How would you rate the quality of the following transportation conditions?
- Scaled answer from Very Poor Quality, Somewhat Poor Quality, Somewhat Good Quality, Very Good Quality*
- Condition of roadways
  - Traffic flow and congestion
  - Sidewalks
  - Pedestrian and bicycle paths
  - Overall walkability
9. How would you rate the quality and accessibility of Yarrow Point's current parks and recreation?
- Scaled answer from Very Poor Quality, Somewhat Poor Quality, Somewhat Good Quality, Very Good Quality*
- Community parks
  - Playgrounds
  - Sports fields and courts
  - Recreation programming
  - Waterfront public parks
  - Greenspaces and natural areas
  - ADA-accessible parks and recreation facilities
10. Of the topics discussed, which are Yarrow Point's greatest strengths?
- Select all that apply*
- Community Services and Utilities
  - Housing
  - Transportation
  - Parks and recreation

**11. Of the topics discussed, which are Yarrow Point's greatest weaknesses?**

*Select all that apply*

- a. Community Services and Utilities
- b. Housing
- c. Transportation
- d. Parks and recreation

**12. What is your overall satisfaction with living in Yarrow Point?**

- a. Scale rating: 1 - 5

**13. How does life in Yarrow Point compare to 10 years ago, or since you moved to the community if it has been less than 10 years?**

- a. Much better
- b. Somewhat better
- c. About the same
- d. Somewhat worse
- e. Much worse

**14. How would you prioritize the following issues facing Yarrow Point?**

*Scaled rating from Lowest Priority, Somewhat Lower Priority, Not Sure, Somewhat High Priority, and Highest Priority*

- i. Road Maintenance
- ii. Maintaining Public Parks
- iii. Pedestrian and Bike Paths
- iv. Stormwater Management and Flooding
- v. Future Climate Change Impacts
- vi. Residential Character

**15. Any additional comments or questions? (Open short answer box)**

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<b>Short Term Rentals</b>	<b>Proposed Planning Commission Action: Discussion Only</b>
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<b>Presented by:</b>	Town Planner
<b>Exhibits:</b>	Short term rental regulatory overview from the APA

**Summary:**

The Town has the ability to regulate short-term rentals. Currently no such regulations, taxes, or codes are in place. The Town council placed the topic of short-term rentals (STR) on the 2023 Planning Commission work plan. Short term rentals can be regulated by creating a permit system along with various fees, and taxes. At the April meeting, the goal is to decide on the direction with the Town would like to take with regards to the regulation of STRs.

With changes to development regulations as a result of HB1110 and HB1337 coming from the state legislature, and the demand for high-quality short-term rentals for business professionals visiting the area, the Town may see an increase in the number of STRs. With this increase comes an increase in public facilities and infrastructure usage.

Staff has done a preliminary look at possible pathways for the Town which fall generally into three categories; first is to do nothing relating to STRs, second would be to create a system for basic tracking of STRs and perhaps a permit system, third would be the creation of a permitting process along with instituting fees or taxes which are in line with what the state and county allow the Town to collect. The third option may also include the creation of a business license program, or other business-related regulatory actions which are not currently undertaken by the Town.

**Action Items:**

- Staff Presentation (10min)
- Discussion (20min)
- Public Forum Discussion – As needed (20min)
- Vote (5min)

**Commission Options:**

- Continue Discussion at next meeting
- Direct Staff to do further research

**Recommended Motion:**

- I move to continue discussion of this topic at the next meeting without any additional staff action or research
- I move to direct to staff to research short term rentals further as discussed during the meeting.

# 4 Data-Driven Tips for Regulating Short-Term Rentals

*STRs like AirBnB can generate local tax revenue — but only if municipalities identify them. Here's how.*

## TOOLS HOW-TO



Cities can recoup revenue by using data to track short-term rental bookings. Photo by Wavebreak Media Ltd/Alamy.

**Nov. 4, 2022**

By NICK DEL PEGO

Unlike hotels, short-term rentals (STRs) remained resilient throughout the pandemic — and in many locations, even grew in number. Currently, of the 86 million single-family residential homes in the U.S., 1.3 million are estimated to be available as STRs on any given night.

But also unlike hotels, STRs can pop up in residential neighborhoods, impact rural areas not zoned for commercial business, and contribute to housing scarcity. And with an average of five to 10 people staying at an STR (multiplied several times over), the stress on local infrastructure can be significant: more trash, reduced parking, and greater wear and tear of streets.

Ensuring that communities collect locally mandated STR or hotel taxes is a necessary step toward the ability to support fire departments, schools, and other necessary services. However, it can be difficult to identify STR addresses — and whether owners of the properties, which are often businesses, have the necessary permits and are paying their fair share.

Understanding each situation requires leveraging data, just as rental platforms do. Otherwise, mandated revenue might not be recouped, and resources could be stretched thin. To better forecast the ways tourism might impact local infrastructure and residents, start with these data-driven best practices.

## 1. PLAN AHEAD WITH DATA.

Local governments need to be able to assess their specific situations, including where issues may occur, to put plans in place. That requires past, current, and future public data on bookings: where, when, and how many people will be in the area for the next three to six months. This information can create a basis for creating policy decisions, enforcing compliance, and protecting residential areas.

## 2. CREATE A PERMIT THRESHOLD — AND REASSESS IT AS CONDITIONS CHANGE.

Consider Placer County, a mountain community near Lake Tahoe, California. When the pandemic led to an increase in tourists there, officials saw a jump in second-home ownership that reduced workforce housing. The county decided to create a permit threshold by putting a moratorium on new STR permits.

## 3. REGULATE THROUGH ZONING.

Distance or zoning restrictions can be effective in limiting STR saturation to avoid over-taxing local resources, including housing stock. For instance, counties can look at the distance between STRs or the percentage in certain districts. They can also set neighborhood density limitations. The city of La Quinta, California, for instance, only allows STRs in certain neighborhoods, which helps create more affordable micro housing markets.

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## 4. INVEST IN DATA MANAGEMENT.

[Rentalscape](#), [AirDNA](#), and other applications are emerging that allow users to easily access real-time public data from STR companies. Rentalscape — the platform created by my company, [Deckard Technologies](#) — matches STR listing data with parcel data to determine owner information and exact addresses. When Placer County started using Rentalscape, they discovered that some properties on the county border had been mislocated by a major STR company. Officials were able to work with the platform to reapportion tax revenue and divert dollars to the appropriate county coffers.

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Nick Del Pego is a mathematician, U.S. SpecOps veteran, seasoned corporate senior leader, avid outdoorsman, father, and CEO of [Deckard Technologies](#). His joint mission with Deckard is to provide software, analytics, and insights for communities to create tax equity and fairness. He can be reached at [nrd@deckard.com](mailto:nrd@deckard.com).

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Eagle Protection	Proposed Planning Commission Action: Discussion
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Presented by:	Town Planner
Exhibits:	National Bald Eagle Management Guidelines Bald Eagle Fact Sheet Golden Eagle Fact Sheet Pacific Region Decision Tree

**Summary:**

The Town is home to several known eagle nests and other eagle habitat. While Federal protections exist for eagles, the Town could do more in the way of protecting specific sites and making explicit the existing Federal protections for future development projects in the Town. The Town may also adopt code and guidelines which are as restrictive or more restrictive than federal and state regulations for the protection of eagles.

**Additional Resources:**

- [Washington Department of Fish and Wildlife](#)
- [Bald and Golden Eagle Protection Act](#)
- [Migratory Bird Treaty Act](#)
- [USFWS Eagle Management Program](#)
- [WSR 17-02-084](#) (Includes change to the status of Eagle protection in WA)

**Action Items:**

- Staff Presentation (15min)
- Discussion (30min)
- Vote (5min)

**Commission Options:**

- Direct staff to do further research and develop a framework
- Direct staff to invite experts and advisors to speak on the matter
- Continue discussion with no staff action

**Recommended Motion:**

- I move to continue discussion at our next meeting without any additional staff action or research.
- I move to direct staff to research eagle protection further as discussed during the meeting and to develop a framework for the Town's approach to eagle protection.
- I move to direct staff to invite experts and/or advisors to speak on the matter of Eagle protection as discussed during the meeting.

# **NATIONAL BALD EAGLE MANAGEMENT GUIDELINES**

**U.S. Fish and Wildlife Service**

**May 2007**

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## INTRODUCTION

The bald eagle (*Haliaeetus leucocephalus*) is protected by the Bald and Golden Eagle Protection Act (Eagle Act) and the Migratory Bird Treaty Act (MBTA). The MBTA and the Eagle Act protect bald eagles from a variety of harmful actions and impacts. The U.S. Fish and Wildlife Service (Service) developed these National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of the Eagle Act may apply to their activities. A variety of human activities can potentially interfere with bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. The Guidelines are intended to help people minimize such impacts to bald eagles, particularly where they may constitute “disturbance,” which is prohibited by the Eagle Act.

The Guidelines are intended to:

- (1) Publicize the provisions of the Eagle Act that continue to protect bald eagles, in order to reduce the possibility that people will violate the law,
- (2) Advise landowners, land managers and the general public of the potential for various human activities to disturb bald eagles, and
- (3) Encourage additional nonbinding land management practices that benefit bald eagles (see Additional Recommendations section).

While the Guidelines include general recommendations for land management practices that will benefit bald eagles, the document is intended primarily as a tool for landowners and planners who seek information and recommendations regarding how to avoid disturbing bald eagles. Many States and some tribal entities have developed state-specific management plans, regulations, and/or guidance for landowners and land managers to protect and enhance bald eagle habitat, and we encourage the continued development and use of these planning tools to benefit bald eagles.

Adherence to the Guidelines herein will benefit individuals, agencies, organizations, and companies by helping them avoid violations of the law. However, the Guidelines themselves are not law. Rather, they are recommendations based on several decades of behavioral observations, science, and conservation measures to avoid or minimize adverse impacts to bald eagles.

The U.S. Fish and Wildlife Service strongly encourages adherence to these guidelines to ensure that bald and golden eagle populations will continue to be sustained. The Service realizes there may be impacts to some birds even if all reasonable measures are taken to avoid such impacts. Although it is not possible to absolve individuals and entities from liability under the Eagle Act or the MBTA, the Service exercises enforcement discretion to focus on those individuals, companies, or agencies that take migratory birds without regard for the consequences of their actions and the law, especially when conservation measures, such as these Guidelines, are available, but have not been implemented. The Service will prioritize its enforcement efforts to focus on those individuals or entities who take bald eagles or their parts, eggs, or nests without implementing appropriate measures recommended by the Guidelines.

The Service intends to pursue the development of regulations that would authorize, under limited circumstances, the use of permits if “take” of an eagle is anticipated but unavoidable. Additionally, if the bald eagle is delisted, the Service intends to provide a regulatory mechanism to honor existing (take) authorizations under the Endangered Species Act (ESA).

During the interim period until the Service completes a rulemaking for permits under the Eagle Act, the Service does not intend to refer for prosecution the incidental “take” of any bald eagle under the MBTA or Eagle Act, if such take is in full compliance with the terms and conditions of an incidental take statement issued to the action agency or applicant under the authority of section 7(b)(4) of the ESA or a permit issued under the authority of section 10(a)(1)(B) of the ESA.

The Guidelines are applicable throughout the United States, including Alaska. The primary purpose of these Guidelines is to provide information that will minimize or prevent violations only of *Federal* laws governing bald eagles. In addition to Federal laws, many states and some smaller jurisdictions and tribes have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines. If you are planning activities that may affect bald eagles, we therefore recommend that you contact both your nearest U.S. Fish and Wildlife Service Field Office (see the contact information on p.16) and your state wildlife agency for assistance.

## LEGAL PROTECTIONS FOR THE BALD EAGLE

### **The Bald and Golden Eagle Protection Act**

The Eagle Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.” The Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” “Disturb” means:

"Disturb means 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-induced 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.

A violation of the Act can result in a criminal fine of \$100,000 (\$200,000 for organizations), imprisonment for one year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony.

### **The Migratory Bird Treaty Act**

The MBTA (16 U.S.C. 703-712), prohibits the taking of any migratory bird or any part, nest, or egg, except as permitted by regulation. The MBTA was enacted in 1918; a 1972 agreement supplementing one of the bilateral treaties underlying the MBTA had the effect of expanding the scope of the Act to cover bald eagles and other raptors. Implementing regulations define “take” under the MBTA as “pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect.”

Copies of the Eagle Act and the MBTA are available at: <http://permits.fws.gov/ltr/ltr.shtml>.

### **State laws and regulations**

Most states have their own regulations and/or guidelines for bald eagle management. Some states may continue to list the bald eagle as endangered, threatened, or of special concern. If you plan activities that may affect bald eagles, we urge you to familiarize yourself with the regulations and/or guidelines that apply to bald eagles in your state. Your adherence to the Guidelines herein does not ensure that you are in compliance with state laws and regulations because state regulations can be more specific and/or restrictive than these Guidelines.

## **NATURAL HISTORY OF THE BALD EAGLE**

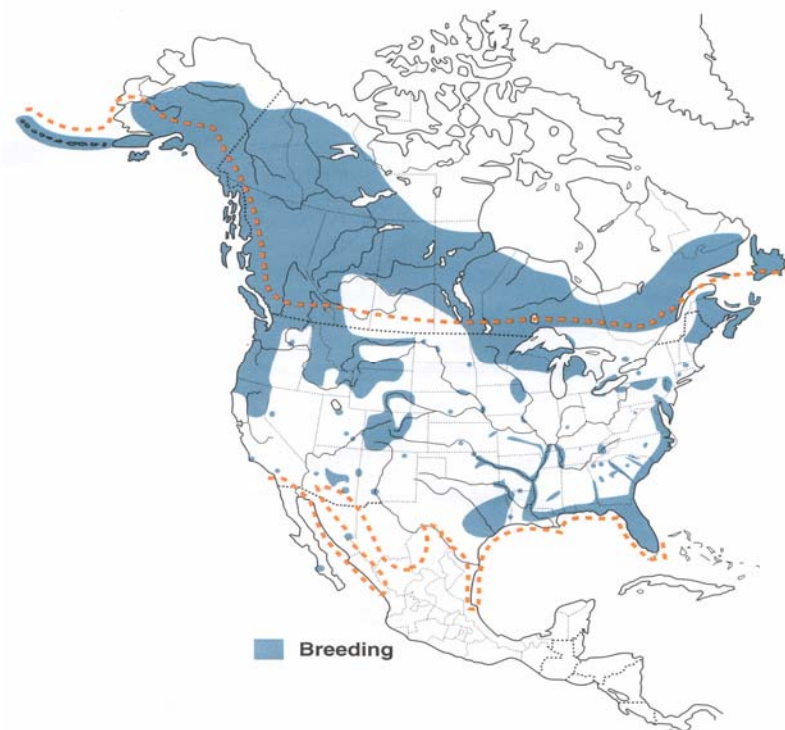
Bald eagles are a North American species that historically occurred throughout the contiguous United States and Alaska. After severely declining in the lower 48 States between the 1870s and the 1970s, bald eagles have rebounded and re-established breeding territories in each of the lower 48 states. The largest North American breeding populations are in Alaska and Canada, but there are also significant bald eagle populations in Florida, the Pacific Northwest, the Greater Yellowstone area, the Great Lakes states, and the Chesapeake Bay region. Bald eagle distribution varies seasonally. Bald eagles that nest in southern latitudes frequently move northward in late spring and early summer, often summering as far north as Canada. Most eagles that breed at northern latitudes migrate southward during winter, or to coastal areas where waters remain unfrozen. Migrants frequently concentrate in large numbers at sites where food is abundant and they often roost together communally. In some cases, concentration areas are used year-round: in summer by southern eagles and in winter by northern eagles.

Juvenile bald eagles have mottled brown and white plumage, gradually acquiring their dark brown body and distinctive white head and tail as they mature. Bald eagles generally attain adult plumage by 5 years of age. Most are capable of breeding at 4 or 5 years of age, but in healthy populations they may not start breeding until much older. Bald eagles may live 15 to 25 years in the wild. Adults weigh 8 to 14 pounds (occasionally reaching 16 pounds in Alaska) and have wingspans of 5 to 8 feet. Those in the northern range are larger than those in the south, and females are larger than males.

### Where do bald eagles nest?

Breeding bald eagles occupy “territories,” areas they will typically defend against intrusion by other eagles. In addition to the active nest, a territory may include one or more alternate nests (nests built or maintained by the eagles but not used for nesting in a given year). The Eagle Act prohibits removal or destruction of both active and alternate bald eagle nests. Bald eagles exhibit high nest site fidelity and nesting territories are often used year after year. Some territories are known to have been used continually for over half a century.

Bald eagles generally nest near coastlines, rivers, large lakes or streams that support an adequate food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; rarely on the ground; and with increasing frequency on human-made structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water where the eagles usually forage. Shoreline trees or snags located in reservoirs provide the visibility and accessibility needed to locate aquatic prey. Eagle nests are constructed with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4-6 feet in diameter and 3 feet deep, although larger nests exist.



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**The range of breeding bald eagles in 2000 (shaded areas). This map shows only the larger concentrations of nests; eagles have continued to expand into additional nesting territories in many states. The dotted line represents the bald eagle’s wintering range.**

**When do bald eagles nest?**

Nesting activity begins several months before egg-laying. Egg-laying dates vary throughout the U.S., ranging from October in Florida, to late April or even early May in the northern United States. Incubation typically lasts 33-35 days, but can be as long as 40 days. Eaglets make their first unsteady flights about 10 to 12 weeks after hatching, and fledge (leave their nests) within a few days after that first flight. However, young birds usually remain in the vicinity of the nest for several weeks after fledging because they are almost completely dependent on their parents for food until they disperse from the nesting territory approximately 6 weeks later.

The bald eagle breeding season tends to be longer in the southern U.S., and re-nesting following an unsuccessful first nesting attempt is more common there as well. The following table shows the timing of bald eagle breeding seasons in different regions of the country. The table represents the range of time within which the majority of nesting activities occur in each region and does not apply to any specific nesting pair. Because the timing of nesting activities may vary within a given region, you should contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16) and/or your state wildlife conservation agency for more specific information on nesting chronology in your area.

Chronology of typical reproductive activities of bald eagles in the United States.

Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.
<b>SOUTHEASTERN U.S. (FL, GA, SC, NC, AL, MS, LA, TN, KY, AR, eastern 2 of TX)</b>											
Nest Building											
		Egg Laying/Incubation									
				Hatching/Rearing Young							
					Fledging Young						
<b>CHESAPEAKE BAY REGION (NC, VA, MD, DE, southern 2 of NJ, eastern 2 of PA, panhandle of WV)</b>											
				Nest Building							
					Egg Laying/Incubation						
						Hatching/Rearing Young					
								Fledging Young			
<b>NORTHERN U.S. (ME, NH, MA, RI, CT, NY, northern 2 of NJ, western 2 of PA, OH, WV exc. panhandle, IN, IL, MI, WI, MN, IA, MO, ND, SD, NB, KS, CO, UT)</b>											
				Nest Building							
					Egg Laying/Incubation						
						Hatching/Rearing Young					
								Fledging Young			
<b>PACIFIC REGION (WA, OR, CA, ID, MT, WY, NV)</b>											
				Nest Building							
					Egg Laying/Incubation						
						Hatching/Rearing Young					
								Fledging Young			
<b>SOUTHWESTERN U.S. (AZ, NM, OK panhandle, western 2 of TX)</b>											
				Nest Building							
					Egg Laying/Incubation						
						Hatching/Rearing Young					
								Fledging Young			
<b>ALASKA</b>											
					Nest Building						
							Egg Laying/Incubation				
								Hatching/Rearing Young			
Ing Young											Fledg-
Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.

**How many chicks do bald eagles raise?**

The number of eagle eggs laid will vary from 1-3, with 1-2 eggs being the most common. Only one eagle egg is laid per day, although not always on successive days. Hatching of young occurs on different days with the result that chicks in the same nest are sometimes of unequal size. The overall national fledging rate is approximately one chick per nest, annually, which results in a healthy expanding population.

**What do bald eagles eat?**

Bald eagles are opportunistic feeders. Fish comprise much of their diet, but they also eat waterfowl, shorebirds/colonial waterbirds, small mammals, turtles, and carrion. Because they are visual hunters, eagles typically locate their prey from a conspicuous perch, or soaring flight, then swoop down and strike. Wintering bald eagles often congregate in large numbers along streams to feed on spawning salmon or other fish species, and often gather in large numbers in areas below reservoirs, especially hydropower dams, where fish are abundant. Wintering eagles also take birds from rafts of ducks at reservoirs and rivers, and congregate on melting ice shelves to scavenge dead fish from the current or the soft melting ice. Bald eagles will also feed on carcasses along roads, in landfills, and at feedlots.

During the breeding season, adults carry prey to the nest to feed the young. Adults feed their chicks by tearing off pieces of food and holding them to the beaks of the eaglets. After fledging, immature eagles are slow to develop hunting skills, and must learn to locate reliable food sources and master feeding techniques. Young eagles will congregate together, often feeding upon easily acquired food such as carrion and fish found in abundance at the mouths of streams and shallow bays and at landfills.

**The impact of human activity on nesting bald eagles**

During the breeding season, bald eagles are sensitive to a variety of human activities. However, not all bald eagle pairs react to human activities in the same way. Some pairs nest successfully just dozens of yards from human activity, while others abandon nest sites in response to activities much farther away. This variability may be related to a number of factors, including visibility, duration, noise levels, extent of the area affected by the activity, prior experiences with humans, and tolerance of the individual nesting pair. The relative sensitivity of bald eagles during various stages of the breeding season is outlined in the following table.

**Nesting Bald Eagle Sensitivity to Human Activities**

Phase	Activity	Sensitivity to Human Activity	Comments
I	Courtship and Nest Building	Most sensitive period; likely to respond negatively	Most critical time period. Disturbance is manifested in nest abandonment. Bald eagles in newly established territories are more prone to abandon nest sites.
II	Egg laying	Very sensitive period	Human activity of even limited duration may cause nest desertion and abandonment of territory for the breeding season.
III	Incubation and early nestling period (up to 4 weeks)	Very sensitive period	Adults are less likely to abandon the nest near and after hatching. However, flushed adults leave eggs and young unattended; eggs are susceptible to cooling, loss of moisture, overheating, and predation; young are vulnerable to elements.
IV	Nestling period, 4 to 8 weeks	Moderately sensitive period	Likelihood of nest abandonment and vulnerability of the nestlings to elements somewhat decreases. However, nestlings may miss feedings, affecting their survival.
V	Nestlings 8 weeks through fledging	Very sensitive period	Gaining flight capability, nestlings 8 weeks and older may flush from the nest prematurely due to disruption and die.

If agitated by human activities, eagles may inadequately construct or repair their nest, may expend energy defending the nest rather than tending to their young, or may abandon the nest altogether. Activities that cause prolonged absences of adults from their nests can jeopardize eggs or young. Depending on weather conditions, eggs may overheat or cool too much and fail to hatch. Unattended eggs and nestlings are subject to predation. Young nestlings are particularly vulnerable because they rely on their parents to provide warmth or shade, without which they may die as a result of hypothermia or heat stress. If food delivery schedules are interrupted, the young may not develop healthy plumage, which can affect their survival. In addition, adults startled while incubating or brooding young may damage eggs or injure their young as they abruptly leave the nest. Older nestlings no longer require constant attention from the adults, but they may be startled by loud or intrusive human activities and prematurely jump from the nest before they are able to fly or care for themselves. Once fledged, juveniles range up to ¼ mile from the nest site, often to a site with minimal human activity. During this period, until about six weeks after departure from the nest, the juveniles still depend on the adults to feed them.

**The impact of human activity on foraging and roosting bald eagles**

Disruption, destruction, or obstruction of roosting and foraging areas can also negatively affect bald eagles. Disruptive activities in or near eagle foraging areas can interfere with feeding, reducing chances of survival. Interference with feeding can also result in reduced productivity (number of young successfully fledged). Migrating and wintering bald eagles often congregate at specific sites for purposes of feeding and sheltering. Bald eagles rely on established roost sites because of their proximity to sufficient food sources. Roost sites are usually in mature trees where the eagles are somewhat sheltered from the wind and weather. Human activities near or within communal roost sites may prevent eagles



from feeding or taking shelter, especially if there are not other undisturbed and productive feeding and roosting sites available. Activities that permanently alter communal roost sites and important foraging areas can altogether eliminate the elements that are essential for feeding and sheltering eagles.

Where a human activity agitates or bothers roosting or foraging bald eagles to the degree that causes injury or substantially interferes with breeding, feeding, or sheltering behavior and causes, or is likely to cause, a loss of productivity or nest abandonment, the conduct of the activity constitutes a violation of the Eagle Act's prohibition against disturbing eagles. The circumstances that might result in such an outcome are difficult to predict without detailed site-specific information. If your activities may disturb roosting or foraging bald eagles, you should contact your local Fish and Wildlife Service Field Office (see page 16) for advice and recommendations for how to avoid such disturbance.

### **RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT NEST SITES**

In developing these Guidelines, we relied on existing state and regional bald eagle guidelines, scientific literature on bald eagle disturbance, and recommendations of state and Federal biologists who monitor the impacts of human activity on eagles. Despite these resources, uncertainties remain regarding the effects of many activities on eagles and how eagles in different situations may or may not respond to certain human activities. The Service recognizes this uncertainty and views the collection of better biological data on the response of eagles to disturbance as a high priority. To the extent that resources allow, the Service will continue to collect data on responses of bald eagles to human activities conducted according to the recommendations within these Guidelines to ensure that adequate protection from disturbance is being afforded, and to identify circumstances where the Guidelines might be modified. These data will be used to make future adjustments to the Guidelines.

To avoid disturbing nesting bald eagles, we recommend (1) keeping a distance between the activity and the nest (distance buffers), (2) maintaining preferably forested (or natural) areas between the activity and around nest trees (landscape buffers), and (3) avoiding certain activities during the breeding season. The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees.

The size and shape of effective buffers vary depending on the topography and other ecological characteristics surrounding the nest site. In open areas where there are little or no forested or topographical buffers, such as in many western states, distance alone must serve as the buffer. Consequently, in open areas, the distance between the activity and the nest may need to be larger than the distances recommended under Categories A and B of these guidelines (pg. 12) if no landscape buffers are present. The height of the nest above the ground may also ameliorate effects of human activities; eagles at higher nests may be less prone to disturbance.

In addition to the physical features of the landscape and nest site, the appropriate size for the distance buffer may vary according to the historical tolerances of eagles to human activities in particular localities, and may also depend on the location of the nest in relation

to feeding and roosting areas used by the eagles. Increased competition for nest sites may lead bald eagles to nest closer to human activity (and other eagles).

Seasonal restrictions can prevent the potential impacts of many shorter-term, obtrusive activities that do not entail landscape alterations (e.g. fireworks, outdoor concerts). In proximity to the nest, these kinds of activities should be conducted only outside the breeding season. For activities that entail both short-term, obtrusive characteristics and more permanent impacts (e.g., building construction), we recommend a combination of both approaches: retaining a landscape buffer *and* observing seasonal restrictions.

For assistance in determining the appropriate size and configuration of buffers or the timing of activities in the vicinity of a bald eagle nest, we encourage you to contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16).

### **Existing Uses**

Eagles are unlikely to be disturbed by routine use of roads, homes, and other facilities where such use pre-dates the eagles' successful nesting activity in a given area. Therefore, in most cases *ongoing* existing uses may proceed with the same intensity with little risk of disturbing bald eagles. However, some *intermittent, occasional, or irregular* uses that pre-date eagle nesting in an area may disturb bald eagles. For example: a pair of eagles may begin nesting in an area and subsequently be disturbed by activities associated with an annual outdoor flea market, even though the flea market has been held annually at the same location. In such situations, human activity should be adjusted or relocated to minimize potential impacts on the nesting pair.

## **ACTIVITY-SPECIFIC GUIDELINES**

The following section provides the Service's management recommendations for avoiding bald eagle disturbance as a result of new or intermittent activities proposed in the vicinity of bald eagle nests. Activities are separated into 8 categories (A – H) based on the nature and magnitude of impacts to bald eagles that usually result from the type of activity. Activities with similar or comparable impacts are grouped together.

In most cases, impacts will vary based on the visibility of the activity from the eagle nest and the degree to which similar activities are already occurring in proximity to the nest site. Visibility is a factor because, in general, eagles are more prone to disturbance when an activity occurs in full view. For this reason, we recommend that people locate activities farther from the nest structure in areas with open vistas, in contrast to areas where the view is shielded by rolling topography, trees, or other screening factors. The recommendations also take into account the existence of similar activities in the area because the continued presence of nesting bald eagles in the vicinity of the existing activities indicates that the eagles in that area can tolerate a greater degree of human activity than we can generally expect from eagles in areas that experience fewer human impacts. To illustrate how these factors affect the likelihood of disturbing eagles, we have incorporated the recommendations for some activities into a table (categories A and B).

First, determine which category your activity falls into (between categories A – H). If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity represented.

If your activity is under A or B, our recommendations are in table form. The vertical axis shows the degree of visibility of the activity from the nest. The horizontal axis (header row) represents the degree to which similar activities are ongoing in the vicinity of the nest. Locate the row that best describes how visible your activity will be from the eagle nest. Then, choose the column that best describes the degree to which similar activities are ongoing in the vicinity of the eagle nest. The box where the column and row come together contains our management recommendations for how far you should locate your activity from the nest to avoid disturbing the eagles. The numerical distances shown in the tables are the closest the activity should be conducted relative to the nest. In some cases we have included additional recommendations (other than recommended *distance* from the nest) you should follow to help ensure that your activity will not disturb the eagles.

### **Alternate nests**

For activities that entail permanent landscape alterations that may result in bald eagle disturbance, these recommendations apply to both active and alternate bald eagle nests. Disturbance becomes an issue with regard to alternate nests if eagles return for breeding purposes and react to land use changes that occurred while the nest was inactive. The likelihood that an alternate nest will again become active decreases the longer it goes unused. If you plan activities in the vicinity of an alternate bald eagle nest and have information to show that the nest has not been active during the preceding 5 breeding seasons, the recommendations provided in these guidelines for avoiding disturbance around the nest site may no longer be warranted. The nest itself remains protected by other provisions of the Eagle Act, however, and may not be destroyed.

If special circumstances exist that make it unlikely an inactive nest will be reused before 5 years of disuse have passed, and you believe that the probability of reuse is low enough to warrant disregarding the recommendations for avoiding disturbance, you should be prepared to provide all the reasons for your conclusion, including information regarding past use of the nest site. Without sufficient documentation, you should continue to follow these guidelines when conducting activities around the nest site. If we are able to determine that it is unlikely the nest will be reused, we may advise you that the recommendations provided in these guidelines for avoiding disturbance are no longer necessary around that nest site.

This guidance is intended to minimize disturbance, as defined by Federal regulation. In addition to Federal laws, most states and some tribes and smaller jurisdictions have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines.

### **Temporary Impacts**

For activities that have temporary impacts, such as the use of loud machinery, fireworks displays, or summer boating activities, we recommend seasonal restrictions. These types of activities can generally be carried out outside of the breeding season without causing disturbance. The recommended restrictions for these types of activities can be lifted for alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched (depending on the distance between the alternate nest and the active nest).

In general, activities should be kept as far away from nest trees as possible; loud and disruptive activities should be conducted when eagles are not nesting; and activity between the nest and the nearest foraging area should be minimized. If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity addressed, or contact your local U.S. Fish and Wildlife Service Field Office for additional guidance.

If you believe that special circumstances apply to your situation that increase or diminish the likelihood of bald eagle disturbance, or if it is not possible to adhere to the guidelines, you should contact your local Service Field Office for further guidance.

**Category A:**

- Building construction, 1 or 2 story, with project footprint of ½ acre or less.
- Construction of roads, trails, canals, power lines, and other linear utilities.
- Agriculture and aquaculture – new or expanded operations.
- Alteration of shorelines or wetlands.
- Installation of docks or moorings.
- Water impoundment.

**Category B:**

- Building construction, 3 or more stories.
- Building construction, 1 or 2 story, with project footprint of more than ½ acre.
- Installation or expansion of marinas with a capacity of 6 or more boats.
- Mining and associated activities.
- Oil and natural gas drilling and refining and associated activities.

	<i><b>If there is no similar activity within 1 mile of the nest</b></i>	<i><b>If there is similar activity closer than 1 mile from the nest</b></i>
<i><b>If the activity will be visible from the nest</b></i>	660 feet. Landscape buffers are recommended.	660 feet, or as close as existing tolerated activity of similar scope. Landscape buffers are recommended.
<i><b>If the activity will not be visible from the nest</b></i>	Category A: 330 feet. Clearing, external construction, and landscaping between 330 feet and 660 feet should be done outside breeding season.  Category B: 660 feet.	330 feet, or as close as existing tolerated activity of similar scope. Clearing, external construction and landscaping within 660 feet should be done outside breeding season.

The numerical distances shown in the table are the closest the activity should be conducted relative to the nest.

**Category C. Timber Operations and Forestry Practices**

- Avoid clear cutting or removal of overstory trees within 330 feet of the nest at any time.
- Avoid timber harvesting operations, including road construction and chain saw and yarding operations, during the breeding season within 660 feet of the nest. The distance may be decreased to 330 feet around alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched.
- Selective thinning and other silviculture management practices designed to conserve or enhance habitat, including prescribed burning close to the nest tree, should be undertaken outside the breeding season. Precautions such as raking leaves and woody debris from around the nest tree should be taken to prevent crown fire or fire climbing the nest tree. If it is determined that a burn during the breeding season would be beneficial, then, to ensure that no take or disturbance will occur, these activities should be conducted only when neither adult eagles nor young are present at 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). Appropriate Federal and state biologists should be consulted before any prescribed burning is conducted during the breeding season.
- Avoid construction of log transfer facilities and in-water log storage areas within 330 feet of the nest.

**Category D. Off-road vehicle use** (including snowmobiles). No buffer is necessary around nest sites outside the breeding season. During the breeding season, do not operate off-road vehicles within 330 feet of the nest. In open areas, where there is increased visibility and exposure to noise, this distance should be extended to 660 feet.

**Category E. Motorized Watercraft use** (including jet skis/personal watercraft). No buffer is necessary around nest sites outside the breeding season. During the breeding season, within 330 feet of the nest, (1) do not operate jet skis (personal watercraft), and (2) avoid concentrations of noisy vessels (e.g., commercial fishing boats and tour boats), except where eagles have demonstrated tolerance for such activity. Other motorized boat traffic passing within 330 feet of the nest should attempt to minimize trips and avoid stopping in the area where feasible, particularly where eagles are unaccustomed to boat traffic. Buffers for airboats should be larger than 330 feet due to the increased noise they generate, combined with their speed, maneuverability, and visibility.

**Category F. Non-motorized recreation and human entry** (e.g., hiking, camping, fishing, hunting, birdwatching, kayaking, canoeing). No buffer is necessary around nest sites outside the breeding season. If the activity will be visible or highly audible from the nest, maintain a 330-foot buffer during the breeding season, particularly where eagles are unaccustomed to such activity.

**Category G. Helicopters and fixed-wing aircraft.**

Except for authorized biologists trained in survey techniques, avoid operating aircraft within 1,000 feet of the nest during the breeding season, except where eagles have demonstrated tolerance for such activity.

**Category H. Blasting and other loud, intermittent noises.**

Avoid blasting and other activities that produce extremely loud noises within 1/2 mile of active nests, unless greater tolerance to the activity (or similar activity) has been demonstrated by the eagles in the nesting area. This recommendation applies to the use of fireworks classified by the Federal Department of Transportation as Class B explosives, which includes the larger fireworks that are intended for licensed public display.

**RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT FORAGING AREAS AND COMMUNAL ROOST SITES**

1. Minimize potentially disruptive activities and development in the eagles' direct flight path between their nest and roost sites and important foraging areas.
2. Locate long-term and permanent water-dependent facilities, such as boat ramps and marinas, away from important eagle foraging areas.
3. Avoid recreational and commercial boating and fishing near critical eagle foraging areas during peak feeding times (usually early to mid-morning and late afternoon), except where eagles have demonstrated tolerance to such activity.
4. Do not use explosives within ½ mile (or within 1 mile in open areas) of communal roosts when eagles are congregating, without prior coordination with the U.S. Fish and Wildlife Service and your state wildlife agency.
5. Locate aircraft corridors no closer than 1,000 feet vertical or horizontal distance from communal roost sites.

## **ADDITIONAL RECOMMENDATIONS TO BENEFIT BALD EAGLES**

The following are additional management practices that landowners and planners can exercise for added benefit to bald eagles.

1. Protect and preserve potential roost and nest sites by retaining mature trees and old growth stands, particularly within ½ mile from water.
2. Where nests are blown from trees during storms or are otherwise destroyed by the elements, continue to protect the site in the absence of the nest for up to three (3) complete breeding seasons. Many eagles will rebuild the nest and reoccupy the site.
3. To avoid collisions, site wind turbines, communication towers, and high voltage transmission power lines away from nests, foraging areas, and communal roost sites.
4. Employ industry-accepted best management practices to prevent birds from colliding with or being electrocuted by utility lines, towers, and poles. If possible, bury utility lines in important eagle areas.
5. Where bald eagles are likely to nest in human-made structures (e.g., cell phone towers) and such use could impede operation or maintenance of the structures or jeopardize the safety of the eagles, equip the structures with either (1) devices engineered to discourage bald eagles from building nests, or (2) nesting platforms that will safely accommodate bald eagle nests without interfering with structure performance.
6. Immediately cover carcasses of euthanized animals at landfills to protect eagles from being poisoned.
7. Do not intentionally feed bald eagles. Artificially feeding bald eagles can disrupt their essential behavioral patterns and put them at increased risk from power lines, collision with windows and cars, and other mortality factors.
8. Use pesticides, herbicides, fertilizers, and other chemicals only in accordance with Federal and state laws.
9. Monitor and minimize dispersal of contaminants associated with hazardous waste sites (legal or illegal), permitted releases, and runoff from agricultural areas, especially within watersheds where eagles have shown poor reproduction or where bioaccumulating contaminants have been documented. These factors present a risk of contamination to eagles and their food sources.

## CONTACTS

The following U.S. Fish and Wildlife Service Field Offices provide technical assistance on bald eagle management:

<u>Alabama</u>	Daphne	(251) 441-5181	<u>New Hampshire</u>	Concord	(603) 223-2541
<u>Alaska</u>	Anchorage	(907) 271-2888	<u>New Jersey</u>	Pleasantville	(609) 646-9310
	Fairbanks	(907) 456-0203	<u>New Mexico</u>	Albuquerque	(505) 346-2525
	Juneau	(907) 780-1160	<u>New York</u>	Cortland	(607) 753-9334
<u>Arizona</u>	Phoenix	(602) 242-0210		Long Island	(631) 776-1401
<u>Arkansas</u>	Conway	(501) 513-4470	<u>North Carolina</u>	Raleigh	(919) 856-4520
<u>California</u>	Arcata	(707) 822-7201		Asheville	(828) 258-3939
	Barstow	(760) 255-8852	<u>North Dakota</u>	Bismarck	(701) 250-4481
	Carlsbad	(760) 431-9440	<u>Ohio</u>	Reynoldsburg	(614) 469-6923
	Red Bluff	(530) 527-3043	<u>Oklahoma</u>	Tulsa	(918) 581-7458
	Sacramento	(916) 414-6000	<u>Oregon</u>	Bend	(541) 383-7146
	Stockton	(209) 946-6400		Klamath Falls	(541) 885-8481
	Ventura	(805) 644-1766		La Grande	(541) 962-8584
	Yreka	(530) 842-5763		Newport	(541) 867-4558
<u>Colorado</u>	Lakewood	(303) 275-2370		Portland	(503) 231-6179
	Grand Junction	(970) 243-2778		Roseburg	(541) 957-3474
<u>Connecticut</u>	(See New Hampshire)		<u>Pennsylvania</u>	State College	(814) 234-4090
<u>Delaware</u>	(See Maryland)		<u>Rhode Island</u>	(See New Hampshire)	
<u>Florida</u>	Panama City	(850) 769-0552	<u>South Carolina</u>	Charleston	(843) 727-4707
	Vero Beach	(772) 562-3909	<u>South Dakota</u>	Pierre	(605) 224-8693
	Jacksonville	(904) 232-2580	<u>Tennessee</u>	Cookeville	(931) 528-6481
<u>Georgia</u>	Athens	(706) 613-9493	<u>Texas</u>	Clear Lake	(281) 286-8282
	Brunswick	(912) 265-9336	<u>Utah</u>	West Valley City	(801) 975-3330
	Columbus	(706) 544-6428	<u>Vermont</u>	(See New Hampshire)	
<u>Idaho</u>	Boise	(208) 378-5243	<u>Virginia</u>	Gloucester	(804) 693-6694
	Chubbuck	(208) 237-6975	<u>Washington</u>	Lacey	(306) 753-9440
<u>Illinois/Iowa</u>	Rock Island	(309) 757-5800		Spokane	(509) 891-6839
<u>Indiana</u>	Bloomington	(812) 334-4261		Wenatchee	(509) 665-3508
<u>Kansas</u>	Manhattan	(785) 539-3474	<u>West Virginia</u>	Elkins	(304) 636-6586
<u>Kentucky</u>	Frankfort	(502) 695-0468	<u>Wisconsin</u>	New Franken	(920) 866-1725
<u>Louisiana</u>	Lafayette	(337) 291-3100	<u>Wyoming</u>	Cheyenne	(307) 772-2374
<u>Maine</u>	Old Town	(207) 827-5938		Cody	(307) 578-5939
<u>Maryland</u>	Annapolis	(410) 573-4573			
<u>Massachusetts</u>	(See New Hampshire)				
<u>Michigan</u>	East Lansing	(517) 351-2555			
<u>Minnesota</u>	Bloomington	(612) 725-3548			
<u>Mississippi</u>	Jackson	(601) 965-4900			
<u>Missouri</u>	Columbia	(573) 234-2132			
<u>Montana</u>	Helena	(405) 449-5225			
<u>Nebraska</u>	Grand Island	(308) 382-6468			
<u>Nevada</u>	Las Vegas	(702) 515-5230			
	Reno	(775) 861-6300			

<p><u>National Office</u>            U.S. Fish and Wildlife Service            Division of Migratory Bird Management            4401 North Fairfax Drive, MBSP-4107            Arlington, VA 22203-1610            (703) 358-1714  <a href="http://www.fws.gov/migratorybirds">http://www.fws.gov/migratorybirds</a></p>
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### State Agencies

To contact a state wildlife agency, visit the Association of Fish & Wildlife Agencies' website at [http://www.fishwildlife.org/where\\_us.html](http://www.fishwildlife.org/where_us.html)



## GLOSSARY

The definitions below apply to these National Bald Eagle Management Guidelines:

**Communal roost sites** – Areas where bald eagles gather and perch overnight – and sometimes during the day in the event of inclement weather. Communal roost sites are usually in large trees (live or dead) that are relatively sheltered from wind and are generally in close proximity to foraging areas. These roosts may also serve a social purpose for pair bond formation and communication among eagles. Many roost sites are used year after year.

**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.

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

**Fledgling** – A juvenile bald eagle that has taken the first flight from the nest but is not yet independent.

**Foraging area** – An area where eagles feed, typically near open water such as rivers, lakes, reservoirs, and bays where fish and waterfowl are abundant, or in areas with little or no water (i.e., rangelands, barren land, tundra, suburban areas, etc.) where other prey species (e.g., rabbit, rodents) or carrion (such as at landfills) are abundant.

**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** – A structure built, maintained, or used by bald eagles for the purpose of reproduction. An **active** nest is a nest that is attended (built, maintained or used) by a pair of bald eagles during a given breeding season, whether or not eggs are laid. An **alternate** nest is a nest that is not used for breeding by eagles during a given breeding season.

**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 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.

**Project footprint** – The area of land (and water) that will be permanently altered for a development project, including access roads.

**Similar scope** – In the vicinity of a bald eagle nest, an existing activity is of similar scope to a new activity where the types of impacts to bald eagles are similar in nature, and the impacts of the existing activity are of the same or greater magnitude than the impacts of the potential new activity. Examples: (1) An existing single-story home 200 feet from a nest is similar in scope to an additional single-story home 200 feet from the nest; (2) An existing multi-story, multi-family dwelling 150 feet from a nest has impacts of a greater magnitude than a potential new single-family home 200 feet from the nest; (3) One existing single-family home 200 feet from the nest has impacts of a lesser magnitude than three single-family homes 200 feet from the nest; (4) an existing single-family home 200 feet from a communal roost has impacts of a lesser magnitude than a single-family home 300 feet from the roost but 40 feet from the eagles' foraging area. The existing activities in examples (1) and (2) are of similar scope, while the existing activities in example (3) and (4) are not.

**Vegetative buffer** – An area surrounding a bald eagle nest that is wholly or largely covered by forest, vegetation, or other natural ecological characteristics, and separates the nest from human activities.

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# Bald Eagle

## *Haliaeetus leucocephalus*



Jim Hudgins/USFWS

A North American species with a historic range from Alaska and Canada to northern Mexico, the bald eagle is an Endangered Species Act success story.

Forty years ago, our national symbol was in danger of extinction throughout most of its range. Habitat destruction and degradation, illegal shooting, and the contamination of its food source, largely as a consequence of DDT, decimated the eagle population.

The federal government's banning of DDT and related pesticides, habitat protection afforded by the Endangered Species Act, and conservation actions taken by the American public have helped bald eagles make a remarkable recovery.

### Bald Eagle Biology

Distinguished in the adult plumage by a white head and white tail, bald eagles are powerful, brown birds that may weigh 14 pounds and have a wingspan of 8 feet. Male eagles are smaller, weighing as much as 10 pounds and have a wingspan of 6 feet. Sometimes confused with golden eagles, bald eagles are mostly dark brown until they are four to five years old and acquire their characteristic coloring. There is a distinction between the two species, though, even during the early years. Only the tops of the bald eagle's legs have feathers. The legs of golden eagles are feathered all the way down.

Bald eagles live near rivers, lakes, and marshes where they can find fish, their staple food. As their populations grow, however, bald eagles are expanding their range, even nesting in urban areas. Bald eagles will also feed on waterfowl, turtles, rabbits, snakes, and other small animals and carrion.

Bald eagles require a good food base, perching areas, and nesting sites. Their habitat includes estuaries, large lakes, reservoirs, rivers, and some seacoasts. In winter, the birds congregate near open water in tall trees for spotting prey and night roosts for sheltering.

Bald eagles usually choose the tops of large trees to build nests, which they typically use and enlarge each year. However, nests have also been found on cliffs, the ground, and even on human-made structures like cell phone towers.

Nests may reach 10 feet across and weigh a half ton. Bald eagles may also have one or more alternate nests within their breeding territory. The birds travel great distances but usually return to breeding grounds within 100 miles of the place where they were raised. Bald eagles may live 15 to 25 years in the wild, longer in captivity.

Breeding bald eagles typically lay one to three eggs once a year, and they hatch after about 35 days. The young eagles are flying within three months and are on their own about a month later. However, disease, lack of food, bad weather, or human interference can kill many eaglets. Recent studies show that approximately 70 percent survive their first year of life.

### The Plight of the Bald Eagle

When America adopted the bald eagle as the national symbol in 1782, anecdotal accounts stated the country may have had as many as 100,000 nesting eagles. The first major decline of the species probably began in the mid to late 1800's, coinciding with the decline of waterfowl, shorebirds, and other prey.

Although they primarily eat fish and carrion, bald eagles used to be considered marauders that preyed on chickens, lambs, and domestic livestock. Consequently, the large raptors were shot in an effort to eliminate a perceived threat. Coupled with the loss of nesting habitat, bald eagle populations declined.

In 1940, noting that the species was "threatened with extinction," Congress passed the Bald Eagle Protection Act, which prohibited killing, selling, or possessing the species. A 1962 amendment added the golden eagle, and the law became the Bald and Golden Eagle Protection Act.

Shortly after World War II, DDT was hailed as a new pesticide to control mosquitoes and other insects. However, DDT and its residues washed into nearby waterways, where aquatic plants and fish absorbed it. Bald eagles, in turn, were poisoned with DDT when they ate the contaminated fish. The chemical interfered with the ability of the birds to produce strong eggshells.



As a result, their eggs had shells so thin that they often broke during incubation or otherwise failed to hatch. DDT also affected other species such as peregrine falcons and brown pelicans. Some other pesticides related to DDT are suspected to have caused increased mortality, in addition to the harmful effects on reproduction.

By 1963, with only 417 nesting pairs of bald eagles known to exist, the species was in danger of extinction.

### **The Road Back**

As the dangers of DDT became known, in large part due to the 1962 publication of Rachel Carson's book *Silent Spring*, the Environmental Protection Agency took the historic and, at the time, controversial step of banning the use of DDT and some related pesticides in the United States. That was in 1972, and it was the first step on the road to recovery for the bald eagle.

In 1967, the Secretary of Interior listed bald eagles south of the 40th parallel under the Endangered Species Preservation Act of 1966. Following enactment of the Endangered Species Act of 1973, the Service listed the species in 1978 as endangered throughout the lower 48 states, except in Michigan, Minnesota, Oregon, Washington, and Wisconsin where it was designated as threatened.

The species was not listed as threatened or endangered in Hawaii because it does not occur there, or in Alaska because populations there have remained robust.

Listing the species as endangered provided the springboard for the Service and its partners to accelerate the pace of recovery through captive breeding programs, reintroduction efforts, law enforcement, and nest site protection during the breeding season.

### **Population Milestones**

In July 1995, the Service announced that bald eagles in the lower 48 states had recovered to the point where those populations previously considered endangered could be reclassified to the less critical category of threatened.

Then in 2007, the Service estimated there were at least 9,789 nesting pairs of bald eagles in the contiguous United States. Bald eagles staged a remarkable population rebound and recovered to the point that they no longer needed the protection of the



Tom Koerner/USFWS

Endangered Species Act. Thus, on June 28, 2007, the Service announced the recovery of our nation's symbol and removal from the list of threatened and endangered species.

### **Continued Population Growth**

In 2016, the Service published the bald eagle population status report as part of a Programmatic Environmental Impact Statement. In that report which analyzed data from 2009, the bald eagle population in the lower 48 states was estimated to be 72,434 individuals, including 30,548 breeding pairs.

Then in 2021, the Service published a technical update that provided the newest estimates for the bald eagle population in the lower 48 states for the period 2018-2019, totaling 316,700 individuals, which included 71,467 breeding pairs.

### **What Lies Ahead**

The recovery of the bald eagle is one of the most well-known conservation success stories of all time. The Service continues to work with our partners in state and federal agencies, tribes, non-government organizations and private landowners to ensure that our nation's symbol flourishes.

Although the Service removed the bald eagle from the list of threatened and endangered species under the Endangered Species Act, the bird continues to be protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. Both laws prohibit killing, selling or otherwise harming eagles, their nests, or eggs.

The Service developed guidelines to help landowners avoid disturbing eagles and encourage beneficial conservation practices.

For more information on the recovery of bald eagles, please visit <https://www.fws.gov/birds/management/managed-species/eagle-management.php>

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**U.S. Fish & Wildlife Service  
Migratory Bird Program  
5275 Leesburg Pike, MS: MB  
Falls Church, VA 22041**

**703/358-1714  
[www.fws.gov/birds/](http://www.fws.gov/birds/)**

**February 2021**



# Golden Eagles

## *Status Fact Sheet*



*Golden Eagle*  
Photo: George Gentry/USFWS

Golden Eagles (*Aquila chrysaetos canadensis*) can be found from the tundra, through grasslands, forested habitat and woodland brushlands, south to arid deserts, including Death Valley, California. They are aerial predators and eat small to mid sized reptiles, birds, and mammals up to the size of mule deer fawns and coyote pups. They also are known to scavenge and utilize carrion.

Golden Eagles build nests on cliffs or in the largest trees of forested stands that often afford an unobstructed view of the surrounding habitat. Their nests are usually, sticks and soft material added to existing nests, or new nests that are constructed to create strong, flat or bowl shaped platforms.

Golden Eagles avoid nesting near urban habitat and do not generally nest in densely forested habitat. Individuals will occasionally nest near semi urban areas where housing density is low and in farmland habitat; however Golden Eagles

have been noted to be sensitive to some forms of human presence. Golden Eagles lay one to four eggs, with two eggs being most common and four eggs most rare. The laying interval between eggs ranges between three to five days.

### Golden Eagle Migration

Golden Eagles will migrate from the Canadian provinces and northern tier and northeastern states to areas that are milder in the winter and/or may have less snow cover. During winter, Golden Eagles are found throughout the continental United States. Golden Eagles tend to migrate during midday along north-south oriented cliff lines, ridges, and escarpments, where they are buoyed by uplift from deflected winds. Golden Eagles will forage during migration flights and use lift from heated air from open landscapes to move efficiently during migration and seasonal movements, gliding from one thermal to the next and sometimes moving in groups with other raptor species.

### Status of Golden Eagles

The most recent survey of Golden Eagles across four large Bird Conservation Regions (BCRs) in the West (80 percent of the species' range in the lower 48 states is in these BCRs) provided an estimate of 20,722 Golden Eagles of all ages across the survey area. The best available survey data the U.S. Fish and Wildlife has for Golden Eagles indicate, at best, a stable population in the four Bird Conservation Regions, with a possible decline in the population of juvenile Golden Eagles in the southern Rockies. The Service extrapolates those survey data to estimate that there may be 30,000 Golden Eagles across the United States. However, Golden Eagle populations are believed to undergo a (roughly) ten year cycle, so having only four years data (surveys 2006 – 2009) limits the Service's ability to assess the long-term population trend. Size and

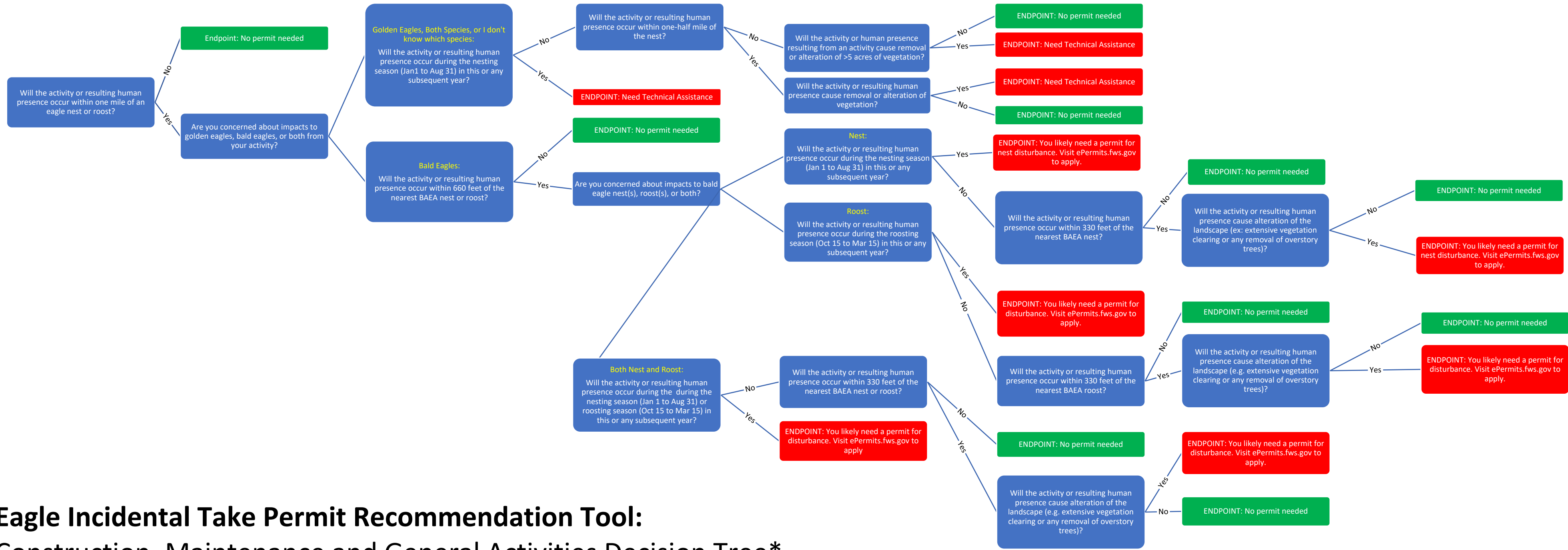
shape, and distribution of golden eagle nesting territories vary with topography and prey availability. Disturbances near areas that are important for roosting or foraging can stress eagles to a degree that leads to reproductive failure or mortality elsewhere

### Protection of Golden Eagles

Bald and Golden eagles are protected by three federal laws: The Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and the Lacey Act. These laws prohibit the possession, use and sale of eagle feathers and parts as well as a number of other activities, including the transportation of eagles and feathers and parts that have been illegally obtained. The Eagle Act has prohibited take of Bald Eagles since 1940 and Golden Eagles since 1962. Take means pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb. Such restrictions help ensure the future viability of eagles in the wild. The U.S. Fish and Wildlife Service has long recognized the religious and cultural significance of eagles to Native Americans and works to accommodate these special needs. The Service operates the National Eagle Repository as a clearinghouse for eagles and eagle parts to provide Native Americans with eagle feathers for religious and cultural use.

U.S. Fish & Wildlife Service  
<http://www.fws.gov>  
1800/344 WILD

February 2011



# Eagle Incidental Take Permit Recommendation Tool: Construction, Maintenance and General Activities Decision Tree\*

Updated 10/8/2021

**\*This tool applies to activities in Washington, Oregon and Idaho only**

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<b>Preferred and Prohibited Plants List</b>	<b>Proposed Planning Commission Action: Discussion Only</b>
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<b>Presented by:</b>	Town Planner
<b>Exhibits:</b>	NA

**Summary:**

During the May Town Council meeting, the council voted to add the creation of a preferred and prohibited plants list for the Town. The goal of such a list and associated code would be to regulate plantings in the setbacks to prevent future planting of various plants which may constitute a nuisance. This list may include plants which are considered or classified as invasive, noxious, destructive to infrastructure, as well as plants which are difficult to maintain and may result in nuisance complaints. Examples of such plants include but are not limited to Leyland cypress (*Cupressus leylandii*), Himalayan blackberry (*Rubus armeniacus*), and Scotch broom (*Cytisus scoparius*). The State also maintains a list of noxious and invasive weeds which may be pertinent to reference or incorporate as part of the Town’s list. Preferred plants may be incorporated to include native plants, those which encourage biodiversity and overall ecological health, and plants which help to maintain the aesthetic of the Town.

**Additional resources:**

- [Washington State Noxious Weed Control Board](#)
- [Washington Native Plant Society](#)
- [King County Noxious Weed List](#)

**Action Items:**

- Staff Presentation (10min)
- Discussion (20min)
- Vote (5min)

**Commission Options:**

- Continue Discussion at next meeting
- Direct Staff to do further research

**Recommended Motion:**

- I move to continue discussion of this topic at the next meeting without any additional staff action or research
  
- I move to direct to staff to research Preferred and Prohibited Plants Lists further as discussed during the meeting.