

Bald and Golden Eagle Protection Act (BGEPA) Permit Toolkit | Georgia Department of Transportation

This Toolkit is intended to provide guidance on appropriate procedures for projects that may result in “take” of bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*). For all such projects, technical assistance should first be requested from the U.S. Fish and Wildlife Service (USFWS) Migratory Bird Program Regional Office. Permits for take of bald or golden eagles may be granted by USFWS for specific activities provided the activity is deemed as not being detrimental to bald or golden eagle populations.

Early coordination shall be completed with the Georgia Department of Natural Resources, Wildlife Resources Division (WRD) to determine any documented nests within three miles of the Environmental Survey Boundary (ESB). The ESB shall be assessed for potential nesting and foraging habitat and documented within the Ecology Resource Survey and Assessment of Effects Report (ERS AOE). Technical assistance from the USFWS shall be requested whenever documented or observed nests are within one mile of the ESB. If an eagle nest has been identified within the ESB, it should be avoided if practicable. Any clearing restrictions must be coordinated with the project team and implemented consistent with guidance provided by the USFWS Southeast Region Eagle Technical Assistance website.

For projects with a nest within one mile of the ESB, an additional survey of the general nest vicinity must be conducted during the eagle nesting season preceding the calendar year of project letting to verify the nest still exists and document any additional nests that could be impacted by the project. October 1 through May 15 are the general nesting season dates used by USFWS for guidance in the southeast; however, eagles may nest before October 1 or after May 15. Coordinate with the GDOT Ecologist, USFWS, and WRD for approval of any pre-let surveys proposed outside of the defined survey season and to determine the extent of follow-up surveys.

If a nest is documented within the project footprint and avoidance is not feasible, the nest tree may be removed provided an Eagle Nest Take Permit (50 CFR 22.27) is obtained from USFWS. The impact must be offset with appropriate mitigation, such as enhancement of eagle habitat elsewhere, scaled to the effects of the nest removal. Feasibility of nest removal mitigation measures must be discussed with the Project Manager (PM) and Design prior to coordinating with USFWS for an Eagle Nest Take Permit. A description of BGEPA permitting requirements for the project and all USFWS coordination related to BGEPA permitting shall be enclosed with the ERS AOE or Addendum.

An application for an Eagle Nest Take Permit consisting of a completed USFWS application Form 3-200-72 and all required attachments must be submitted to the USFWS Migratory Bird Program Regional Office. Nest removal cannot be completed prior to issuance of a Permit by USFWS. Any conditions of the Eagle Nest Take Permit, including reporting, must be followed and are the responsibility of the lead Federal Agency, when applicable. The Ecologist shall work with USFWS and the lead Federal Agency for technical assistance during assessment of effects, to ensure that all provisions of the Permit are included in Special Provision (SP) 107.23H and post-construction commitments by Georgia Department of Transportation (GDOT). If a Permit is issued or denied, any documentation, including but not limited to the Permit, SP 107.23H, and other environmental commitments, shall be provided to the lead Federal Agency, USFWS, and WRD prior to the construction let date. If a nest is found after project letting the PM and USFWS should be notified immediately, and coordination as noted above should start as soon as possible. Removal of the nest or nest tree and work in the nest vicinity shall cease until coordination with USFWS is complete.

An Eagle Nest Take Permit is not typically required for GDOT projects. In the event an Eagle Nest Take Permit is required, the GDOT Ecologist or Ecology Team Leader must be consulted, and this requirement should be communicated to the GDOT PM so that the activity may be planned for in the project schedule. A Single Nest Take Permit may require 60 to 180 days for USFWS to process and a Multiple Nest Take Permit may require 90 days to 24 months to process.