

## OVERVIEW

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This Toolkit is intended to provide guidance on appropriate procedures under the [Bald and Golden Eagle Protection Act \(16 USC § 668\)](#) 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 US 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.

## AGENCY COORDINATION & SURVEYS

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### Early Coordination

Early coordination shall be completed with the Georgia Department of Natural Resources, Wildlife Resources Division (WRD) via the [Georgia Natural, Archaeological, Historical GIS \(GNAHRGIS\) Ecology Review and Survey Module](#) to determine occurrence of any documented nests within three miles of the Environmental Survey Boundary (ESB). Technical assistance from the USFWS shall be requested, with WRD copied, whenever documented or observed nests are within one mile of the ESB, regardless of habitat suitability within the ESB, as USFWS may have indirect effect concerns to the species within the Action Area.

### Habitat Suitability & Nest Surveys

When there are element occurrences within 3 miles of the ESB it shall be assessed for potential nesting and foraging habitat in accordance with GDOT’S [State of Georgia Protected Species Habitat & Presence/Absence Survey Methodologies Manual \(Protected Species Survey Methodology Manual\)](#). Results of the habitat suitability survey (e.g. Phase 1 survey) shall be documented within the Ecology Resource Survey Report.

Whether via the GNAHRGIS list or the habitat survey, if an eagle nest has been identified within the ESB a seasonal nest survey shall be conducted the year prior to Let in accordance with the methodology outlined in the *Protected Species Survey Methodology Manual*. When eagle nests are identified within the ESB, disturbance should be avoided if at all practicable. Tree clearing and other restrictions in order to avoid take must be coordinated with the project team and implemented in a manner consistent with guidance provided by the [USFWS Bald Eagle Monitoring Guidelines for the Southeastern US](#).

## TAKE INCIDENCE & PERMITTING

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### Take Incidence

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 GDOT 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 included in the Ecology Assessment of Effects Report and/or Addendum.

## Bald & Golden Eagle Protection Act Permit

### Eagle Nest Take Permit

An application for an Eagle Nest Take Permit consisting of a completed [Federal Fish and Wildlife Permit 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 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 GDOT 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 and 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.

### TOOLKIT REVISION HISTORY

Revision Description	Relevant Sections	Revision Date
Initial Publication	All	5/20/2021
Reformatting & hyperlinks	All	4/18/2024
Early Coordination update	Early Coordination	
Survey procedure updates	Habitat Suitability & Nest Surveys	
Content review (no changes)	All	1/23/2025