

Avoiding Osprey and Energy Infrastructure Conflicts: Information and Resources for Utilities



Photograph by NEBRASKAland Magazine



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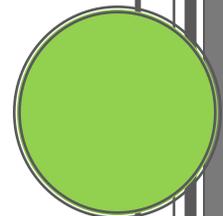


Summary

The Nebraska Game and Parks Commission (NGPC) and the U.S. Fish and Wildlife Service (USFWS), respectively, exercise state and federal authority over conservation and management of Ospreys (*Pandion haliaetus*) in Nebraska. Over the years, we have proactively worked in cooperation with Nebraska's utilities to reduce negative impacts to migratory birds, including raptors, while minimizing service disruptions incurred by Nebraska's utilities. As part of our continuing cooperation, we are providing information on an increasing raptor species, the Osprey, which often interacts with utility infrastructure. We believe that by being proactive we can avoid impacts to Ospreys and negative incidents to energy infrastructure that may cause service disruptions and be a public safety concern.

Ospreys are increasing in the Midwest and Great Plains. Ospreys benefit from the presence of power lines by using distribution poles and transmission structures for nesting. However, the bulky nests often cause power outages when sticks interfere with electrical equipment. Also, the electrocution potential is extreme for Ospreys when building new nests or perching on power poles. This is because the Osprey's nearly 5-foot (1.5 meter) wingspan can complete the circuit between either closely spaced energized equipment or between one energized wire and one neutral or ground wire.

The NGPC and USFWS have developed the following information and guidance to ensure that problematic Osprey nests are recognized and managed in a proactive, consistent and lawful manner in Nebraska. The information and guidelines address laws that pertain to protection of ospreys and their nests, osprey nest removal, and construction and placement of alternative nest platforms, and may be modified as appropriate to address individual situations as they arise. They are intended to inform managers of regulations and protocols for addressing problematic osprey nest situations: they are not regulatory in themselves and they are not intended to supplant onsite review or consultation.

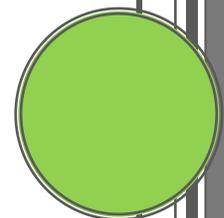


Osprey – species information

The Osprey is one of the most recognizable North American raptor species. It has a large white breast and belly, black back and wings, a white crown and forehead, and a distinctive dark eye stripe. The Osprey is the only raptor in North America that preys almost exclusively on fish. Ospreys breed in much of North America and winter along the southern Atlantic, Gulf, and Pacific Coasts of the southern U.S., south into the tropics. Osprey numbers were reduced in the past by unregulated shooting and more recently from the negative impacts of DDT and other pesticides. Through the protection of the Migratory Bird Treaty Act and the banning of DDT, Ospreys have recovered and are now increasing in many areas throughout the lower 48 states, including almost all states adjacent to Nebraska.

In Nebraska, Ospreys may have formerly bred along the Missouri River, but are primarily seen during migration in the spring from April through early May, and again in the fall from late August through October. In 2008, Ospreys were observed building a nest on a utility pole near Lake Alice, Scotts Bluff County, NE. Since then, Ospreys have also built nests along the North Platte River near Gering, Keystone Lake, and Ogallala. We expect Ospreys to continue to increase their nesting activities in Nebraska.

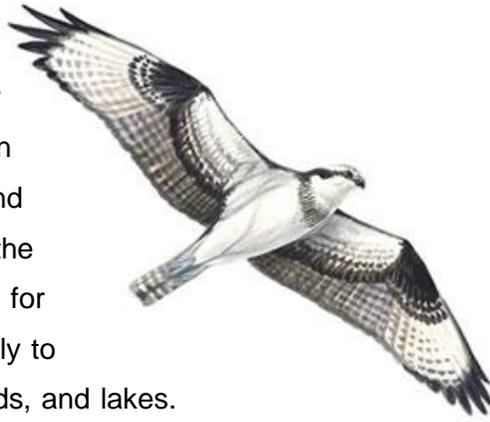
Ospreys typically arrive in Nebraska in April and nest building takes place from April into early May. Birds colonizing Nebraska are likely young and inexperienced. This may be why egg-laying has not always occurred at constructed nests. Over time, as birds become experienced and established, nesting may occur earlier and more regularly. Ospreys will build nests on utilities structures, artificial platforms, and in trees. Ospreys lay 3-4 eggs that take 36-42



days to hatch. Osprey chicks will not fledge (leave the nest) until 50-55 days after hatching.

Osprey and Utilities

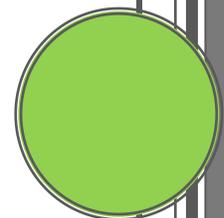
Ospreys often use utility poles for nesting in other states and have attempted to use power poles in Nebraska. Osprey nests built on utility poles may pose a threat to the birds and can jeopardize system reliability through outages and damage to equipment. The NGPC and the USFWS recommends utility personnel watch for Osprey nesting activity. Ospreys are most likely to nest near bodies of water including rivers, ponds, and lakes.



Utilities should evaluate utility poles near high-quality habitats to determine the potential for nesting sites. If Ospreys are observed building nests, contact NGPC or the USFWS as soon as possible. The agencies will assist in evaluating the situation and may suggest actions, such as relocating an inactive nest or nest material, before the nest becomes active. Once a nest is active with eggs or young, options become limited. Protocols for nest management should be part of a utility company's [Avian Protection Plan \(APP\)](#). As part of an APP, new construction and retrofitting of existing equipment should meet the APLIC standards of avian safe construction. If the nest is determined to be potentially hazardous, we offer management guidelines in accordance with state and federal laws. These actions also reduce risk of fire and prevent power outages for utility customers.

What is an Active Nest?

An active nest is a nest that contains eggs or dependent young birds. All active nests of designated migratory birds, such as Osprey, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703-712: MBTA). The MBTA makes it unlawful for any person or organization to "take" any migratory bird, or any part, nest or eggs of any migratory bird. Take is defined in the MBTA as to pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to do any of these things, by any means or in any manner. Based on a policy issued by the Department of Interior, Washington Office in 2003, the MBTA does



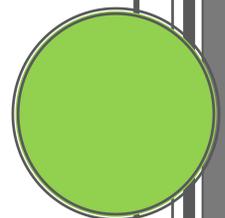
not contain any prohibition that applies to the destruction of a migratory bird nest alone (without young birds or eggs), provided that no possession occurs during the destruction. **A nest is considered active only when eggs or young are present.** This policy excludes eagle nests which receive additional protection under the Bald and Golden Eagle Protection Act. This policy also excludes any threatened or endangered species nests which are afforded stringent protection under the Endangered Species Act.

What is an inactive nest?

An inactive nest is defined as a nest without any eggs or dependent (flightless) young and includes nests under construction. Inactive nests should only be removed if the nest or placement of the nest poses a threat to property integrity, human health, or safety. No authorization or consultation is required for removal of inactive Osprey nests from September 16th through April 1st. However, it can be very difficult to discern the status of a large raptor nest from below. Therefore, from April 1st through September 16th, utilities should contact a qualified biologist (see contacts below) to obtain assistance in discerning the status of nests.

All reasonable measures to protect an active nest until the young fledge (leave the nest) must be considered before authorization to relocate or remove the nest is sought. Utility companies should coordinate with the USFWS Nebraska Field Office and the NGPC in order to determine what measures may be taken to protect active nests and equipment. Removal or relocation of any active nests will be approved and coordinated with the USFWS and NGPC. Removal of active nests is generally not permitted, but a nest may be relocated or removed if it poses a direct threat to human health or safety; or when the birds, nest, or eggs themselves are threatened unless they are moved.

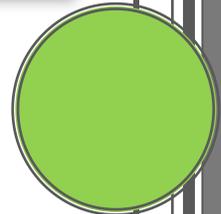
Full text in the Department of Interior's 2003 Nest Management and Nest Destruction Memorandum is provided. This document can also be accessed online at: <http://www.fws.gov/migratorybirds/mbpermits/PoliciesHandbooks/MBPM-2.nest.PDF>



Replacement Nesting Platforms:

We strongly recommended that a replacement nesting platform be erected any time an inactive Osprey nest is removed. Ospreys readily accept alternate nesting platforms, especially if the majority of material from the old nest are scattered on the new platform. Attempts to deter Osprey from nesting at a chosen site without providing an alternate nesting platform are rarely successful because Ospreys have tenacious nest site fidelity. Osprey will build a nest in what they believe is good habitat and will continue to try to built a nest even with multiple attempts at removing the material from a structure. Replacement platforms ensure that this preferred nest site is not “lost” from the regional population, and also will reduce the likelihood of the resident pair renesting on the original platform or structure. The following guidance applies to siting and construction of replacement nest structures.

- The replacement platform should be as tall as or taller than the original nest support, but not less than 15 feet above the ground or normal water elevation.
- Generally the replacement platform should be located as close as possible to the original nest site; preferably within 150 feet of the original nest site, and no more than 300 feet distant. When practicle contact a biologist with experience in locating replacement platforms (see contacts below)
- The replacement platform should be in an exposed location (*i.e.*, not under or within the canopy of a tree or other shelter).
- The platform support should be strong enough to support a 200-pound nest.



- Nest platforms should be circular or oval, or of any shape with more than three sides and with a minimum width of 3 feet in any horizontal dimension.
- If feasible, old nests should be relocated intact onto the new platform. When this is not feasible, sticks from the old nest should be roughly arranged on the platform in the shape of a nest.
- The original nest support or substrate should be modified to discourage Ospreys from rebuilding a nest at the site.

Mounting a nest platform above energized equipment is not recommended from an electrical reliability standpoint. Osprey nests are large and often contain material which hangs well below the nest such material or materials dropped by the birds could cause a fire and outage. Nest platforms are commercially available or can be constructed with materials on hand such as wire spool ends or wooden pallets. In addition, volunteers (Eagle Scouts Troop or high schools students required to do community service) can be solicited to construct nest platforms. Additional designs, deterrents and information can be found in.

- Avian Protection Plan (APP) Guidelines ([download](#))
- *Suggested Practices for Avian Protection on Power Lines* document ([download](#))
- *Mitigating Bird Collisions with Power Lines* document (To order a copy of the 1994 edition of this document, contact rloughery@eei.org or sball@eei.org. An updated edition of this document will be available in 2011.)

Injured Raptor Protocol

In the event that an adult, chick, or fledgling Osprey is found injured, grounded, or dead, contact NGPC, USFWS, or Raptor Recovery Nebraska (contact information below).

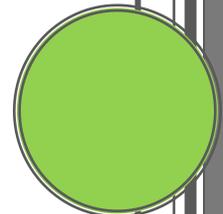
Additional Resources:

Nesting Platform Construction Plans:

<http://www.ospreys.com/platform.pdf>

http://www.lrconline.com/Extension_Notes_English/pdf/osprey.pdf

http://www.state.nj.us/dep/fgw/ensp/osprey_nest_plcmnt.htm



Contacts

State

Joel Jorgensen
Nongame Bird Program Manager
Nebraska Game and Parks Commission
2200 N 33rd Street
Lincoln, NE 68503
402-471-5440
Joel.jorgensen@nebraska.gov

Federal

Jeanine Lackey
Fish and Wildlife Biologist
US Fish and Wildlife Service
203 W 2nd Street
Grand Island, NE 68801
308-382-6468 ext. 14
Jeanine_lackey@fws.gov

Nebraska Public Power District

Jim Jenniges
Environmental Specialist
Office - 308-236-2293
jjienni@nppd.com

For injured raptors, contact Raptor Recovery Nebraska at a number below

Betsy Finch
Eastern Nebraska
402-994-2009

Vicki Orr
Central/Western Nebraska
308- 750-3816

