



U.S. Fish and Wildlife Service

Migratory Bird Program
Southeast Region



Eagle Permit Definitions

Definitions of words and terms:

Advanced Conservation Practices – scientifically supportable measures that are approved by the Service and represent the best available techniques to reduce eagle disturbance and ongoing mortalities to a level where remaining take is unavoidable.

Active Nest – is a nest that is attended built, maintained or used by a pair of eagles during a given breeding season, whether or not eggs are laid.

Alternate Nest – is a nest that is not used for breeding by eagles during a given breeding season.

Communal roost site – 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.

Compatible with the preservation of the bald eagle or the golden eagle – consistent with the goal of stable or increasing breeding populations.

Cumulative effects – the incremental environmental impact or effect of the proposed action, together with impacts of past, present, and reasonably foreseeable future actions.

Disturb – to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

In addition to immediate impacts, this definition also covers impacts that result from human-caused alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal

breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

Eagle – a live bald eagle (*Haliaeetus leucocephalus*), live golden eagle (*Aquila chrysaetos*), a bald eagle egg, or a golden eagle egg.

Eagle nest – readily identifiable structure built, maintained, or used by bald eagles or golden eagles for breeding purposes.

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., rabbits, rodents or carrion are abundant.

Important eagle use area under § 22.26 – nests, biologically important foraging areas, and communal roosts where eagles are potentially likely to be taken as the result of interference with breeding, feeding, or sheltering behaviors.

Important eagle use area under § 22.27 – an eagle nest, foraging area, or communal roost site that eagles rely on for breeding, sheltering, or feeding, and the landscape features surrounding such nest, foraging area, or roost site that are essential for the continued viability of the site for breeding, feeding, or sheltering eagles. This term refers to the particular areas, within a broader area where human activity occurs, where eagles are more likely to be taken e.g., disturbed by the activity because of the higher probability of interference with breeding, feeding, or sheltering behaviors at those areas.

Inactive nest – An eagle nest that is not currently being used by eagles as determined by the continuing absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days immediately prior to, and including, at present. An inactive nest may become active again and remains protected under the Bald and Golden Eagle Protection Act

Indirect effects – effects for which a proposed action is a cause, and which may occur later in time and/or be physically manifested beyond the initial impacts of the action, but are still reasonably likely to occur.

Individual take – take that is quantifiable and of a specified amount (see One-time take.)

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.

Maximum degree achievable for programmatic permits – the standard at which any take that occurs is unavoidable despite implementation of Advanced Conservation Practices.

Necessary – something that cannot practicably be avoided.

Necessary to ensure public health and safety – required to maintain society's well-being in matters of health and safety.

Nest – A structure built, maintained, or used by eagles for the purpose of reproduction. An **active** nest is a nest that is attended built, maintained or used by a pair of 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.

Other interests in any particular locality – interests besides wildlife and agricultural claims that would be able to seek remedy through a permit issued pursuant to regulations.

One-time take – take that is quantifiable and of a specified amount (see Individual take)

Practicable – capable of being done after taking into consideration, relative to the magnitude of the impacts to eagles (1) the cost of remedy comparative with proponent resources; (2) existing technology; and (3) logistics in light of overall project purposes.

Preservation of the bald eagle or the golden eagle – actions that are consistent with the goal of stable or increasing breeding populations.

Programmatic permit – a permit that authorizes programmatic take.

Programmatic take – take that: (1) is recurring, but not caused solely by indirect effects, and (2) occurs over the long term and/or in a location or locations that cannot be specifically identified.

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

Safety emergency – a situation that necessitates immediate action to alleviate a threat of bodily harm to humans or eagles.

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.

Take – means pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb.

Territory – a defended area that contains, or historically contained, one or more nests within the home range of a mated pair of eagles.

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.