

Bald and Golden Protection Act Compliance Flowchart

This flowchart is intended to assist environmental document authors in compliance with the Bald and Golden Eagle Protection Act for projects that fall under a DCE/PCE/EA/EIS environmental document. For further information for compliance with the Bald and Golden Eagle Protection Act, contact the NDDOT Biologist (701-328-2592) . See following [page for more information](#) regarding Bald and Golden Eagle nesting information and range maps.

STEP 1— FOR INTERNAL NDDOT PROJECTS - SEND THE FOLLOWING INFORMATION TO THE NDDOT BIOLOGIST

- Short description of the project including: roadway (county road/highway/interstate), project limits, type of work, and project location map.

The NDDOT Biologist will then review the project and send an email to the North Dakota Game and Fish Department (if warranted) to inquire if any known eagle nests occur near the project. See STEP 2 when response is received from NDGF. Note— if no suitable habitat for bald or golden eagles is present, the NDDOT Biologist will send an email documenting that the project was reviewed, and no inquiry to NDGF was required based on absence of suitable habitat near the project.

STEP 1— FOR CONSULTANT PROJECTS - SEND THE FOLLOWING INFORMATION TO THE NORTH DAKOTA GAME AND FISH DEPARTMENT (SANDY JOHNSON sajohnson@nd.gov) AND CC NDDOT BIOLOGIST

- Short description of the project including: roadway (county road/highway/interstate), project limits, type of work, and project location map. Request that a search be completed for any known eagle nests that may occur within 0.5 mile of the project. Responses from NDGF may take 1-2 weeks, depending on their workload.

Once a response is received from NDGF, see STEP 2.



STEP 2— NORTH DAKOTA GAME AND FISH RESPONSE:

The NDGF will search their bald and golden eagle nest database for any known nests that may occur near the project. Based on the response from the NDGF, the following should occur:

NO KNOWN BALD OR GOLDEN EAGLE NESTS PRESENT NEAR THE PROJECT: The NDDOT Biologist (or Consultant) will notify the environmental document author and will place the email correspondence in Filenet for documentation. Fill out the Environmental Impact Checklist (EIC) and DCE/PCE or EA/EIS accordingly. No further action is required.

KNOWN (ACTIVE OR HISTORICAL) BALD OR GOLDEN EAGLE NEST PRESENT NEAR THE PROJECT: If a known ***bald eagle*** nest is located within 0.5 mile of the construction limits of the project, the NDDOT Biologist will coordinate with the environmental document author on additional steps to determine potential impacts according to the [National Bald Eagle Management Guidelines](#). See **STEP 3** for more information. If a known ***golden eagle*** nest is located within 0.5 mile of the construction limits of the project, the NDDOT Biologist will coordinate with the environmental document author additional steps to determine potential impacts.

SURVEY: Depending on the location of the nest in relation to the project, a survey may be needed to determine the status of the nest prior to construction, particularly for golden eagles. If the nest is inactive the year of construction, no avoidance/minimization measures would be required. If the nest is active the year of construction, see **STEP 3**. All EA/EIS projects should have surveys conducted during initial field studies.



STEP 3 - AVOIDANCE/MINIMIZATION MEASURES

BALD EAGLES - A minimum avoidance buffer distance of **660 feet** is recommended by USFWS for road construction if the activity is visible from the bald eagle nest and there is no similar activity (pre-existing) within 1 mile of the nest. A minimum avoidance buffer distance of **330 feet** is recommended for road construction if the nest is not visible from work activities. **Note**—These buffer distances are not law; rather they are recommendations based on several decades of observations, science, and conservation measures to avoid or minimize adverse impacts to bald eagles. New road construction (new alignment such as bypass/truck reliever route) and new bridge construction (pile driving) may require a larger buffer distance or additional measures to reduce potential impacts. In these instances, coordination with USFWS may be required.

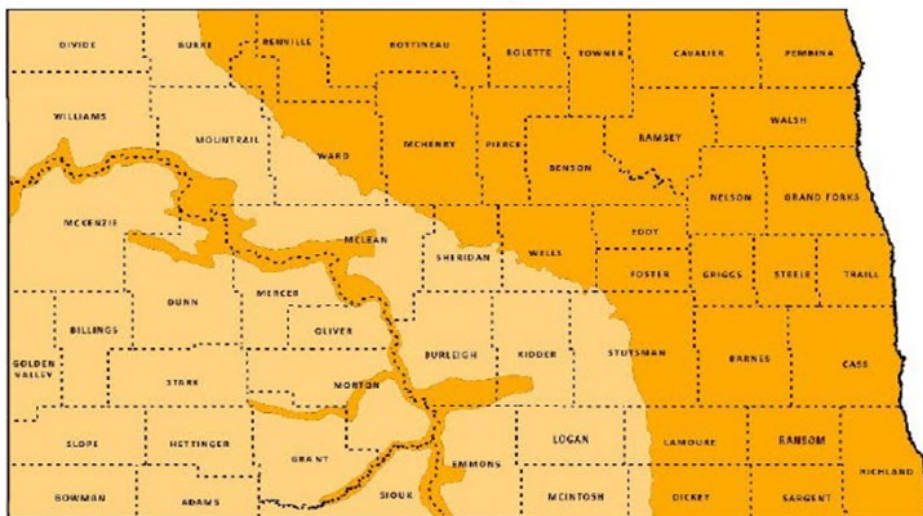
GOLDEN EAGLES - The National Bald Eagle Management Guidelines do not apply to golden eagles. The appropriate buffer distance needed to avoid disturbance of golden eagles will depend on each individual project and scope of work activities. Variables such as location of nest relative to the project, pre-existing activities in the vicinity, and presence or absence of visual barriers (trees/topography), will factor into the appropriate avoidance area buffer. Coordination with USFWS may be required.

The NDDOT Biologist will work with the NDDOT environmental document author or consultant on how to avoid/minimize potential effects to an active bald or golden eagle nest and will help determine the appropriate buffer distance. If necessary, avoidance measures may be added as environmental notes within the plan sheets, or in some cases a special provision may be necessary if surveys are needed. In rare instances, a take permit from the USFWS may be required.

ENVIRONMENTAL DOCUMENT: For DCE/PCE projects, fill out the EIC accordingly. If a nest is known to be present, there should be a brief discussion in the environmental issues section of the document. Discuss any avoidance/minimization measures (if required), and ensure plans include an environmental note or special provision. EA/EIS projects should have a more detailed description (including survey results).

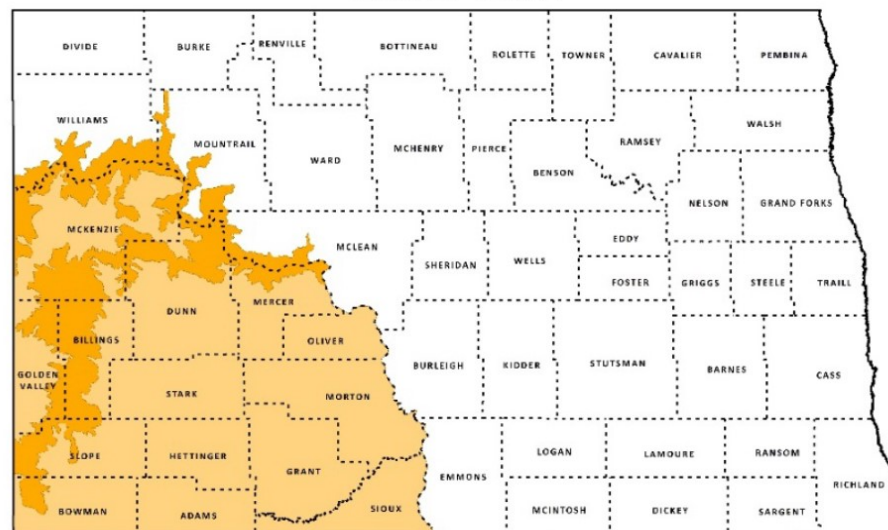
Bald and Golden Eagle Nesting Information and Range Maps

Bald Eagle



 Primary Range  Secondary Range

Golden Eagle



 Primary Range  Secondary Range

Bald Eagle Nesting Information

- Bald eagles require a good food base, perching areas, and nesting sites (large trees, typically cottonwood). Habitat includes estuaries, large lakes, reservoirs, rivers and some seacoasts. In winter, bald eagles congregate near open water in tall trees for spotting prey and night roosting.
- Currently, the key nesting areas in North Dakota for bald are the Missouri River system including Lake Sakakawea, the Heart River, Cannonball River, Sheyenne River, Red River, Souris River, and the Devils Lake Basin. However, in recent years, bald eagles are now also using areas not considered traditional nesting habitat such as small stands of cottonwood trees or planted shelterbelts that are completely surrounded by cropland or grassland.
- Breeding bald eagles occupy “territories”, which are areas they will typically defend against intrusion by other eagles. A territory includes the active nest and may also include one or more alternate nests that are built or maintained but not used for nesting in a given year.
- Bald eagle nests are constructed with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. The average nest size is 4-6 feet in diameter and 2-4 feet deep, weighing hundreds of pounds. In rare cases, bald eagle nests can weigh well over 1,000 pounds.
- Bald eagles begin nesting towards the end of January through mid-March. Egg laying can last into the end of April. Incubation takes approximately 35 days. Chicks are able to fly approximately 75 days after hatching. The entire process can take from late January to the end of August.

Golden Eagle Nesting Information

- Golden eagles prefer open shrubland and grasslands consisting of shortgrass, mixed-grass, and xeric (dry) grasslands. Golden eagles typically avoid heavily forested areas but will use riparian or woodland/brushland habitat. Key areas for golden eagles in the state include rugged portions of the badlands, buttes overlooking native prairie, and the Lake Sakakawea breaks.
- Golden eagles typically nest on cliffs, but may also nest in trees such as cottonwood or green ash, and occasionally may nest on or near the ground. Golden eagles may also nest on man-made structures including windmills, observation towers, nesting platforms, and electrical transmission towers.
- Nests on cliffs generally face southerly.
- Nests are constructed with sticks and are lined with grasses and plants. Golden eagle nests can be quite large reaching up to 5-6 feet across and up to 2 feet high, sometimes quite larger.
- Nesting chronology is similar to bald eagles. The entire process can take from late January to the end of August.



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Unknown Source



Birdconservancy.org