

From: Brenna Marsicek <bmarsicek@swibirds.org>
Sent: Tuesday, May 7, 2024 1:33 PM
To: Park Commission <pacommission@cityofmadison.com>
Subject: Support for Mallards waiting until eaglets have fledged

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Dear Board of Park Commissioners,

I am writing in support of the Madison Mallards waiting until after the Bald Eagle chicks in the nearby Warner Park nest have fledged before any fireworks are permitted to be launched.

As one of the coordinators for the Bald Eagle Nest Watch program (swibirds.org/benw), I am in regular contact with trained volunteers who monitor the nest almost daily. Based on their close and careful observations, the eaglets are predicted to fledge in mid to late June. Our Bald Eagle Nest Watch program is able to provide an accurate and timely update to the City of Madison Parks Division about the fledging status of the eaglet.

Jason Vroman, Ranger Supervisor for the City of Madison Parks Division, and I have discussed the procedure for determining if and when the eaglets fully fledge from the nest, and he asked us for regular, and increasingly frequent, updates regarding the status of the eaglets until they have fledged. I will provide him with that information weekly through May and daily through June, which he will relay to his staff and the Mallards. Once the eaglets have fully fledged from the nest, Jason will inform the Mallards who can proceed with their fireworks schedule.

By working together, we seek to successfully allow both the eagles to fledge and Mallards to enjoy their festivities. In addition, this collaboration will also allow the neighborhood and community, which feels overwhelming pride and investment in the nesting pair, the satisfaction of seeing their neighborhood eagles safely take flight.

Thank you for your consideration.

Sincerely,
Brenna Marsicek

From: L M <myblazer35@yahoo.com>
Sent: Tuesday, May 7, 2024 3:41 PM
To: Park Commission <pacommission@cityofmadison.com>
Subject: #15

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My name is Laura McCredie, I live at 58 Northridge terrace #102 Madison, WI 53704

I want fireworks at the Mallards for the 4th of July.

Thank you
Laura

From: CARLAANDDAVID <carlaanddavid@charter.net>
Sent: Wednesday, May 8, 2024 6:01 AM
To: Park Commission <pacommission@cityofmadison.com>
Subject: I am opposed to item #15 Mallards Fireworks

[You don't often get email from carlaanddavid@charter.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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I am against allowing fireworks from the Mallards events to continue or increase in number of occasions, The Warner Park Lagoon is adjacent to the location the Mallards use for the fireworks and is a very special ecological environment which needs to be preserved at all cost. The danger done to the environment by toxic chemicals entering the water and neighboring land is fatal to the ecology. In addition the noise from the fireworks is endangering the health of residents - especially those dealing with PTSD, autism, and other health care issues. Plus the noise has considerable affect on the numerous wildlife in the park including bald eagles, cranes, and numerous other species which make the park unique and a wonderful place to visit.

I am a neighborhood resident in Brentwood Park neighborhood.

Best regards,

David Kuester
1501 Wyldewood Drive
Madison, Wi 53704
608.320.5288

From: Jennifer Argelander <jargelander@yahoo.com>
Sent: Wednesday, May 8, 2024 7:35 AM
To: Park Commission <pacommission@cityofmadison.com>
Subject: Item 15 (83175)

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I am opposed to so many fireworks after Mallards Games. Why is this up for reconsideration? This is the third time. Enough is enough. Fireworks are disruptive to wildlife, pets, humans, and the environment. Fireworks should be only for special occasions, not after all games. Too much. Vote no.

Jennifer Argelander
1715 Erie Court
Madison 53704

From: sluysb@aol.com <sluysb@aol.com>
Sent: Wednesday, May 8, 2024 10:02 AM
To: Park Commission <pacommission@cityofmadison.com>; All Alders <allalders@cityofmadison.com>; Brenna Marsicek <bmarsicek@madisonaudubon.org>; Drew Cashman <drcashman11@yahoo.com>
Subject: Agenda Item 15

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Dear Board of Parks Commissioners:

Please find attached a document regarding Agenda item 15 for tonight's meeting. Also a federal guidance document related to bald eagles.

Many thanks,

Beth Sluys
District 18

To: Board of Parks Commissioners

From: Beth Sluys, District 18

Member of the Bald Eagle Nest Watch Program (member for 5 years), Warner Park nest

Southern Wisconsin Bird Alliance

Date: 5/8/2024

Agenda Item #15

Legistar #: 83175

Request to the Board of Parks Commissioners: The final decision as to whether or not the bald eagle chicks have *fledged* will be *a joint decision* made in collaboration with the Southern Wisconsin Bird Alliance Bald Eagle Nest Watch (BENW) program personnel (Brenna Marsicek or Drew Cashman).

Once the SWBA citizen scientists have confirmed the nest is empty, they will notify the city staff person (park ranger) and then they can notify the Mallards as to whether or not the June 28 event can take place. There was a clear request made at the public meeting in March to move the June 28 fireworks (8 minutes long) to a later part of the year (August) which would give a few more days to allow for the chicks to fledge before the massive fireworks show (23 minutes long and on a larger scale Festival Foods show) to take place in early July. In an effort to be accurate and clear, the BENW observers will be observing the nest every day in June and reporting to the SWBA staff. This will ensure that no error is made in determining that all 3 chicks have left the nest and are able to fly.

Title

Reconsideration of Request by Madison Mallards for Approval of 2024 Fireworks Display Schedule at Warner Park Stadium

Body

At the March 13, 2024, Board of Park Commissioners meeting, the Madison Mallards were approved for 2 shows for softball, with at least one of the softball shows a full fireworks show.

The motion also indicated that the June 28 show would require that the show be approved by the DNR, or the show would be moved to an August date (Legistar File 82420). The DNR has indicated that they will not issue a letter of approval, as it is out of their jurisdiction, and that the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) is the jurisdiction of the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service Midwest Migratory Bird Program has recommended that the fireworks show wait until after the eaglets have fledged and are able to fly away if startled.

The Madison Mallards are requesting authorization that the June 28 fireworks show be allowed if the chicks have *fully fledged* as confirmed by the Madison Parks Rangers. This request is in addition to

the 6 fireworks displays approved by the Board of Parks Commissioners at the February 14, 2024, meeting (Legistar # 82017).

The nest lies within a .5 mi distance from the nest and according to the US Fish and Wildlife staff, NO fireworks will take place until the confirmation of a fledge. The young birds tend to “branch” which means that they are not in the nest but sitting in branches of the nest tree just off of the nest. The young birds still rely on being in the nest. They are not flight worthy until they launch from the nest and can fly. This takes time. Young wings need to gather strength to be able to leap from the nest and land successfully away from the nest tree.

Warner Park Eagle Nest Distance Relationships

Red Line Eagle Nest to Mallard Stadium equals 1600 Feet or 0.30 Mile

Purple Line Eagle Nest to First Football Field equals 2000 Feet or 0.38 Mile

Pink Line Eagle Nest to Second Football Field equals 2300 Feet or 0.43 Mile

Yellow Line-Circle Eagle Nest to Circle Line equals 2640 Feet or 1/2 Mile - Radius



The Parks Board of Commissioners and the Council support fireworks in the park and the decision was made to allow for an increase to 7 shows this year. 6 shows will be 8 minutes in length, and one for 23 minutes. Should the fledge call be made in error, and the young chick remains in the nest, the explosions will terrify and startle the chick and it could fall and get hurt, or killed. This could potentially be a federal violation if the chick is harmed or killed due to the firework explosions.

Please request that the final decision is based on real time data, what is in the best interest of the bald eagles and a collaborative final decision that is based on field observations provided by people who are knowledgeable and have been observing this nest since the first few sticks were flown into

the nest tree. This is the first bald eagle nest reported in the history of Warner Park. There is an active observation team in place that provides data to SWBA who then share it with the WDNR. Working together is the best option for this situation. A collaboration between SWBA and the city park rangers will work, but only if the final decision is based in field observations. Our local US Fish and Wildlife office has concurred that no fireworks are to occur unless there is a confirmed fledge.

Madison is a city that values nature and wildlife. We value our good neighbors, the Mallards. Basing the decision for fireworks on good science and a belief in doing no harm is a win-win for all involved. Especially for a Federally protected species of birds.

Thank you from the eaglets!!



Warner Park Nest, 5/6/2024

NATIONAL BALD EAGLE MANAGEMENT GUIDELINES

U.S. Fish and Wildlife Service

May 2007

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INTRODUCTION

The bald eagle (*Haliaeetus leucocephalus*) is protected by the Bald and Golden Eagle Protection Act (Eagle Act) and the Migratory Bird Treaty Act (MBTA). The MBTA and the Eagle Act protect bald eagles from a variety of harmful actions and impacts. The U.S. Fish and Wildlife Service (Service) developed these National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of the Eagle Act may apply to their activities. A variety of human activities can potentially interfere with bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. The Guidelines are intended to help people minimize such impacts to bald eagles, particularly where they may constitute “disturbance,” which is prohibited by the Eagle Act.

The Guidelines are intended to:

- (1) Publicize the provisions of the Eagle Act that continue to protect bald eagles, in order to reduce the possibility that people will violate the law,
- (2) Advise landowners, land managers and the general public of the potential for various human activities to disturb bald eagles, and
- (3) Encourage additional nonbinding land management practices that benefit bald eagles (see Additional Recommendations section).

While the Guidelines include general recommendations for land management practices that will benefit bald eagles, the document is intended primarily as a tool for landowners and planners who seek information and recommendations regarding how to avoid disturbing bald eagles. Many States and some tribal entities have developed state- specific management plans, regulations, and/or guidance for landowners and land managers to protect and enhance bald eagle habitat, and we encourage the continued development and use of these planning tools to benefit bald eagles.

Adherence to the Guidelines herein will benefit individuals, agencies, organizations, and companies by helping them avoid violations of the law. However, the Guidelines themselves are not law. Rather, they are recommendations based on several decades of behavioral observations, science, and conservation measures to avoid or minimize adverse impacts to bald eagles.

The U.S. Fish and Wildlife Service strongly encourages adherence to these guidelines to ensure that bald and golden eagle populations will continue to be sustained. The Service realizes there may be impacts to some birds even if all reasonable measures are taken to avoid such impacts. Although it is not possible to absolve individuals and entities from liability under the Eagle Act or the MBTA, the Service exercises enforcement discretion to focus on those individuals, companies, or agencies that take migratory birds without regard for the

consequences of their actions and the law, especially when conservation measures, such as these Guidelines, are available, but have not been implemented. The Service will prioritize its enforcement efforts to focus on those individuals or entities who take bald eagles or their parts, eggs, or nests without implementing appropriate measures recommended by the Guidelines.

The Service intends to pursue the development of regulations that would authorize, under limited circumstances, the use of permits if “take” of an eagle is anticipated but unavoidable. Additionally, if the bald eagle is delisted, the Service intends to provide a regulatory mechanism to honor existing (take) authorizations under the Endangered Species Act (ESA).

During the interim period until the Service completes a rulemaking for permits under the Eagle Act, the Service does not intend to refer for prosecution the incidental “take” of any bald eagle under the MBTA or Eagle Act, if such take is in full compliance with the terms and conditions of an incidental take statement issued to the action agency or applicant under the authority of section 7(b)(4) of the ESA or a permit issued under the authority of section 10(a)(1)(B) of the ESA.

The Guidelines are applicable throughout the United States, including Alaska. The primary purpose of these Guidelines is to provide information that will minimize or prevent violations only of *Federal* laws governing bald eagles. In addition to Federal laws, many states and some smaller jurisdictions and tribes have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines. If you are planning activities that may affect bald eagles, we therefore recommend that you contact both your nearest U.S. Fish and Wildlife Service Field Office (see the contact information on p.16) and your state wildlife agency for assistance.

LEGAL PROTECTIONS FOR THE BALD EAGLE

The Bald and Golden Eagle Protection Act

The Eagle Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.” The Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” “Disturb” means:

"Disturb means 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-induced 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.

A violation of the Act can result in a criminal fine of \$100,000 (\$200,000 for organizations), imprisonment for one year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony.

The Migratory Bird Treaty Act

The MBTA (16 U.S.C. 703-712), prohibits the taking of any migratory bird or any part, nest, or egg, except as permitted by regulation. The MBTA was enacted in 1918; a 1972 agreement supplementing one of the bilateral treaties underlying the MBTA had the effect of expanding the scope of the Act to cover bald eagles and other raptors. Implementing regulations define “take” under the MBTA as “pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect.”

Copies of the Eagle Act and the MBTA are available at:
<http://permits.fws.gov/ltr/ltr.shtml>.

State laws and regulations

Most states have their own regulations and/or guidelines for bald eagle management. Some states may continue to list the bald eagle as endangered, threatened, or of special concern. If you plan activities that may affect bald eagles, we urge you to familiarize yourself with the regulations and/or guidelines that apply to bald eagles in your state.

Your adherence to the Guidelines herein does not ensure that you are in compliance with state laws and regulations because state regulations can be more specific and/or restrictive than these Guidelines.

NATURAL HISTORY OF THE BALD EAGLE

Bald eagles are a North American species that historically occurred throughout the contiguous United States and Alaska. After severely declining in the lower 48 States between the 1870s and the 1970s, bald eagles have rebounded and re-established breeding territories in each of the lower 48 states. The largest North American breeding populations are in Alaska and Canada, but there are also significant bald eagle populations in Florida, the Pacific Northwest, the Greater Yellowstone area, the Great Lakes states, and the Chesapeake Bay region. Bald eagle distribution varies seasonally. Bald eagles that nest in southern latitudes frequently move northward in late spring and early summer, often summering as far north as Canada. Most eagles that breed at northern latitudes migrate southward during winter, or to coastal areas where waters remain unfrozen. Migrants frequently concentrate in large numbers at sites where food is abundant and they often roost together communally. In some cases, concentration areas are used year-round: in summer by southern eagles and in winter by northern eagles.

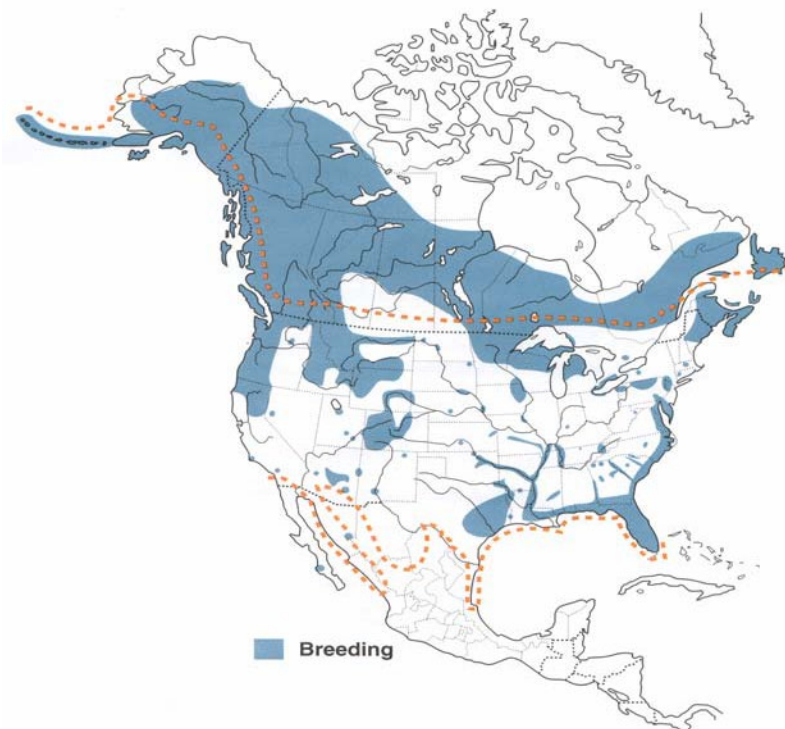
Juvenile bald eagles have mottled brown and white plumage, gradually acquiring their dark brown body and distinctive white head and tail as they mature. Bald

eagles generally attain adult plumage by 5 years of age. Most are capable of breeding at 4 or 5 years of age, but in healthy populations they may not start breeding until much older. Bald eagles may live 15 to 25 years in the wild. Adults weigh 8 to 14 pounds (occasionally reaching 16 pounds in Alaska) and have wingspans of 5 to 8 feet. Those in the northern range are larger than those in the south, and females are larger than males.

Where do bald eagles nest?

Breeding bald eagles occupy “territories,” areas they will typically defend against intrusion by other eagles. In addition to the active nest, a territory may include one or more alternate nests (nests built or maintained by the eagles but not used for nesting in a given year). The Eagle Act prohibits removal or destruction of both active and alternate bald eagle nests. Bald eagles exhibit high nest site fidelity and nesting territories are often used year after year. Some territories are known to have been used continually for over half a century.

Bald eagles generally nest near coastlines, rivers, large lakes or streams that support an adequate food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; rarely on the ground; and with increasing frequency on human-made structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water where the eagles usually forage. Shoreline trees or snags located in reservoirs provide the visibility and accessibility needed to locate aquatic prey. Eagle nests are constructed with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4-6 feet in diameter and 3 feet deep, although larger nests exist.



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The range of breeding bald eagles in 2000 (shaded areas). This map shows only the larger concentrations of nests; eagles have continued to expand into additional nesting territories in many states. The dotted line represents the bald eagle's wintering range.

When do bald eagles nest?

Nesting activity begins several months before egg-laying. Egg-laying dates vary throughout the U.S., ranging from October in Florida, to late April or even early May in the northern United States. Incubation typically lasts 33-35 days, but can be as long as 40 days. Eaglets make their first unsteady flights about 10 to 12 weeks after hatching, and fledge (leave their nests) within a few days after that first flight. However, young birds usually remain in the vicinity of the nest for several weeks after fledging because they are almost completely dependent on their parents for food until they disperse from the nesting territory approximately 6 weeks later.

The bald eagle breeding season tends to be longer in the southern U.S., and re-nesting following an unsuccessful first nesting attempt is more common there as well. The following table shows the timing of bald eagle breeding seasons in different regions of the country. The table represents the range of time within which the majority of nesting activities occur in each region and does not apply to any specific nesting pair. Because the timing of nesting activities may vary within a given region, you should contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16) and/or your state wildlife conservation agency for more specific information on nesting chronology in your area.

Chronology of typical reproductive activities of bald eagles in the United States.

Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.
SOUTHEASTERN U.S. (FL, GA, SC, NC, AL, MS, LA, TN, KY, AR, eastern 2 of TX)											
Nest Building											
		Egg Laying/Incubation									
			Hatching/Rearing Young								
				Fledging Young							
CHESAPEAKE BAY REGION (NC, VA, MD, DE, southern 2 of NJ, eastern 2 of PA, panhandle of WV)											
		Nest Building									
				Egg Laying/Incubation							
						Hatching/Rearing Young					
								Fledging Young			
NORTHERN U.S. (ME, NH, MA, RI, CT, NY, northern 2 of NJ, western 2 of PA, OH, WV exc. panhandle, IN, IL, MI, WI, MN, IA, MO, ND, SD, NB, KS, CO, UT)											
			Nest Building								
					Egg Laying/Incubation						
							Hatching/Rearing Young				
								Fledging Young			
PACIFIC REGION (WA, OR, CA, ID, MT, WY, NV)											
				Nest Building							
						Egg Laying/Incubation					
							Hatching/Rearing Young				
								Fledging Young			
SOUTHWESTERN U.S. (AZ, NM, OK panhandle, western 2 of TX)											
			Nest Building								
					Egg Laying/Incubation						
						Hatching/Rearing Young					
								Fledging Young			
ALASKA											
						Nest Building					
								Egg Laying/Incubation			
									Hatching/Rearing Young		
Ing Young											Fledg-
Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.

How many chicks do bald eagles raise?

The number of eagle eggs laid will vary from 1-3, with 1-2 eggs being the most common. Only one eagle egg is laid per day, although not always on successive days. Hatching of young occurs on different days with the result that chicks in the same nest are sometimes of unequal size. The overall national fledging rate is approximately one chick per nest, annually, which results in a healthy expanding population.

What do bald eagles eat?

Bald eagles are opportunistic feeders. Fish comprise much of their diet, but they also eat waterfowl, shorebirds/colonial waterbirds, small mammals, turtles, and carrion. Because they are visual hunters, eagles typically locate their prey from a conspicuous perch, or soaring flight, then swoop down and strike. Wintering bald eagles often congregate in large numbers along streams to feed on spawning salmon or other fish species, and often gather in large numbers in areas below reservoirs, especially hydropower dams, where fish are abundant. Wintering eagles also take birds from rafts of ducks at reservoirs and rivers, and congregate on melting ice shelves to scavenge dead fish from the current or the soft melting ice. Bald eagles will also feed on carcasses along roads, in landfills, and at feedlots.

During the breeding season, adults carry prey to the nest to feed the young. Adults feed their chicks by tearing off pieces of food and holding them to the beaks of the eaglets.

After fledging, immature eagles are slow to develop hunting skills, and must learn to locate reliable food sources and master feeding techniques. Young eagles will congregate together, often feeding upon easily acquired food such as carrion and fish found in abundance at the mouths of streams and shallow bays and at landfills.

The impact of human activity on nesting bald eagles

During the breeding season, bald eagles are sensitive to a variety of human activities. However, not all bald eagle pairs react to human activities in the same way. Some pairs nest successfully just dozens of yards from human activity, while others abandon nest sites in response to activities much farther away. This variability may be related to a number of factors, including visibility, duration, noise levels, extent of the area affected by the activity, prior experiences with humans, and tolerance of the individual nesting pair.

The relative sensitivity of bald eagles during various stages of the breeding season is outlined in the following table.

Nesting Bald Eagle Sensitivity to Human Activities

Phase	Activity	Sensitivity to Human Activity	Comments
I	Courtship and Nest Building	Most sensitive period; likely to respond negatively	Most critical time period. Disturbance is manifested in nest abandonment. Bald eagles in newly established territories are more prone to abandon nest sites.
II	Egg laying	Very sensitive period	Human activity of even limited duration may cause nest desertion and abandonment of territory for the breeding season.
III	Incubation and early nestling period (up to 4 weeks)	Very sensitive period	Adults are less likely to abandon the nest near and after hatching. However, flushed adults leave eggs and young unattended; eggs are susceptible to cooling, loss of moisture, overheating, and predation; young are vulnerable to elements.
IV	Nestling period, 4 to 8 weeks	Moderately sensitive period	Likelihood of nest abandonment and vulnerability of the nestlings to elements somewhat decreases. However, nestlings may miss feedings, affecting their survival.
V	Nestlings 8 weeks through fledging	Very sensitive period	Gaining flight capability, nestlings 8 weeks and older may flush from the nest prematurely due to disruption and die.

If agitated by human activities, eagles may inadequately construct or repair their nest, may expend energy defending the nest rather than tending to their young, or may abandon the nest altogether. Activities that cause prolonged absences of adults from their nests can jeopardize eggs or young. Depending on weather conditions, eggs may overheat or cool too much and fail to hatch. Unattended eggs and nestlings are subject to predation. Young nestlings are particularly vulnerable because they rely on their parents to provide warmth or shade, without which they may die as a result of hypothermia or heat stress. If food delivery schedules are interrupted, the young may not develop healthy plumage, which can affect their survival. In addition, adults startled while incubating or brooding young may damage eggs or injure their young as they abruptly leave the nest. Older nestlings no longer require constant attention from the adults, but they may be startled by loud or intrusive human activities and prematurely jump from the nest before they are able to fly or care for themselves. Once fledged, juveniles range up to ¼ mile from the nest site, often to a site with minimal human activity. During this period, until about six weeks after departure from the nest, the juveniles still depend on the adults to feed them.

The impact of human activity on foraging and roosting bald eagles

Disruption, destruction, or obstruction of roosting and foraging areas can also negatively affect bald eagles. Disruptive activities in or near eagle foraging areas can interfere with feeding, reducing chances of survival. Interference with feeding can also result in reduced productivity (number of young successfully fledged). Migrating and wintering bald eagles often congregate at specific sites for purposes

of feeding and sheltering. Bald eagles rely on established roost sites because of their proximity to sufficient food sources. Roost sites are usually in mature trees where the eagles are somewhat sheltered from the wind and weather. Human activities near or within communal roost sites may prevent eagles

from feeding or taking shelter, especially if there are not other undisturbed and productive feeding and roosting sites available. Activities that permanently alter communal roost sites and important foraging areas can altogether eliminate the elements that are essential for feeding and sheltering eagles.

Where a human activity agitates or bothers roosting or foraging bald eagles to the degree that causes injury or substantially interferes with breeding, feeding, or sheltering behavior and causes, or is likely to cause, a loss of productivity or nest abandonment, the conduct of the activity constitutes a violation of the Eagle Act's prohibition against disturbing eagles. The circumstances that might result in such an outcome are difficult to predict without detailed site-specific information. If your activities may disturb roosting or foraging bald eagles, you should contact your local Fish and Wildlife Service Field Office (see page 16) for advice and recommendations for how to avoid such disturbance.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT NEST SITES

In developing these Guidelines, we relied on existing state and regional bald eagle guidelines, scientific literature on bald eagle disturbance, and recommendations of state and Federal biologists who monitor the impacts of human activity on eagles. Despite these resources, uncertainties remain regarding the effects of many activities on eagles and how eagles in different situations may or may not respond to certain human activities. The Service recognizes this uncertainty and views the collection of better biological data on the response of eagles to disturbance as a high priority. To the extent that resources allow, the Service will continue to collect data on responses of bald eagles to human activities conducted according to the recommendations within these Guidelines to ensure that adequate protection from disturbance is being afforded, and to identify circumstances where the Guidelines might be modified. These data will be used to make future adjustments to the Guidelines.

To avoid disturbing nesting bald eagles, we recommend (1) keeping a distance between the activity and the nest (distance buffers), (2) maintaining preferably forested (or natural) areas between the activity and around nest trees (landscape buffers), and (3) avoiding certain activities during the breeding season. The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees.

The size and shape of effective buffers vary depending on the topography and other ecological characteristics surrounding the nest site. In open areas where there are little or no forested or topographical buffers, such as in many western states, distance alone must serve as the buffer. Consequently, in open areas, the distance between the activity and the nest may need to be larger than the distances recommended under Categories A and B of these guidelines (pg. 12) if

no landscape buffers are present. The height of the nest above the ground may also ameliorate effects of human activities; eagles at higher nests may be less prone to disturbance.

In addition to the physical features of the landscape and nest site, the appropriate size for the distance buffer may vary according to the historical tolerances of eagles to human activities in particular localities, and may also depend on the location of the nest in relation

to feeding and roosting areas used by the eagles. Increased competition for nest sites may lead bald eagles to nest closer to human activity (and other eagles).

Seasonal restrictions can prevent the potential impacts of many shorter-term, obtrusive activities that do not entail landscape alterations (e.g. fireworks, outdoor concerts). In proximity to the nest, these kinds of activities should be conducted only outside the breeding season. For activities that entail both short-term, obtrusive characteristics and more permanent impacts (e.g., building construction), we recommend a combination of both approaches: retaining a landscape buffer *and* observing seasonal restrictions.

For assistance in determining the appropriate size and configuration of buffers or the timing of activities in the vicinity of a bald eagle nest, we encourage you to contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16).

Existing Uses

Eagles are unlikely to be disturbed by routine use of roads, homes, and other facilities where such use pre-dates the eagles' successful nesting activity in a given area.

Therefore, in most cases *ongoing* existing uses may proceed with the same intensity with little risk of disturbing bald eagles. However, some *intermittent, occasional, or irregular* uses that pre-date eagle nesting in an area may disturb bald eagles. For example: a pair of eagles may begin nesting in an area and subsequently be disturbed by activities associated with an annual outdoor flea market, even though the flea market has been held annually at the same location. In such situations, human activity should be adjusted or relocated to minimize potential impacts on the nesting pair.

ACTIVITY-SPECIFIC GUIDELINES

The following section provides the Service's management recommendations for avoiding bald eagle disturbance as a result of new or intermittent activities proposed in the vicinity of bald eagle nests. Activities are separated into 8 categories (A – H) based on the nature and magnitude of impacts to bald eagles that usually result from the type of activity.

Activities with similar or comparable impacts are grouped together.

In most cases, impacts will vary based on the visibility of the activity from the eagle nest and the degree to which similar activities are already occurring in proximity to the nest site. Visibility is a factor because, in general, eagles are more prone to disturbance when an activity occurs in full view. For this reason, we recommend that people locate activities farther from the nest structure in areas with open vistas, in contrast to areas where the view is shielded by rolling topography, trees, or other screening factors. The recommendations also take into account the existence of similar activities in the area because the continued

presence of nesting bald eagles in the vicinity of the existing activities indicates that the eagles in that area can tolerate a greater degree of human activity than we can generally expect from eagles in areas that experience fewer human impacts. To illustrate how these factors affect the likelihood of disturbing eagles, we have incorporated the recommendations for some activities into a table (categories A and B).

First, determine which category your activity falls into (between categories A – H). If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity represented.

If your activity is under A or B, our recommendations are in table form. The vertical axis shows the degree of visibility of the activity from the nest. The horizontal axis (header row) represents the degree to which similar activities are ongoing in the vicinity of the nest. Locate the row that best describes how visible your activity will be from the eagle nest. Then, choose the column that best describes the degree to which similar activities are ongoing in the vicinity of the eagle nest. The box where the column and row come together contains our management recommendations for how far you should locate your activity from the nest to avoid disturbing the eagles. The numerical distances shown in the tables are the closest the activity should be conducted relative to the nest. In some cases we have included additional recommendations (other than recommended *distance* from the nest) you should follow to help ensure that your activity will not disturb the eagles.

Alternate nests

For activities that entail permanent landscape alterations that may result in bald eagle disturbance, these recommendations apply to both active and alternate bald eagle nests. Disturbance becomes an issue with regard to alternate nests if eagles return for breeding purposes and react to land use changes that occurred while the nest was inactive. The likelihood that an alternate nest will again become active decreases the longer it goes unused. If you plan activities in the vicinity of an alternate bald eagle nest and have information to show that the nest has not been active during the preceding 5 breeding seasons, the recommendations provided in these guidelines for avoiding disturbance around the nest site may no longer be warranted. The nest itself remains protected by other provisions of the Eagle Act, however, and may not be destroyed.

If special circumstances exist that make it unlikely an inactive nest will be reused before 5 years of disuse have passed, and you believe that the probability of reuse is low enough to warrant disregarding the recommendations for avoiding disturbance, you should be prepared to provide all the reasons for your conclusion, including information regarding past use of the nest site. Without sufficient documentation, you should continue to follow these guidelines when conducting activities around the nest site. If we are able to determine that it is unlikely the nest will be reused, we may advise you that the recommendations provided in these guidelines for avoiding disturbance are no longer necessary around that nest site.

This guidance is intended to minimize disturbance, as defined by Federal regulation. In addition to Federal laws, most states and some tribes and smaller jurisdictions have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines.

Temporary Impacts

For activities that have temporary impacts, such as the use of loud machinery, fireworks displays, or summer boating activities, we recommend seasonal restrictions. These types of activities can generally be carried out outside of the breeding season without causing disturbance. The recommended restrictions for these types of activities can be lifted for alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched (depending on the distance between the alternate nest and the active nest).

In general, activities should be kept as far away from nest trees as possible; loud and disruptive activities should be conducted when eagles are not nesting; and activity between the nest and the nearest foraging area should be minimized. If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity addressed, or contact your local U.S. Fish and Wildlife Service Field Office for additional guidance.

If you believe that special circumstances apply to your situation that increase or diminish the likelihood of bald eagle disturbance, or if it is not possible to adhere to the guidelines, you should contact your local Service Field Office for further guidance.

Category A:

Building construction, 1 or 2 story, with project footprint of ½ acre or less. Construction of roads, trails, canals, power lines, and other linear utilities. Agriculture and aquaculture – new or expanded operations.

Alteration of shorelines or wetlands. Installation of docks or moorings.

Water impoundment.

Category B:

Building construction, 3 or more stories.

Building construction, 1 or 2 story, with project footprint of more than ½ acre.

Installation or expansion of marinas with a capacity of 6 or more boats.

Mining and associated activities.

Oil and natural gas drilling and refining and associated activities.

	<i>If there is no similar activity within 1 mile of the nest</i>	<i>If there is similar activity closer than 1 mile from the nest</i>
<i>If the activity will be visible from the nest</i>	660 feet. Landscape buffers are recommended.	660 feet, or as close as existing tolerated activity of similar scope. Landscape buffers are recommended.
<i>If the activity will not be visible from the nest</i>	Category A: 330 feet. Clearing, external construction, and landscaping between 330 feet and 660 feet should be done outside breeding season. Category B:	330 feet, or as close as existing tolerated activity of similar scope. Clearing, external construction and landscaping within 660 feet should be done outside breeding season.

	660 feet.	
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The numerical distances shown in the table are the closest the activity should be conducted relative to the nest.

Category C. Timber Operations and Forestry Practices

- Avoid clear cutting or removal of overstory trees within 330 feet of the nest at any time.
- Avoid timber harvesting operations, including road construction and chain saw and yarding operations, during the breeding season within 660 feet of the nest. The distance may be decreased to 330 feet around alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched.
- Selective thinning and other silviculture management practices designed to conserve or enhance habitat, including prescribed burning close to the nest tree, should be undertaken outside the breeding season. Precautions such as raking leaves and woody debris from around the nest tree should be taken to prevent crown fire or fire climbing the nest tree. If it is determined that a burn during the breeding season would be beneficial, then, to ensure that no take or disturbance will occur, these activities should be conducted only when neither adult eagles nor young are present at the nest tree (i.e., at the beginning of, or end of, the breeding season, either before the particular nest is active or after the young have fledged from that nest). Appropriate Federal and state biologists should be consulted before any prescribed burning is conducted during the breeding season.
- Avoid construction of log transfer facilities and in-water log storage areas within 330 feet of the nest.

Category D. Off-road vehicle use (including snowmobiles). No buffer is necessary around nest sites outside the breeding season. During the breeding season, do not operate off-road vehicles within 330 feet of the nest. In open areas, where there is increased visibility and exposure to noise, this distance should be extended to 660 feet.

Category E. Motorized Watercraft use (including jet skis/personal watercraft). No buffer is necessary around nest sites outside the breeding season. During the breeding season, within 330 feet of the nest, (1) do not operate jet skis (personal watercraft), and (2) avoid concentrations of noisy vessels (e.g., commercial fishing boats and tour boats), except where eagles have demonstrated tolerance for such activity. Other motorized boat traffic passing within 330 feet of the nest should attempt to minimize trips and avoid stopping in the area where feasible, particularly where eagles are unaccustomed to boat traffic. Buffers for airboats should be larger than 330 feet due to the increased noise they generate, combined with their speed, maneuverability, and visibility.

Category F. Non-motorized recreation and human entry (e.g., hiking, camping, fishing, hunting, birdwatching, kayaking, canoeing). No buffer is necessary around nest sites outside the breeding season. If the activity will be visible or highly audible from the nest, maintain a 330-foot buffer during the breeding season, particularly where eagles are unaccustomed to such activity.

Category G. Helicopters and fixed-wing aircraft.

Except for authorized biologists trained in survey techniques, avoid operating aircraft within 1,000 feet of the nest during the breeding season, except where eagles have demonstrated tolerance for such activity.

Category H. Blasting and other loud, intermittent noises.

Avoid blasting and other activities that produce extremely loud noises within 1/2 mile of active nests, unless greater tolerance to the activity (or similar activity) has been demonstrated by the eagles in the nesting area. This recommendation applies to the use of fireworks classified by the Federal Department of Transportation as Class B explosives, which includes the larger fireworks that are intended for licensed public display.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT FORAGING AREAS AND COMMUNAL ROOST SITES

1. Minimize potentially disruptive activities and development in the eagles' direct flight path between their nest and roost sites and important foraging areas.
2. Locate long-term and permanent water-dependent facilities, such as boat ramps and marinas, away from important eagle foraging areas.
3. Avoid recreational and commercial boating and fishing near critical eagle foraging areas during peak feeding times (usually early to mid-morning and late afternoon), except where eagles have demonstrated tolerance to such activity.
4. Do not use explosives within 1/2 mile (or within 1 mile in open areas) of communal roosts when eagles are congregating, without prior coordination with the U.S. Fish and Wildlife Service and your state wildlife agency.
5. Locate aircraft corridors no closer than 1,000 feet vertical or horizontal distance from communal roost sites.

ADDITIONAL RECOMMENDATIONS TO BENEFIT BALD EAGLES

The following are additional management practices that landowners and planners can exercise for added benefit to bald eagles.

1. Protect and preserve potential roost and nest sites by retaining mature trees and old growth stands, particularly within ½ mile from water.
2. Where nests are blown from trees during storms or are otherwise destroyed by the elements, continue to protect the site in the absence of the nest for up to three (3) complete breeding seasons. Many eagles will rebuild the nest and reoccupy the site.
3. To avoid collisions, site wind turbines, communication towers, and high voltage transmission power lines away from nests, foraging areas, and communal roost sites.
4. Employ industry-accepted best management practices to prevent birds from colliding with or being electrocuted by utility lines, towers, and poles. If possible, bury utility lines in important eagle areas.
5. Where bald eagles are likely to nest in human-made structures (e.g., cell phone towers) and such use could impede operation or maintenance of the structures or jeopardize the safety of the eagles, equip the structures with either (1) devices engineered to discourage bald eagles from building nests, or (2) nesting platforms that will safely accommodate bald eagle nests without interfering with structure performance.
6. Immediately cover carcasses of euthanized animals at landfills to protect eagles from being poisoned.
7. Do not intentionally feed bald eagles. Artificially feeding bald eagles can disrupt their essential behavioral patterns and put them at increased risk from power lines, collision with windows and cars, and other mortality factors.
8. Use pesticides, herbicides, fertilizers, and other chemicals only in accordance with Federal and state laws.
9. Monitor and minimize dispersal of contaminants associated with hazardous waste sites (legal or illegal), permitted releases, and runoff from agricultural areas, especially within watersheds where eagles have shown poor reproduction or where bioaccumulating contaminants have been documented. These factors present a risk of contamination to eagles and their food sources.

CONTACTS

The following U.S. Fish and Wildlife Service Field Offices provide technical assistance on bald eagle management:

<u>Alabama</u>	Daphne	(251) 441-5181	<u>New Hampshire</u>	Concord	(603) 223-2541
<u>Alaska</u>	Anchorage	(907) 271-2888	<u>New Jersey</u>	Pleasantville	(609) 646-9310
	Fairbanks	(907) 456-0203	<u>New Mexico</u>	Albuquerque	(505) 346-2525
	Juneau	(907) 780-1160	<u>New York</u>	Cortland	(607) 753-9334
<u>Arizona</u>	Phoenix	(602) 242-0210		Long Island	(631) 776-1401
<u>Arkansas</u>	Conway	(501) 513-4470	<u>North Carolina</u>	Raleigh	(919) 856-4520
<u>California</u>	Arcata	(707) 822-7201		Asheville	(828) 258-3939
	Barstow	(760) 255-8852	<u>North Dakota</u>	Bismarck	(701) 250-4481
	Carlsbad	(760) 431-9440	<u>Ohio</u>	Reynoldsburg	(614) 469-6923
	Red Bluff	(530) 527-3043	<u>Oklahoma</u>	Tulsa	(918) 581-7458
	Sacramento	(916) 414-6000	<u>Oregon</u>	Bend	(541) 383-7146
	Stockton	(209) 946-6400		Klamath Falls	(541) 885-8481
	Ventura	(805) 644-1766		La Grande	(541) 962-8584
	Yreka	(530) 842-5763		Newport	(541) 867-4558
<u>Colorado</u>	Lakewood	(303) 275-2370		Portland	(503) 231-6179
	Grand Junction	(970) 243-2778		Roseburg	(541) 957-3474
<u>Connecticut</u>	(See New Hampshire)		<u>Pennsylvania</u>	State College	(814) 234-4090
<u>Delaware</u>	(See Maryland)		<u>Rhode Island</u>	(See New Hampshire)	
<u>Florida</u>	Panama City	(850) 769-0552	<u>South Carolina</u>	Charleston	(843) 727-4707
	Vero Beach	(772) 562-3909	<u>South Dakota</u>	Pierre	(605) 224-8693
	Jacksonville	(904) 232-2580	<u>Tennessee</u>	Cookeville	(931) 528-6481
<u>Georgia</u>	Athens	(706) 613-9493	<u>Texas</u>	Clear Lake	(281) 286-8282
	Brunswick	(912) 265-9336	<u>Utah</u>	West Valley City	(801) 975-3330
	Columbus	(706) 544-6428	<u>Vermont</u>	(See New Hampshire)	
<u>Idaho</u>	Boise	(208) 378-5243	<u>Virginia</u>	Gloucester	(804) 693-6694
	Chubbuck	(208) 237-6975	<u>Washington</u>	Lacey	(306) 753-9440
<u>Illinois/Iowa</u>	Rock Island	(309) 757-5800		Spokane	(509) 891-6839
<u>Indiana</u>	Bloomington	(812) 334-4261		Wenatchee	(509) 665-3508
<u>Kansas</u>	Manhattan	(785) 539-3474	<u>West Virginia</u>	Elkins	(304) 636-6586
<u>Kentucky</u>	Frankfort	(502) 695-0468	<u>Wisconsin</u>	New Franken	(920) 866-1725
<u>Louisiana</u>	Lafayette	(337) 291-3100	<u>Wyoming</u>	Cheyenne	(307) 772-2374
<u>Maine</u>	Old Town	(207) 827-5938		Cody	(307) 578-5939
<u>Maryland</u>	Annapolis	(410) 573-4573			
<u>Massachusetts</u>	(See New Hampshire)				
<u>Michigan</u>	East Lansing	(517) 351-2555			
<u>Minnesota</u>	Bloomington	(612) 725-3548			
<u>Mississippi</u>	Jackson	(601) 965-4900			
<u>Missouri</u>	Columbia	(573) 234-2132			
<u>Montana</u>	Helena	(405) 449-5225			
<u>Nebraska</u>	Grand Island	(308) 382-6468			
<u>Nevada</u>	Las Vegas	(702) 515-5230			
	Reno	(775) 861-6300			

National Office
 U.S. Fish and Wildlife Service
 Division of Migratory Bird Management 4401
 North Fairfax Drive, MBSP-4107 Arlington, VA
 22203-1610
 (703) 358-1714
<http://www.fws.gov/migratorybirds>

State Agencies

To contact a state wildlife agency, visit the Association of Fish & Wildlife Agencies'

website at http://www.fishwildlife.org/where_us.html

GLOSSARY

The definitions below apply to these National Bald Eagle Management Guidelines:

Communal roost sites – 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.

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.

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., rabbit, rodents) or carrion (such as at landfills) are abundant.

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).

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

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

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.

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.

RELATED LITERATURE

- Andrew, J.M. and J.A. Mosher. 1981. Bald eagle nest site selection and nesting habitat in Maryland. *Journal of Wildlife Management* 46:382-390.
- Anonymous. 1977. Bald Eagle Habitat Management Guidelines, Forest Service – California Region. U.S Forest Service, San Francisco, CA.
- Anthony, R.G. 2001. Low productivity of bald eagles on Prince of Wales Island, southeast Alaska. *Journal of Raptor Research* 35:1-8.
- Anthony, R.G., R.W. Frenzel, F.B. Isaacs, and M.G. Garrett. 1994. Probable causes of nesting failures in Oregon's bald eagle population. *Wildlife Society Bulletin* 22:576-582.
- Anthony, R.G. and F.B. Isaacs. 1989. Characteristics of bald eagle nest sites in Oregon. *Journal of Wildlife Management* 53:148-158.
- Arizona Game and Fish Department. 1999. Bald Eagle Conservation Assessment and Strategy (draft).
- Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996. Edison Electric Institute, Raptor Research Foundation, Washington, D.C.
- Bangs, E.E., T.N. Bailey and V.D. Berns. Ecology of nesting bald eagles on the Kenai National Wildlife Refuge, Alaska. (USFWS staff)
- Becker, J.M. 2002. Response of wintering bald eagles to industrial construction in southeastern Washington. *Wildlife Society Bulletin* 30:875-878.
- Brauning, D.W. and J.D. Hassinger. 2000. Pennsylvania Recovery and Management Plan for the Bald Eagle (draft). Pennsylvania Game Commission. Harrisburg, PA.
- Brown, B.T., G.S. Mills, C. Powels, W.A. Russell, G.D. Therres and J.J. Pottie. 1999. The influence of weapons-testing noise on bald eagle behavior. *Journal of Raptor Research* 33:227-232.
- Brown, B.T. and L.E. Stevens. 1997. Winter bald eagle distribution is inversely correlated with human activity along the Colorado River, Arizona. *Journal of Raptor Research* 31:7-10.
- Buehler, D.A. 2000. Bald Eagle (*Haliaeetus leucocephalus*). In *The Birds of North America*, No. 506 (A. Poole and F. Gill, eds.). The Birds of North America, Inc., Philadelphia, PA.

Buehler, D.A., T.J. Mersmann, J.D. Fraser, and J.K.D. Seegar. 1991. Effects of human activity on bald eagle distribution on the northern Chesapeake Bay. *Journal of Wildlife Management* 55:282-290.

Buehler, D.A., T.J. Mersmann, J.D. Fraser, and J.K.D. Seegar. 1991. Nonbreeding bald eagle communal and solitary roosting behavior and roost habitat on the northern Chesapeake Bay. *Journal of Wildlife Management* 55:273-281.

- Chandler, SK., J.D. Fraser, D.A. Buehler and J.K.D. Seegar. 1995. Perch trees and shoreline development as predictors of bald eagle distribution on the Chesapeake Bay. *Journal of Wildlife Management* 59:325-332.
- Cline, K. 1985. *Bald Eagles in the Chesapeake: A Management Guide for Landowners*. National Wildlife Federation. Washington, D.C.
- Dell, D.D. and P.J. Zwank. 1986. Impact of a high-voltage transmission line on a nesting pair of southern bald eagles in southeast Louisiana. *Journal of Raptor Research* 20(3/4):117-119.
- Dunwiddie, P.W. and R.C. Kuntz. 2001. Long-term trends of bald eagles in winter on the Skagit River, Washington. *Journal of Wildlife Management* 65(2):290-299.
- Fletcher, R.J. et. al. 1999. Effects of recreational trails on wintering diurnal raptors along riparian corridors in a Colorado grassland. *Journal of Raptor Research* 33(3):233-239.
- Fraser, J.D. 1981. The breeding biology and status of the bald eagle on the Chippewa National Forest. PhD. Dissertation, University of Minnesota.
- Fraser, J.D., LD. Frenzel and J.E. Mathisen. 1985. The impact of human activities on breeding bald eagles in north-central Minnesota. *Journal of Wildlife Management* 49(3):585- 592.
- Garrett, M.G., J.W. Watson, and R.G. Anthony. 1993. Bald eagle home range and habitat use in the Columbia River Estuary. *Journal of Wildlife Management* 57(1):19-27.
- Gerrard J.M. and G.R. Bortolotti. 1988. *The Bald Eagle: Haunts and Habits of a Wilderness Monarch*. Smithsonian Institution Press. Washington, D.C.
- Grier, J.W. 1969. Bald eagle behavior and productivity responses to climbing to nests. *Journal of Wildlife Management* 33:961-966.
- Grier, J.W. and J.E. Guinn. 2003. Bald eagle habitats and responses to human disturbance in Minnesota. Report to the Minnesota Department of Natural Resources.
- Grubb, T.G. 1976. Survey and analysis of bald eagle nesting in western Washington. M.S. thesis, Univ. of Washington, Seattle.
- Grubb, T.G. and R.M. King. 1991. Assessing human disturbance of breeding bald eagles with classification tree models. *Journal of Wildlife Management* 55:500-511.

Grubb, T.G., W.L. Robinson and W.W. Bowerman. 2002. Effects of watercraft on bald eagles nesting in Voyagers National Park, Minnesota. *Wildlife Society Bulletin* 30:156-161.

Grubb, T.G. and W.W. Bowerman. 1997. Variations in breeding bald eagle response to jets, light planes and helicopters. *Journal of Raptor Research* 31:213-222.

Grubb, T.G., W.W. Bowerman, A.J. Bath, J.P. Giesy, D.V.C. Weseloh. 2003. Evaluating Great Lakes bald eagle nesting habitat with Bayesian inference. RMRS-RP-45. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fort Collins, CO, 10 pp.

Hansen, J.A. 1977. Population dynamics and night roost requirements of bald eagles wintering in the Nooksack River Valley, WA. Huxley College of Environmental Studies, Western Washington State College, Bellingham, WA. (Problem Series)

Hansen, J.A., M.V. Stalmaster and J.R. Newman. 1980. Habitat characteristics, function, and destruction of bald eagle communal roosts in western Washington. Huxley college of Environmental Studies, Western Washington University.

Hunt, W.G., D.E. Driscoll, E.W. Bianchi, and R.E. Jackman. 1992. Ecology of bald eagles in Arizona. Report to U.S. Bureau of Reclamation, Contract 6-CS-30-04470. BioSystems Analysis Inc., Santa Cruz, California.

Isaacs, F.B and R.G. Anthony. 1987. Abundance, foraging, and roosting of bald eagles wintering in the Harney Basin, Oregon. *Northwest Science* 61(2), pp. 114-121.

Juenemann, B.G. 1973. Habitat evaluations of selected bald eagle nest sites on the Chippewa National Forest. M.S. thesis, University of Minnesota, Minneapolis.

Keister, G.P., R.G. Anthony and E.J. O'Neill. 1987. Use of communal roosts and foraging area by bald eagles wintering in the Klamath Basin. *Journal of Wildlife Management* 51(2):415-420.

Knight, R. and S.K. Knight. 1984. Responses of wintering bald eagles to boating activity. *Journal of Wildlife Management* 48:999-1004.

Linscombe, J.T., T.J. Hess, Jr., and V.L. Wright. 1999. Effects of seismic operations on Louisiana's nesting bald eagles. *Proceedings of the Southeastern Association of Fish and Wildlife Agencies*. 54:235-242.

Maine (State of) Inland Fisheries and Wildlife Rules. Chapter 8.05 Essential Habitat for Species Listed as Threatened or Endangered.

Mathisen, J.E. 1968. Effects of human disturbance on nesting bald eagles. *Journal of Wildlife Management* 32(1): 1-6.

McGarigal, K., R.G. Anthony and F.B. Isaacs. 1991. Interactions of humans and bald eagles on the Columbia River estuary. *Wildlife Monographs* 115:1-47.

McKay, K.J., J.W. Stravers, B.R. Conklin, U. Konig, S. Hawks, C.J. Kohrt, J.S. Lundh and G.V. Swenson. 2001. Potential human impacts on bald eagle reproductive success

along the Upper Mississippi River.

McKewan, L.C. and D.H. Hirth. 1979. Southern bald eagle productivity and nest site selection. *Journal of Wildlife Management* 43:585-594.

Millsap, B.A. Status of wintering bald eagles in the conterminous 48 States. 1986. *Wildlife Society Bulletin* 14:433-440.

Millsap, B.A, T. Breen, E. McConnell, T. Steffer, L. Phillips, N. Douglass, and S. Taylor. In Press. Comparative fecundity and survival of bald eagles fledged from suburban and rural natal areas in Florida. *Journal of Wildlife Management* 68(4).

Montana Bald Eagle Working Group. 1986. Montana Bald Eagle Management Plan. Department of the Interior, Bureau of Land Management. Billings, MT.

Nesbitt, S.A., M.J. Folk and D.A. Wood. 1993. Effectiveness of bald eagle habitat protection guidelines in Florida. Proceedings of the Annual Conference of the Southeast Association of Fish and Wildlife Agencies.

Newman, J.R., W.H. Brennan and L.M. Smith. 1977. Twelve-year changes in nesting patterns of bald eagles on San Juan Island, Washington. *The Murrelet* 58(2)37-39.

Postapulsky, S. 1974. Raptor reproductive success: some problems with methods, criteria, and terminology. Pages 21-31 *in* F.N. Hammerstrom, Jr., B.E. Harrell, and R.R. Olendorff, eds. *Management of raptors*. Raptor Res. Found., Vermillion, S.D.

Rodgers, J.A. and Schwikert, S.T. 2003. Buffer zone distances to protect foraging and loafing waterbirds from disturbance by airboats in Florida. *Waterbirds* 26(4): 437-443.

Russell, D. 1980. Occurrence and human disturbance sensitivity of wintering bald eagles on the Sauk and Suiattle Rivers, Washington. In R.L. Knight, G.T. Allen, M.V. Stalmaster and C.W. Servheen [eds.]. *Proceedings of the Washington Bald Eagle Symposium*. Nature Conservancy, Seattle, Washington, pp. 165-174.

Shapiro, A.E., F. Montalbano, and D. Mager. 1982. Implications of construction of a flood control project upon bald eagle nesting activity. *Wilson Bulletin* 94(1), pp. 55-63.

Skagen, S.K. 1980. Behavioral responses of wintering bald eagles to human activity on the Skagit River, Washington. In R.L.Knight, G.T. Allen, M.V. Stalmaster and C.W. Servheen [eds.]. *Proceedings of the Washington Bald Eagle Symposium*. Nature Conservancy, Seattle, Washington, pp. 231-241.

Skagen, S.K., R.L. Knight and G.J.H. Orians. 1991. Human disturbance of an avian scavenging guild. *Ecological Applications* 1:215-225. (Internet)

Stalmaster, M.V. 1976 Winter ecology and effects of human activity on bald eagles in the Nooksack River Valley, Washington. MS Thesis, Western Washington State

College, Bellingham.

Stalmaster, M.V. 1980. Management strategies for wintering bald eagles in the Pacific Northwest. Proceedings of the Washington Bald Eagle Symposium, pp 49-67.

Stalmaster, M.V. and J.L. Kaiser. 1998. Effects of recreational activity on wintering bald eagles. Wildlife Monographs 137:1-46.

- Stalmaster, M.V. and J.L. Kaiser. 1997. Flushing responses of wintering bald eagles to military activity. *Journal of Wildlife Management* 61:1307-1313.
- Stalmaster, M.V. and J.R. Newman. 1978. Behavioral responses of wintering bald eagles to human activity. *Journal of Wildlife Management* 42:506-513.
- Steenhof, K. 1978. Management of Wintering Bald Eagles. FWS/OBS-78/79. U.S. Fish and Wildlife Service, Department of the Interior, Washington D.C.
- Steidl, R.J. and R.G. Anthony. 2000. Experimental Effects of Human Activity on Breeding Bald Eagles. *Ecological Applications* 10(1), pp. 258-268.
- Therres, G.D., M.A. Byrd and D.S. Bradshaw. 1993. Effects of development on nesting bald eagles: case studies from Chesapeake Bay. *Transactions of the North American Wildlife and Natural Resources Conference* 58:62-69.
- U.S. Fish and Wildlife Service. 1979. Bald Eagle Management Guidelines: Oregon – Washington. Portland. OR.
- U.S. Fish and Wildlife Service. 1983. Northern States bald eagle recovery plan. Appendices E, F, and G. U.S. Fish and Wildlife Service, Region 6, Denver, CO.
- U.S. Fish and Wildlife Service. 1987. Habitat Management Guidelines for the Bald Eagle in the Southeast Region. U.S. Fish and Wildlife Service, Region 4. Atlanta, GA.
- U.S. Fish and Wildlife Service. 1993. Bald Eagle Basics. Anchorage, AK.
- U.S. Fish and Wildlife Service. 1993. Habitat Management Guidelines for Bald Eagles in Texas. Austin, TX.
- U.S. Fish and Wildlife Service and Virginia Department of Game and Inland Fisheries. 2001. Bald Eagle Protection Guidelines for Virginia. Gloucester and Richmond, VA.
- Watson, J.W. 1993. Responses of nesting bald eagles to helicopter surveys. *Wildlife Society Bulletin* 21:171-178.
- Watson, J.W. 2004. Responses of nesting bald eagles to experimental pedestrian activity. *Journal of Raptor Research* 38:295-305.
- Wood, P.B. 1999. Bald eagle response to boating activity in northcentral Florida. *Journal of Raptor Research* 33:97-101.
- Wood, P.B., T.C. Edwards Jr. and M.W. Collopy. 1989. Characteristics of bald eagle nesting habitat in Florida. *Journal of Wildlife Management*

53(2):441-449.

Young, L.S. 1980. A quantitative evaluation of human disturbance impacts on breeding eagle ecology of bald eagles in the San Juan Islands, Washington. Washington Department of Game, Olympia.

From: Dave J. Bierman <dbierman@watco.com>

Sent: Wednesday, May 8, 2024 1:59 PM

To: Park Commission <pacommission@cityofmadison.com>

Subject: 5/7/2024 Letter to COM Board of Parks Commissioners - Reconsideration of Request by Madison Mallards for Approval of 2024 Fireworks Display Schedule at Warner Park Stadium Legistar 81375

You don't often get email from dbierman@watco.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please have the attachment DJB Letter Mallards Fireworks Agenda Item 15, Legistar 83175_5-8-24 available for reference of the COM Board of Parks Commissioners during the meeting on 5/8/2024.

May 8, 2024
Letter in Opposition

Agenda Item 15, Legistar 83175

Reconsideration of Request by Madison Mallards for Approval of 2024 Fireworks Display Schedule at Warner Park Stadium

City of Madison WI
Board of Park Commissioners Meeting 5-8-2024

I am opposed to the request by the Madison Mallards that authorization for the June 28 Fireworks Display Warner Park Stadium be allowed if the Warner Park Eagle nest chicks have fully fledged with the sole confirmation by the Madison Parks Rangers.

I request that the legislation text file 83175 before you in this matter be modified to: Fireworks Display Warner Park Stadium of any date, shall not be allowed until the confirmation of full fledging of the Warner Park Eagle nest eaglets by joint concurrence by the Southern Wisconsin Bird Alliance (formerly Madison Audubon) Eagle Nest Watch Program and Madison Parks Rangers.

The United States Fish and Wildlife Service, (USFWS) enforces the The Federal Migratory Bird Treaty and Bald and Golden Eagle Protection Act, (16 U.S.C. 668-668d) which pertains to, and fully applies to the active Warner Park Eagle Nest, which is less than ½ mile from the nest site.

The USFWS Midwest Migratory Bird Program has stated for the record, "all fireworks shows wait until after the eaglets have fledged and are able to fly away if startled". Deviations or non-compliance with USFWS recommendations would be considered "willful" violations under the Federal Regulations, exposing maximum fines and sentences, to any entity or person involved in the violation.

The Warner Park Eagle nest has been under the direct weekly observation Eagle Nest Watch Program (ENWP) since the eagles built the nest in 2021. ENWP volunteers are fully trained in all facets of eagle nesting behavior, and professionally and accurately record and report all nesting activity including

milestones of nesting, incubation, hatching, eaglet health, and most importantly, full, and successful fledging, a point when eaglets are fully developed and able to fly and sustain life off the nest.

All data from ENWP observations and reporting is entered into the Wisconsin Department of Natural Resources (WDNR) database which in turn is utilized by WDNR and USFWS in the best management of the protected resources.

While Madison Parks Rangers may or may not possess training in the complex recognition of eagle behavior, most importantly, full eaglet fledging from the nest, ENWP trained volunteers have the professionalism, background history and intimate knowledge and familiarity with the eagle behavior at this nest site.

ENWP will perform multiple nest observations daily, to fully ensure eaglet fledging status is accurate.

Observations and status would be instantly shared with Madison Parks Rangers and would include coordinated joint confirmation observation and verification when fledging is close or has occurred.

It is reasonable to request therefore, that the professionalism of the Eagle Nest Watch Program, those who are most familiar with the day-to-day activity and progress of the eaglets in the Warner Park Eagle nest be fully engaged to ensure the safety of the eaglets, as well as compliance with the USFWS requirements.

Please modify the legislation text file 83175 that: Fireworks Display Warner Park Stadium of any date, shall not be allowed until the confirmation of full fledging of the Warner Park Eagle nest eaglets by joint concurrence by the Southern Wisconsin Bird Alliance (formerly Madison Audubon) Eagle Nest Watch Program and Madison Parks Rangers.

David Bierman

District 18

Madison WI

May 8, 2024
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David Bierman
District 18
Madison WI

Warner Park Eagle Nest Distance Relationships

Red Line Eagle Nest to Mallard Stadium equals 1600 Feet or 0.30 Mile

Purple Line Eagle Nest to First Football Field equals 2000 Feet or 0.38 Mile

Pink Line Eagle Nest to Second Football Field equals 2300 Feet or 0.43 Mile

Yellow Line-Circle Eagle Nest to Circle Line equals 2640 Feet or 1/2 Mile - Radius



Warner Park Eagle Nest Distance Relationships

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