



## Guidelines for Maintenance at Communication Towers that Support Raptor Nests in New Jersey

### *Key contacts:*

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### **Osprey (*Pandion haliaetus*)** State Threatened (breeding population)

Osprey nests are found primarily on man-made platforms that are designed specifically for them. However, many ospreys nest on communication towers because they offer the height and protection from predators that ospreys seek in a nest site. Ospreys nest throughout New Jersey in the breeding season, April 1 to August 31, with most nests found along the Atlantic Coast. Osprey nests are protected during the breeding season under the New Jersey Endangered and Nongame Species Conservation Act and the Federal Migratory Bird Treaty Act. These laws require that nests be left free from disturbance, harassment and take. The distance to avoid disturbing nesting ospreys or their nests varies depending on the nest location and the type of activity. Activities that occur with regularity near nests become tolerated by ospreys, resulting in reduced or no reaction by the birds. However, directly approaching a nest with the intent of getting close to it will always cause the ospreys to react, causing them to leave their eggs or young. Actions that cause ospreys to change their behavior, and especially to leave their nest, constitute disturbance and are illegal under State and Federal law.

During the non-breeding season, September 1 to March 31, osprey nests are not protected in the same way because the ospreys migrate away from their nesting areas.

If you need to approach and conduct work on a communication tower that supports an osprey nest, please follow these guidelines to help protect the birds, yourself, and your company.

**Maintenance during the nesting season (April 1 – August 31):**

- Maintenance work on a tower during nesting season: These nest sites (constituting the entire tower structure) may not be entered without a Federal ([U.S. Fish & Wildlife, Migratory Bird Program](#)) and State permit ([NJ Division of Fish & Wildlife](#)). You must possess both permits to climb, enter or remove a nest, due to the potential for disturbance or take. Call or email Kathy Clark and Ben Wurst to notify them of the need for the proposed work. Give Kathy or Ben your contact info and a location map of the tower that contains the nest. We may be able to provide technical assistance to avoid the application for permits.
- Ground-maintenance (work near the base of the tower) during nesting season: Call or email Kathy Clark and Ben Wurst to notify them of the proposed work. Give Kathy or Ben your contact info and a location map of the tower that contains the nest.

**Maintenance during the non-breeding season (September 1 – March 31):**

- Maintenance work on tower: *No notification required.* Nests can be disturbed or removed, but we prefer nests are left intact unless they interfere with communication equipment or worker safety on the tower. If the nest is new please provide Kathy or Ben with coordinates or an address for the tower and your contact information.
- Ground-level maintenance: *No notification required.* If the nest is new please provide Kathy or Ben with coordinates or an address for the tower and your contact information.

For more information visit:

- [Conserve Wildlife Foundation of New Jersey – Osprey Species Profile](#)
- [Endangered & Nongame Species Program, NJ Fish & Wildlife](#)

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**Bald Eagle (*Haliaeetus leucocephalus*)**

State Endangered (breeding population)

State Threatened (non-breeding population)

Federally protected under the Bald & Golden Eagle Protection Act

The bald eagle population has been growing over the past few years in New Jersey. Most eagle nests are in trees in forested habitat, however, in recent years some eagles have built nests on man-made structures, including osprey nest platforms, high tension transmission towers and cell towers. Eagles nest throughout New Jersey with most of the population associated with Delaware Bay in Salem and Cumberland Counties. Adult bald eagles do not migrate from New Jersey during the non-breeding season, so they can be found near their nest territories year round.

In New Jersey, bald eagle nesting season begins January 1 and goes through August 31. Eagle nest sites are protected by the New Jersey Endangered and Nongame Species Conservation Act, the Federal Migratory Bird Treaty Act, and the Federal Bald and Golden Eagle Protection Act. These laws prohibit disturbance, harassment and take of eagles, their nests, young or eggs. The distance to avoid disturbing nesting eagles or their nests varies depending on the nest location and the type of activity. The ENSP has a general recommendation of keeping 1,000 feet away from nests but that distance depends on the nest location. Entering the nest area closer may result in a reaction by the adult eagles that causes them to leave their nest, young or eggs. Such actions constitute disturbance and are prohibited by State and Federal law. Additional guidance on avoiding disturbance, harassment or take is available from the U.S. Fish and Wildlife Service ([Bald Eagle Management Guidelines, 2007](#)).

If you need to approach and conduct work on a communication tower that supports a bald eagle nest, please follow these guidelines to help protect the birds, yourself, and your company.

**Maintenance during the nesting season (January 1 – August 31):**

- Maintenance work on a tower during nesting season: These nest sites (constituting the entire tower structure) may not be entered without a Federal ([US. Fish & Wildlife](#)) and State permit ([NJ Division of Fish & Wildlife](#)). You must have both permits to climb, enter or remove a nest. Call or email Kathy Clark to notify her of the proposed work. Provide your contact info and the location of the tower that supports the nest.
- Ground-maintenance (work near the base of the tower) during the nesting season: Call or email Kathy Clark to provide a description of the proposed work. Provide contact info and the location of the tower supporting the nest.

**Maintenance during the non-breeding season (September 1 – December 31):**

- Maintenance work on tower: While maintenance work may be done during this period, please notify ENSP whenever work is planned on the structure. Nest sites have protection year-round but most activities during the non-breeding season will not require permits. Nest removal is an action requiring Federal and State permits, so it cannot be pursued until those permits are obtained. Some Federal guidance is provided suggesting remedial action for eagle nests that interfere with communication tower operation (see <http://www.fws.gov/northeast/EcologicalServices/eagle/guidelines/baea-moreconserve.html>).
- Ground-level maintenance: *No notification required.*

For more information visit:

- [Conserve Wildlife Foundation of New Jersey – Bald Eagle Species Profile](#)
- [Endangered & Nongame Species Program, NJ Division of Fish & Wildlife](#)
- [Bald & Golden Eagle Protection Act, U.S. Fish & Wildlife Service](#)