

MAINE DEPARTMENT OF
INLAND FISHERIES AND WILDLIFE



**Forest Management Recommendations for
Bald Eagles (*Haliaeetus leucocephalus*)
in Maine**

Legal Status in Maine: Species of Special Concern

Applicable state statutes:

- Site Location of Development (38 MRSA §481 – 490)

Applicable federal statutes:

- Bald Eagle - Golden Eagle Protection Act (16 USC 668)
- Migratory Bird Treaty Act (16 USC 703 – 711)
- Lacey Act (16 USC 3371 -3378)

Photo: Barbara Todd

Background

Bald Eagles were recognized as an Endangered or Threatened Species in Maine for 33 years. Essential Habitat rules adopted by MDIFW reviewed all land use permits within ¼ mile (= 20 chains) of mapped nest locations. Legal provisions of the U.S. Endangered Species Act ended in September, 2007 by virtue of federal delisting. Maine's Essential Habitat regulations and other protections of the Maine Endangered Species Act no longer apply after similar state law changes in September, 2009. Delisting a species alters monitoring and management concerns but may not remove all legal considerations. At present, the primary legal standard of concern to forest management or development projects would be National Management Guidelines adopted by the U.S. Fish and Wildlife Service (USFWS) under a federal law, the Bald Eagle – Golden Eagle Protection Act of 1963.

Avoiding disturbance to breeding eagles at nests has long been the intent of cooperative management, rules, and new guidelines. Timing is always a key concern. The prolonged nesting season may begin as early as mid-February along the coastal mainland. The onset of breeding may be delayed as much as 10 weeks moving to offshore islands or further inland to northernmost Maine. Young fledgling eaglets do not leave the nest vicinity until September or October.

The sensitivity to disturbances is a potential concern throughout the period but varies somewhat in relation to the stage of breeding; the intensity, duration, and setback of a new activity; site characteristics such as woodland buffers or topography; and pre-existing uses on adjacent lands. Any intrusion (even reconnaissance during a timber cruise) might be detrimental through May and again during the fledging period in late-June or July. Prolonged events (harvesting, road construction, etc.) may impact nests at any period of the season. Consult a MDIFW wildlife biologist or USFWS personnel at their Maine Field Office for guidance on specific locations and activities as well as updates on known nest locations.

Bald Eagles frequent riparian zones of rivers, lakes, and coastal waters. They feed primarily on fish, waterfowl, seabirds, and other prey caught in open waters. Nests, perches, roosts, and foraging lookouts are usually adjacent to these shorelines. Although a few Bald Eagle nests in Maine have been found as far as 1 mile from a major water body, more than 80% reside within ¼-mile of the nearest shoreline. This setting is not only ideal for eagles, but leads to minimizing land management concerns. Nesting in riparian zones consolidates the primary habitat needs of Bald Eagles into one setting and minimizes upland buffers. Eagles that nest in upland forests have more acreage within critical buffers and additional management concerns for riparian zones where foraging activities are focused.

Eagles are highly selective of nesting habitat. Some nest trees are used by generations of eagles for periods exceeding 40 years. Loyalty to an established nest location generally lasts as long as the limbs supporting the massive nests. If the tree is lost or damaged by the elements, nesting pairs usually rebuild an alternate nest nearby in the same stand or within a ½-mile radius depending on the availability of suitable trees.

In summary, forest management can be a compatible land use for Bald Eagles. Timing considerations are critical. Fall or winter harvesting is always preferable. Setbacks and other harvest prescriptions are best planned on site with a wildlife biologist. Management practices that maintain or improve the integrity of the overstory and provide for a continuing supply of mature trees (especially eastern white pines) favored for nesting are often rewarded with continuing eagle residency at a site. This minimizes the frequency of shifting nest locations locally and the resulting management complications that follow.

Management Recommendations

These strategies not only benefit established nests but can enhance the suitability of any riparian area for nesting Bald Eagles, other wildlife that frequent this habitat, and protect water quality. The following practices are adapted from National Management Guidelines established by USFWS in 2007 and the 1999 booklet: "Threatened and Endangered Species in Forests of Maine: A Guide to Assist with Forestry Activities."

- 1. Planning:** Consult MDIFW or USFWS wildlife biologists as early as possible if you suspect nesting Bald Eagles within 1 mile or you receive notification of a documented Bald Eagle nest. Reconnaissance for new, alternate nests may be advised if existing information is dated or established nests were recently destroyed. Check the "Bald Eagle Nest Identification Guide" pamphlet available from agencies, North Maine Woods, and many industrial forest landowners. Felling a tree supporting an eagle nest is a violation of federal law. Intentional cutting of an active nest is also prohibited by state law in Maine.

- 2. Primary nest buffer:** Do not remove overstory trees in the surrounding stand within 330 feet of all intact nests. Woodlands on poor soils, on steep slopes, or otherwise vulnerable to windthrow may require greater setbacks. Stand evaluations and timber stand improvement may be permissible if conducted outside the February – September breeding season or if written approval to waive timing safeguards is granted by agency wildlife biologists (e.g., when surveys reveal eagles' absence or shift to another locale).
- 3. Seasonal nest buffer:** Avoid harvesting activities or road construction within 660 feet during the breeding season (February – September) unless agency wildlife biologists provide written approval to waive timing safeguards. Selective harvests should be conducted in consultation with wildlife biologists to assure stand integrity and availability of potential nest trees; protect known perches or roosts; and maintain landscape buffers. Line-of-sight visibility from an eagle nest is a key consideration for additional forest management or other adjacent land uses as well as potential justification for expansion of the seasonal nest buffer to a 1320-foot radius.
- 4. Bald Eagle – Golden Eagle Act precautions:** You are encouraged to review your liability for prohibitions of “taking” or “disturbing” Bald Eagles under this law. Contact USFWS at Maine Field Office, 17 Godfrey Drive, Orono ME 04473; telephone = 207-866-3344. Self evaluations on your planned activities can be done at this Internet address: <http://www.fws.gov/northeast/EcologicalServices/eagle/guidelines/index.html>
- 5. General recommendations for riparian areas:**
 - Comply with any state / local shoreland zoning standards for forestry practices.
 - Maintain at least 6 optimal, potential nest trees within 1320 feet of shorelines (preferred Bald Eagle nesting habitat) per linear mile. Eastern white pines exceeding 30-inches d.b.h. are invariably favored, but prominent oaks in central – southwestern Maine or mature spruce on offshore islands lacking pines are used.
 - Clusters of potential nest trees (or their replacements) are preferable to wide-spacing for resilience to windthrow and promotion of effective landscape buffers.
 - Snags and overstory trees with exposed horizontal limbs should be retained in the immediate riparian zone (< 330 feet of shores along lakes, rivers, and coastal waters) as preferred perches and roosts.
 - The use of “winter roads” may best avoid impacts to nesting Bald Eagles, riparian zones, and wetlands.
 - Consult MDIFW staff if interested in current use property tax programs (tree growth or open space designations), cooperative management plans, and / or land conservation strategies. The needs of Bald Eagles have been adequately addressed in several “working forestland” conservation easements across Maine.
 - Report any newly discovered or suspected nest locations to MDIFW / USFWS. The two-way exchange of information between foresters and wildlife agencies has been key to the recovery of Bald Eagles in Maine.