






Migratory Birds and Telecommunications Facilities: A Guide for Contractors

What factors should be considered when working at nest sites?

Migratory Birds are Protected by Law:

Migratory Bird Treaty Act (MBTA) 	Protects over 1,000 species of native U.S. migratory birds and makes it illegal to <i>take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter</i> any migratory bird, or parts, their nests, or eggs. For a list of protected species, click here .	Species Include: osprey, eagles, hawks, crows, ravens, owls, robins, mourning doves, etc.
Bald and Golden Eagle Protection Act (BGEPA) 	Protects bald and golden eagles, their parts, eggs and nests and makes it illegal to <i>pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb</i> any bald or golden eagle. Prohibits the <i>possession, sale, purchase, bartering, offering of sale, export or import</i> any bald or golden eagle, alive or dead, or their eggs, or nests.	Species Include: bald eagles and golden eagles
Endangered Species Act (ESA) 	Protects any species federally listed as either endangered or threatened to protect and recover imperiled species and ecosystems. For a list of species listed under the ESA, click here .	Species Include: Any federally designated endangered or threatened species
State Law	States may enact state-level protection for specific species that may be imperiled within that state	Species vary by state, Ex. Osprey

Nesting Season and Nest Status:

- **Nests are most likely to be ACTIVE during the nesting season.**
- Active nests contain eggs or flightless young and work should stop if these are observed in the nest.
- If birds are becoming agitated, aggressive, or avoid landing in the nest due to worker presence this could indicate the nest may be active.
- For active nests, a biologist should be consulted to determine the nest status and evaluate your construction options.
- Wildlife agencies should be consulted prior to working at sites with active nests and can provide guidance for completing work during the nesting season safely.
- The general public has heightened interest in nest sites inside and outside of the nesting season, remain cautious to bird activity during work all year.

Frequently Asked Questions

- What should I do if I see a nest on site?
- May a nest be removed from the tower?
- May work on the tower work if there is a bird near the nest?
- If a tower has an active nest, can groundwork still be done in the compound?
- What should I do if I do not know if a nest is active or inactive?
- Can I do work at a site that has an eagle nest on the tower?
- What should I do if I see a bald or golden eagle perched on the tower?
- Does the Bird Site Work Advisory clear my work to proceed?
- What should I do if I observe an injured bird on the tower or within the site compound?
- May I install a nest deterrent on site to discourage nesting on site?
- May I fly a drone at a nest site?

What should I do if I see a nest on site?

If the tower owner has not notified you of the presence of the nest, stop work and notify the tower owner with the following information: location and height of the nest, description of birds observed/species, observations of bird activity, and photos of the nest. Notify the carrier's regulatory team to receive appropriate next steps according to their internal policies for working at nest sites.

May a nest be removed from the tower?

Before removing any nest on any tower, contact the tower owner to determine any nest removal conditions and necessary approvals prior to nest removal.

Active Nests: A federal permit is needed to remove any active –containing eggs or flightless young—nests. The Fish and Wildlife Service (FWS) should be consulted for a permit prior to any nest removal. In addition to a federal permit, the state wildlife agency should be consulted to confirm if a state permit is needed prior to any nest removal. For more information regarding federal migratory bird permits, [click here](#).

Inactive Nests: A permit may be needed to remove an inactive nest. Some states require a permit prior to the removal inactive nests and the state wildlife agency should be consulted to clarify permit requirements. A federal nest removal permit is only required when the nest belongs to a species listed under the ESA or the BGEPA.

May I work on a tower if there is a bird near the nest?

While nests are most likely to contain eggs or flightless young during the active nesting season, always remain cautious to bird activity on site. If the following signs of an active nest are observed: adult birds in or around the nest, or avoiding landing in the nest, or birds becoming agitated or aggressive by worker presence, contact the tower owner and carrier to determine nest steps. A biologist determination of the nest status may be needed prior to work proceeding.

If a tower has an active nest, can groundwork still be done in the compound?

If groundwork must proceed while the nest is active, consult the tower owner and carrier to determine next steps and include the scope of work to be completed. Groundwork at an active eagle nest location may be restricted during the nesting season, consult with the tower owner prior to completing groundwork at an active eagle nest location.

What should I do if I do not know if a nest is active or inactive?

If the nest status is unconfirmed and signs of an active nest are observed, you may want to engage a biologist for an official nest status determination prior to work being completed. If a nest is determined to be active, a biologist can estimate when a nest will become inactive and/or evaluate your construction options. If work is being completed at active nest sites after consultation with the lead wildlife agencies, both the tower owner and carrier should be notified prior to work being completed. Tower owners and carriers may not always require a biologist evaluation. Consult with the tower owner and carrier on how work should proceed according to their internal policies regarding working at nest sites.

Can I do work at a site that has an eagle nest on the tower?

Many tower owners place hold on work or restrict access during the active eagle nesting season. Prior to completing any work—tower and ground—contact the tower owner to determine conditions under which work may take place. Under the BGEPA, Eagle Management Guidelines have been established, to view these guidelines please [click here](#). To reference the FWS National Bald Eagle Management Guidelines, [click here](#)

What should I do if I see a bald or golden eagle perched on the tower?

If an eagle is observed, stop work and report this information to the tower owner and carrier with as much detail as possible to receive guidance on proceeding with work. [Click here](#) for more information regarding the Bald and Golden Protection Act.

What should I do if I observe an injured bird on the tower or within the site compound?

If an injured bird is observed, stop work, collect as much information as possible (e.g., site name and number, a description of the bird and its behavior, photos) and notify the tower owner. Do not make any contact with the bird or attempt to resolve the situation independently. The tower owner will consult with wildlife specialists and contact a local wildlife rehabilitation center to coordinate a rescue of the bird if needed. The same process should be followed in the rare occurrence that a bird carcass is discovered on site.

Can I install a nest deterrent on site to discourage bird nesting ?

Before installing a deterrent to discourage nesting on site, the tower owner should be consulted on the type of deterrent to be installed and the location of the deterrent prior to installation.

Can I fly a drone at a nest site?

If a drone flight is needed , please consult the tower owner and carrier to discuss their drone policies prior to flying. State agencies may also have requirements regarding wildlife.

Contact Information

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