

**FEDERAL COMMUNICATIONS COMMISSION
FACT SHEET: RAPTOR NESTING ON TOWERS
May 12, 2016**

LEGAL PROTECTION OF RAPTORS AND THEIR NESTS

Bald eagles and ospreys are the most common raptors to nest on communications towers. Both species neared extinction in the 1970s from the use of DDT and other pollutants, as well as habitat loss and illegal shooting. Laws such as the Clean Water Act, Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA), together with the Environmental Protection Agency's ban on DDT, improved water quality, reduced pollution, and brought about the recovery of these and other species (Poole et al. 2002, U.S. Fish and Wildlife Service 2007). The bald eagle was removed from the Endangered Species list in 2007 but is still protected by the BGEPA. The MBTA, which also protects both species, prohibits the disturbance, harassment, removal, and take of migratory birds or their nests. Because entering the nesting area can result in raptors leaving their nests, eggs, and young, such action is considered a disturbance and prohibited by Federal and some state laws.

WHAT TOWER OPERATORS CAN DO TO PROTECT RAPTORS AND NESTS ON TOWERS

As some raptor populations have rebounded, the number of raptor nests on towers has also increased. Before initiating construction or maintenance activities on towers with nests it is critical to contact the state natural resource protection agency and/or the United States Fish and Wildlife Service (USFWS) field office for permits, recommendations, and requirements. Tower operators should schedule construction and maintenance activities around the nesting and activity schedule of protected birds. Generally, restrictions on tower activities are less stringent during the nonbreeding season.

Raptors that nest or perch on towers can become entangled in antenna cabling or in twine used as nesting material. Minimizing excess wires, securely attaching wires to the tower structure, and shrink wrapping or taping wires together to reduce the number of small spaces for raptors to insert wings, heads, or feet can lower the risk of entanglement. If a tower operator becomes aware of an entanglement or potential entanglement, it should immediately contact the state natural resource protection agency or the USFWS.

DEVICES TO PREVENT RAPTORS FROM NESTING ON AND COLLIDING WITH TOWERS

Many nest exclusion devices are available for communications towers with a variety of appearances, attachment methods, and success rates. Online searches and communications with state natural resource protection agencies or the USFWS can provide up to date information on the most effective products. Some tower owners install nest exclusion devices on newly constructed towers before raptors select the towers for nest sites. Preemptive nest exclusion can reduce tower maintenance challenges, especially in regions where ospreys and bald eagles frequently use towers for nesting.

Some tower owners also provide alternative nesting platforms near towers with nests in an effort to move the raptors off of the towers. However, raptors often exhibit high nest site fidelity and return to the tower structures instead of using the nesting platforms.

Raptors, as well as smaller birds, also suffer fatalities when they collide with the guy wires supporting towers. Bird flight diverters have been shown to reduce collisions with utility wires (http://wireless.fcc.gov/migratory-birds/Migratory_Birds_fact_sheet.pdf) and may also reduce collisions with tower guy wires.

Additional information:

American Tower Corporation. 2013. Bird Watch: information you need to know for the nesting season. http://www.americantower.com/Marketing227/1820MK_BirdWatch/index.html (accessed 5/12/16).

New Jersey Department of Fish and Wildlife. 2013. Guidelines that support the maintenance of raptor nests at communications towers in New Jersey. http://www.state.nj.us/dep/fgw/ensp/pdf/tower_maint_guidelines.pdf (accessed 5/12/16).

Poole, A. F., R. O. Bierregaard, and M. S. Martell. 2002. *Osprey (Pandion haliaetus)*. In *The Birds of North America*, No. 683 (A. Poole and F. Gill, eds.). The Birds of North America Online, Ithaca, New York.

U.S. Fish and Wildlife Service. 2007. Bald Eagle Fact Sheet. <http://www.fws.gov/midwest/eagle/recovery/biologue.html> (accessed 5/12/16).

KEY WORDS: Bald Eagle, Osprey, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, DDT, Endangered Species Act, PCB, entanglement, twine, migratory birds, nesting, nest exclusion devices