

BURROWING OWL NEST PROTECTION GUIDELINES AND PROCEDURES IN URBAN AREAS

The Florida burrowing owl (*Athene cunicularia floridana*) is listed by the State of Florida, Fish and Wildlife Conservation Commission (Commission) as a Species of Special Concern (Florida Administrative Code [F.A.C.] 68A-27.005). This classification means that the burrowing owl has a high vulnerability to factors that may lead to its becoming a threatened species in the absence of appropriate protection or management. As a Species of Special Concern, it is illegal to take (pursue, hunt, capture, molest, or kill) burrowing owls and their nest burrows and eggs without a permit issued by the Executive Director of the Commission (68A-9.002 & 68A-27.005 F.A.C.). Burrowing owls and their nests are also afforded protection under the Federal Migratory Bird Treaty Act. Rules promulgated under this act (Title 50, Code of Federal Regulations, Part 21) prohibit the destruction of active (i.e., nests which contain eggs or flightless young) nests without a federal permit, which is issued by the U.S. Fish and Wildlife Service Regional Office in Atlanta, Georgia.

The Commission's policy is to issue permits to destroy burrowing owl nest burrows only as a last resort, after all reasonable alternatives (such as realigning development to avoid the nest) have been shown to be impractical. When such permits are issued, they apply only to inactive nests (i.e., burrows containing no eggs or flightless young). Burrowing owl nests can generally be considered inactive from 10 July to 15 February, although some nesting occurs as early as October each year. Between 15 February and 10 July, burrows attended by one or more burrowing owls are considered active nests unless information is available to suggest otherwise (i.e., proof that young fledged from the nest prior to 10 July).

Burrowing owls often nest on vacant lots in rapidly developing suburban areas. In these areas, home construction is a major cause of burrow destruction. However, Commission studies in Cape Coral, Lee County, have shown that if development is conducted in such a way that the area within 50 ft of the burrow is protected from disturbance, nesting is seldom interrupted. No Commission permit is needed to build a home on a lot when at least a 50-ft radius circle can be provided around the burrow, but cautionary measures must be taken to guard against accidental destruction of the nest. A larger buffer, ideally 150 ft, will decrease chances the nest burrow will be adversely impacted. We recommend that the buffer circle around the burrow entrance be staked and roped-off prior to initiating construction. Sod may be laid within the protected area outside the "active" nesting period, but the burrow entrance must be left open. Plugging the burrow entrance or causing the burrow to collapse would effectively destroy the nest, and as such, require a permit. As a cautionary measure, we recommend that after completion of the home, the homeowners place a T-perch (see enclosed brochure) near the burrow or stake-off the area around the burrow to prevent someone from accidentally stepping into the entrance.

At present, the Commission has no guidelines for management of burrowing owls in other than urban/suburban areas. Protection criteria for these situations, or situations where numerous burrows will be impacted, will be developed on a case-by-case basis.

To request a permit to take a burrowing owl nest, submit an application packet to the Protected Species Permit Coordinator, Species Conservation Planning Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian St., Mail Station 2A, Tallahassee, FL 32399-1600, (850) 921-5990, ext. 17310, Fax (850) 921-1847. The packet must contain: (1) a complete application stating the location of the burrow(s), (2) a statement as to why the burrow(s) must be destroyed (i.e. nest burrow conflicts with proper installation/functioning of a structure or prohibits construction in a certain manner) in detail, (3) a detailed site plan or scaled diagram of the property that clearly indicates the location of the burrow(s) and it's proximity/distance to the proposed structure/construction activity, and (4) a statement of mitigation measures that will be enacted to offset the loss of nesting habitat for this species. Federal permits are required only if the nest is active (i.e., has flightless young or eggs present). Please contact Special Law Enforcement Agent in charge, U.S. Fish and Wildlife Service.



State of Florida Fish and Wildlife Conservation Commission
Division of Habitat and Species Conservation

MIGRATORY BIRD NEST REMOVAL PERMIT APPLICATION

(Please Print or Type)

Applicant Name _____ Date of Application _____

Affiliation _____

Mailing Address _____

Telephone Number(s): _____
Voice line _____ Fax _____ Email address _____

Applicant Signature _____

Certification: I hereby state and confirm by signature that the information submitted in this application and supporting documents is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to criminal penalties. I further state that I will abide by all applicable State, Federal, and local laws. Finally, I hereby confirm by signature that representatives of the Florida Fish and Wildlife Conservation Commission (Commission) have my permission as the applicant and that of the landowner(s) to enter on and inspect the property(ies) described in the application for all reasonable purposes pertaining to applicable Commission rules.

Bird species: Burrowing Owl* _____ Osprey _____ Other _____

Did you previously have a state permit for the proposed work at this site? _____ Permit number _____

Nest information:

Number of nests or burrows to be removed _____ Duration of work _____

Location of nest (i.e., what structure [light pole, tree, tower etc.] block, lot, street address, city, county, Township/Range/Section [T,R,S]): _____

Are eggs or flightless young present? Yes/No Are any adult birds present? Yes/No. How many? _ You must also contact Special Agent in Charge, US Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345, (404) 679-7049 for a federal permit, if any eggs and/or flightless young are in the nest.

Has an environmental consultant or other trained or experienced person inspected the nest(s) or owl burrow (s)? Yes/No. If yes, please provide written confirmation of the inspection from the environmental consultant or other trained individual (indicating they have inspected the nest(s) or owl burrow(s) and have verified the current status.) _____

Justification for removal of nest(s) or owl burrow(s) (i.e.-location of nest conflicts with proper functioning/installation of a structure or prohibits construction) _____

Describe proposed measures to (i.e., placement of T-perch on-site, starter burrows, erecting replacement nest structure, etc.) mitigate for this loss of nesting habitat for this species (refer to appropriate species policy/guidelines): _____

* - Those applying for a permit to remove a burrowing owl nest burrow must include a site plan or scaled diagram of the property that shows the location of the burrow(s) relative to the proposed construction.

The Florida Statutes require state agencies to approve or deny complete applications within 90-days of receipt. This office operates on a self-imposed policy to make every effort to approve or deny complete applications within 45 days of receipt. Therefore we ask you to submit a complete application and include all relevant information as attachments (i.e. scientific project proposals, site plans etc.). Complete permit applications should be submitted a minimum of 45 days prior to the requested effective date.

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