

Avian Stipulation Dates

What is a stipulation period?

- Stipulation dates are defined by the USFWS as: **recommended** seasonal and spatial buffers to protect nesting raptors from the disturbances that might reduce the likelihood that their breeding and brood-rearing season is successful.



Why does PRECorp follow these “Stips”?

- PRECorp borrows federal funds on projects to pay for certain material or maintenance items. When that happens, we need to ensure we are not impacting threatened & endangered species or species of local concern
- PRECorp has easements from private landowners that require us to follow the raptor nesting stipulations
- Federal agencies require us to follow the seasonal and spatial buffers when we cross or work on federal lands



Recommended Steps for Addressing Raptors in Project Planning

- ◉ **Recommended Steps for Addressing Raptors in Project Planning**
- ◉ Using the following steps in early project planning, agencies and proponents can more easily minimize impacts to raptors, streamline planning and permitting processes, and incorporate measures into an adaptive management program:
- ◉ Coordinate with appropriate Service offices, Wyoming Game and Fish Department, Tribal governments, and land-management agencies at the earliest stage of project planning.
- ◉ Identify species and distribution of raptors occurring within the project area by searching existing data sources (e.g., Wyoming Game and Fish Department, Federal land-management agencies) and by conducting on-site surveys.
- ◉ Plan and schedule short-term and long-term project disturbances and human-related activities to avoid raptor nesting and roosting areas, particularly during crucial breeding and wintering periods
- ◉ Determine location and distribution of important raptor habitat, nests, roost sites, migration zones and, if feasible, available prey base in the project impact area.
- ◉ Document the type, extent, timing, and duration of raptor activity in important use areas to establish a baseline of raptor activity.
- ◉ Ascertain the type, extent, timing, and duration of development or human activities proposed to occur, and the extent to which this differs from baseline conditions.
- ◉ Consider cumulative effects to raptors from proposed projects when added to past, present, and reasonably foreseeable actions. Ensure that project mitigation adequately addresses cumulative effects to raptors.
- ◉ Minimize loss of raptor habitats and avoid long-term habitat degradation. Mitigate for unavoidable losses of high-valued raptor habitats, including (but not limited to) nesting, roosting, migration, and foraging areas.
- ◉ Monitor and document the status of raptor populations and, if feasible, their prey base post project completion, and evaluate the success of mitigation efforts.
- ◉ Document meaningful data and evaluations in a format that can be readily shared and incorporated into wildlife databases (contact the Service's Wyoming Ecological Services office for details).
- ◉ Protection of nesting, wintering (including communal roost sites), and foraging activities is considered essential to conserving raptors. In order to promote the conservation of migratory bird populations and their habitats, Federal agencies should implement those strategies directed by [Executive Order 13186, "Responsibilities of Federal Agencies To Protect Migratory Birds" \(66 FR 3853\)](#).

What dates are used in the seasonal buffers?



- The dates listed in table 1 of the guidelines are there for guideline only. These dates are set up with some buffer to allow for early or late-season breeding. Sometimes, you will find a nest that is active outside of these timelines.
- It's important to remember that if you see an active nest outside of these dates, self-imposed dates to account for this should be followed.

Recommended Seasonal and Spatial Buffers to Protect Nesting Raptors

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Because many raptors are particularly sensitive to disturbance (that may result in take) during the breeding season, we recommend implementing spatial and seasonal buffer zones to protect individual nest sites/territories (Table 1). The buffers serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees. The size and shape of effective buffers vary depending on the topography and other ecological characteristics surrounding the nest site. In open areas where there is little or no forested or topographical separation, distance alone must serve as the buffer. Adequate nesting buffers will help ensure activities do not take breeding birds, their young or eggs. For optimal conservation benefit, we recommend that no temporary or permanent surface occupancy occur within species-specific spatial buffer zones. For some activities with very substantial auditory impacts (e.g., seismic exploration and blasting) or visual impacts (e.g., tall drilling rig), a larger buffer than listed in Table 1 may be necessary, please contact the Service's Wyoming Ecological Services office for project specific recommendations on adequate buffers.

As discussed above, for infrastructure that may create an increased potential for raptor mortalities, the spatial buffers listed in Table 1 may not be sufficient to reduce the incidence of raptor mortalities (for example, if a wind turbine is placed outside a nest disturbance buffer, but inadvertently still within areas of normal daily or migratory bird movements); therefore, please contact the Service's Wyoming Ecological Services office for project specific recommendations on adequate buffers.

Buffer recommendations may be modified on a site-specific or project-specific basis based on field observations and local conditions. The sensitivity of raptors to disturbance may be dependent on local topography, density of vegetation, and intensity of activities. Additionally, individual birds may be habituated to varying levels of disturbance and human-induced impacts. Modification of protective buffer recommendations may be considered where biologically supported and developed in coordination with the Service's Wyoming Ecological Services Field Office.

Because raptor nests are often initially not identified to species (e.g., preliminary aerial surveys in winter), we first recommend a generic raptor nest seasonal buffer guideline of January 15th – August 15th. Similarly, for spatial nesting buffers, until the nesting species has been confirmed, we recommend applying a 1-mile spatial buffer around the nest. Once the raptor species is confirmed, we then make species-specific and site-specific recommendations on seasonal and spatial buffers (Table 1).

Activities should not occur within the spatial/seasonal buffer of any nest (occupied or unoccupied) when raptors are in the process of courtship and nest site selection. Long-term land-use activities and human-use activities should not occur within the species-specific spatial buffer of occupied nests. Short-term land use and human-use activities proposed to occur within the spatial buffer of an occupied nest should only proceed during the seasonal buffer after coordination with the Service, State, and Tribal wildlife resources management agencies, and/or land-management agency biologists. If, after coordination, it is determined that due to human or environmental safety or otherwise unavoidable factors, activities require temporary incursions within the spatial and seasonal buffers, those activities should be planned to minimize impacts and monitored to determine whether impacts to birds occurred. Mitigation for habitat loss or degradation should be identified and planned in coordination with applicable agencies.

Please contact the Service's Wyoming Ecological Services Field Office if you have any questions regarding the status of the bald eagle, permit requirements, or if you require technical assistance regarding the MBTA, Eagle Act, or the above recommendations. The recommended spatial and seasonal buffers are voluntary (unless made a condition of permit or license) and are not regulatory, and they do not supersede provisions of the MBTA, Eagle Act, [Migratory Bird Permit Memorandum \(MBMP-2\)](#), and Endangered Species Act. Assessing legal compliance with the MBTA or the Eagle Act and the implementing regulations is ultimately the authority and responsibility of the Service's law enforcement personnel. Our recommendations also do not supersede Federal, State, local, or Tribal regulations or permit conditions that may be more restrictive.

Table 1: Spatial & Seasonal Buffer Recommendations

Table 1. Service's Wyoming Ecological Services Field Office's Recommended Spatial and Seasonal Buffers for Breeding Raptors

Raptors of Conservation Concern (see below for more information)

Common Name	Spatial buffer (miles)	Seasonal buffer
Golden Eagle	0.50	January 15 - July 31
Ferruginous Hawk	1.00	March 15 - July 31
Swainson's Hawk	0.25	April 1 - August 31
Bald Eagle	see Bald Eagle information web page ¹	
Prairie Falcon	0.50	March 1 - August 15
Peregrine Falcon	0.50	March 1 - August 15
Short-eared Owl	0.25	March 15 - August 1
Burrowing Owl	0.25	April 1 - September 15
Northern Goshawk	0.50	April 1 - August 15

Additional Wyoming Raptors

Common Name	Spatial buffer (miles)	Seasonal buffer
Osprey	0.25	April 1 - August 31
Cooper's Hawk	0.25	March 15 - August 31
Sharp-shinned Hawk	0.25	March 15 - August 31
Red-tailed Hawk	0.25	February 1 - August 15
Rough-legged Hawk (winter resident only)	----	----
Northern Harrier	0.25	April 1 - August 15
Merlin	0.50	April 1 - August 15
American Kestrel	0.125	April 1 - August 15
Common Barn Owl	0.125	February 1 - September 15
Northern Saw-whet Owl	0.25	March 1 - August 31
Boreal Owl	0.25	February 1 - July 31
Long-eared Owl	0.25	February 1 - August 15
Great Horned Owl	0.125	December 1 - September 30
Northern Pygmy-Owl	0.25	April 1 - August 1
Eastern Screech-owl	0.125	March 1 - August 15
Western Screech-owl	0.125	March 1 - August 15
Great Gray Owl	0.25	March 15 - August 31

Summary

- Generally: PRECorp uses February 1 through August 1 as our stipulation period.
- The stipulation period used is based on the normal seasonal buffer for the identified species in the project area.
- The actual stipulation period is based on field confirmation of nesting and fledging activity at the nest sites.

