

RIDEM



# Raptor Nests on Manmade Structures: Conflicts and Resolutions

## OVERVIEW

Many raptors (birds of prey) regularly build their nests on manmade structures. Structures such as chimneys, ball field lights, cell towers and powerlines are all popular choices. These structures provide support, height, and an unimpeded view of the surroundings; these are important characteristics that raptors seek out when selecting a nest site. In many cases, these situations offer a great opportunity to observe raptors and their nesting behavior up close and pose no problem or threat to humans. However, these nests may occasionally create conflicts. In this article we will discuss common conflicts and resolutions, and the regulatory status and protections for raptors and their nests.

## PROTECTIONS

Raptors and their nests are federally protected by the Migratory Bird Treaty Act (MBTA) (*16 U.S.C. 703-712*); it is illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, any migratory bird, or the parts, nests or eggs of such a bird. In Rhode Island, migratory birds (including raptors), their nests, and eggs, fall under the purview of the Rhode Island Department of Environmental Management (RIDEM) under Rhode Island General Law 20-01-02. The intentional disturbance, removal or take of a migratory bird nest is prohibited without authorization by the appropriate agency. Eagles in the United States have additional protections under the Bald and Golden Eagle Protection Act and the Lacey Act. Under these laws, both inactive and active nests are federally protected. RIDEM Division of Fish and Wildlife does not provide permits for any eagle nests. Purposeful and incidental take of eagle nests is prohibited without a permit issued by the US Fish and Wildlife Service (USFWS).

---

## WHOSE NEST IS IT?

A number of different raptor species will nest on manmade structures. Osprey are the most frequent culprit, and will readily nest in close proximity to humans. Bald Eagles and Red-tailed Hawks will also nest on manmade structures, though less frequently. Great Horned Owls are a special exception in that they do not build their own nests but take over ones built by other raptors. This occasionally includes nests on manmade structures. Some non-raptor species will take up artificial nests sites as well. In recent years, Common Ravens have greatly expanded their range in Rhode Island, and often nest in or on old buildings, salt storage barns, and cell towers. Identifying to which species a problematic nest belongs is important for evaluating specific protections and management solutions.



Dean Birch

**OSPREY | *Pandion haliaetus***

**Nesting Season:**  
April 1 - August 31

**Common Nesting Locations:**  
Powerlines, field lights, boats, chimneys, cell towers



Dean Birch

**RED-TAILED HAWK | *Buteo jamaicensis***

**Nesting Season:**  
March 15 - August 15

**Common Nesting Locations:**  
Cell towers, transmission towers, field lights



John Riley

**BALD EAGLE | *Haliaeetus leucocephalus***

**Nesting Season:**  
March 15 - August 15

**Common Nesting Locations:**  
Cell towers, transmission towers



Peter J. Ryan

**GREAT HORNED OWL | *Bubo virginianus***

**Nesting Season:**  
January 1 - July 31

**Common Nesting Locations:**  
Anywhere with an existing raptor nest



Ingrid Taylor

**COMMON RAVEN | *Corvus corax***

**Nesting Season:**  
March 1 - July 1

**Common Nesting Locations:**  
Water towers, bridges, buildings, cell towers

## SOLUTIONS FOR PROBLEMATIC NESTS

Raptor nests can become problematic to people when built on manmade structures. This is most evident with nests built on chimneys, boats, and powerlines and cell towers. Not only do such nests inconvenience people, but they can also pose technical hazards. Oftentimes they can also impede necessary maintenance on critical infrastructure. In these cases, it is important to remember that all raptors and their nests are protected in Rhode Island, and the proper avenues must be pursued in order to remove a nest.

### **Active Nests**

A nest is defined as active when it contains eggs or young (flightless or newly-flighted) birds. Active nests are protected under state and federal law. The presence of adult birds at a nest site is highly indicative that a nest is currently active or is soon to be active. For the purposes of nest removal permits, all nests are assumed active until proven inactive. RIDEM Division of Fish and Wildlife does not provide nest removal permits for active nests. The purposeful removal of an active nest is prohibited except when granted permission by the USFWS. Permits may be issued by the USFWS for removal of active nests when it is causing a human health or public safety concern, or if the birds are in immediate danger.

### **Inactive Nests**

Inactive raptor nests, defined as a nest without eggs or young, are still protected under state and federal law. A valid and current Migratory Bird Nest Removal Permit, issued by RIDEM Division of Fish and Wildlife or USFWS, is required to take, handle, or possess, for management purposes, any inactive raptor nest. Individuals may apply for a Migratory Bird Nest Removal Permit by submitting an application on forms provided by the Division. The following criteria must be provided:

1. The species of bird associated with the inactive nest to be removed or relocated.
2. The current address for each nest to be removed or relocated.
3. A description of the problem and justification for removing the nest.
4. A history of the nest, including:
  - Current status of the nest to be removed (i.e. active vs. inactive).
  - Evidence for nest status determination.
  - The last known date adults were observed at the nest.
5. Details regarding available alternative nest sites for returning nesting raptors.
6. A description of plans for limiting future conflicts with nesting raptors at the current nest site.

Applications for Migratory Bird Nest Removal Permits may be requested from the Rhode Island Division of Fish and Wildlife at [DEM.DFW@dem.ri.gov](mailto:DEM.DFW@dem.ri.gov) or by calling (401) 789-0281.

---

## LIMITING FUTURE CONFLICT

Since many raptors are ardently tied to their nest sites, certain measures must be taken to limit continual conflict and ensure raptors take up new nest sites. Following permitted removal of problematic nests, the Division strongly encourages permittees to deploy deterrents on the nesting structure to discourage re-nesting. Spider wire repellants, multi-arm bows, and decoys can all prove effective. When dealing with Osprey, the best way to discourage nesting at problematic locations is to provide a nesting platform of equal or superior quality within 100-300 feet of the original nest location, along with deterrents at the “problematic” nest site. Comprehensive guidelines for mitigating conflict with nesting Osprey may be requested from the RIDEM Division of Fish and Wildlife.



## FREQUENTLY ASKED QUESTIONS

### **Is there a specific time of the year nest removal is permitted in your state or region?**

No. However, nests must be proven to be inactive. The RIDEM Division of Fish and Wildlife does not provide permits for removal of active nests.

### **How long from the date of request does it take to receive a nest removal permit/approval?**

Permit applications are generally processed within one to two weeks.

### **What are the state steps or requirements for removal of an ACTIVE nest of a protected bird species?**

The RIDEM Division of Fish and Wildlife does not provide permits for removal of active nests. The purposeful removal of an active nest is prohibited except when granted permission by the USFWS.

### **Is a state permit also required for removal of an eagle nest?**

No. The RIDEM Division of Fish and Wildlife does not provide permits for removal of any eagle nests. Purposeful and incidental take of eagle nests is prohibited without a permit issued by USFWS.

### **Does the state have concerns with the use of drones to confirm nest status?**

Drones should be flown at an apt distance from nests when confirming inactive status. Purposeful disturbance of an active nest is not permitted.

### **Does the state have any concerns or requirements regarding the installation of bird deterrents or excluders?**

The Division strongly encourages providing alternative nesting site/platform of equal or superior quality for each raptor nest removed. The installation of bird deterrents or excluders are recommended to dismay the need for continual nest removal, and to encourage raptors to take up alternative nest sites. Methods that directly harm individual birds or deter Osprey from accessing an active nest are not permitted.