



Migratory Bird Nest Removal

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
Division of Habitat and Species Conservation, Species Conservation Planning Section
620 South Meridian Street, MS 2A, Tallahassee, FL 32399-1600, (850) 921-5990

Permit Owner Name: FDOT District 1
Permit Owner Address: 801 N. Broadway Avenue P.O. Box 1249
BARTOW, FLORIDA
33830 UNITED STATES

Permit Number: LSNR-13-00073B
Effective Date: **December 18, 2015**
Expiration Date: **December 31, 2017**

Agent Name: Sarah Johnson
Agent Address: Kisinger Campo & Associates Corp
201 N. Franklin Street Suite 400
TAMPA, FLORIDA 33602
UNITED STATES

IS AUTHORIZED TO:

Remove active (containing eggs and/or flightless young) and inactive (containing no eggs or flightless young) nest(s) of osprey and nonlisted migratory bird species (excluding Bald eagles [*Haliaeetus leucocephalus*]) in Florida pursuant to Rules 68-1, 68A-4.001, 68A-9.002, 68A-16 and 68A-27, F.A.C. and the Florida Fish and Wildlife Conservation Commission's (FWC) Osprey Nest Removal Policies.

AUTHORIZED LOCATION(S): Facilities and structures on construction sites and within right-of-ways maintained by the Florida Department of Transportation (FDOT) District One **(represented by Ms. Gwen Pipkin)**, in Polk, Manatee, Hardee, Sarasota, Charlotte, Glades, Lee, Hendry, Collier, Highlands, Okeechobee counties, Florida.

Permittee Signature: Gwen Pipkin Date: 12/21/15

Not valid unless signed. By signature, confirms that all information provided to issue the permit is accurate and complete, and indicates acceptance and understanding of the provisions and conditions listed below. **Any false statements or misrepresentations when applying for this permit may result in felony charges and will result in revocation of this permit.**

Authorized By: Angela Williams Authorized for: Nick Wiley, Executive Director

Authorizing Signature: Angela Williams Date: 12/18/2015
Species Conservation Planning Section

PERMIT CONDITIONS AND PROVISIONS:

- 1 The Permittee is authorized to remove active osprey (except for Monroe County) and other nonlisted migratory bird nests [(except Bald eagles (*Haliaeetus leucocephalus*))] situated on Florida Department of

Transportation District one structures at the above locations, in emergency situations in which the birds, eggs and/or nests, pose a safety hazard to human health and life, or places bird life at risk.

- 2 The Permittee or his designee shall:
 - a. Make every effort to attempt to relocate the nest including any eggs or chicks which may be present to a replacement nesting structure of comparable or better quality.
 - b. A licensed Florida wildlife rehabilitator shall be on call to provide treatment to the chicks, in the event that the chicks abandon the nest or if the chicks must be removed from the nest during relocation. Once the relocation is complete the chicks shall be safely returned to the nest.
 - c. Monitor the adult pair's response to the relocation and removal/replacement of chicks (if warranted).
 - d. Monitor the chicks upon returning them to the nest to determine the success of the rescue effort. The Permittee must provide rehabilitation services via a licensed rehabilitation facility; including taking the chicks into captivity for medical treatment and possible surrogate rearing, in the event that the rescue effort is not feasible, proves unsuccessful or an injury to chicks occurs. The Permitting Office must be contacted within 24 hours via fax at (850) 921-1847 or email to wildlifepermits@myfwc.com, if the chicks are taken into captivity for rearing or medical treatment. Contact the FWC Division of Law Enforcement at (850) 488-6253 for a list of current licensed wildlife rehabilitators.
- 3 Nesting debris (i.e. twigs, prey remains, foreign substrates, etc.) and inactive nests of osprey and other nonlisted migratory birds [excluding Bald eagles (*Haliaeetus leucocephalus*)] situated on facilities or structures maintained by the Permittee, may be removed in association with emergency or routine maintenance or **construction activities within a FDOT right-of-way**. The Permittee is not required to replace nesting debris or nonlisted migratory bird nests but may replace osprey nests at his/her discretion when feasible.
- 4 When the Permittee determines that replacement is feasible, nesting structures of comparable or better quality than the nest support structure removed or destroyed must be erected by the Permittee. The replacement nest structure shall be located in the immediate vicinity of the old nest within 2 months of nest removal. Guidelines for constructing replacement osprey nest structures are available on various avian habitat websites.
- 5 The Permittee may 1) relocate all or part of the existing nest(s) to the replacement platform(s) when applicable or 2) donate the nest(s) to FWC permitted/licensed educational or scientific facilities or properly destroy the structures by trash disposal, burial or incineration.
- 6 Any injury and/or mortality of listed species must be reported to this office within 48 hours via fax at (850) 921-1847 or email at wildlifepermits@myfwc.com. Disposition of those specimens is subject to individual approval by the Commission.
- 7 This permit does not authorize taking of nests of state listed Threatened species or Species of Special Concern [see Titles 68A-27, Florida Administrative Code (F.A.C.) for complete listing of excluded species] or Bald eagles [*Haliaeetus leucocephalus*] 68A-16.002 F.A.C, other than those indicated in the above provisions. Permits for removal of these species must be secured separately. In such cases, contact the Permit Coordinator at the address given above.
- 8 The activities authorized under this Permit may be carried out by the Permittee or Authorized Agent (if applicable) and any employee or contractor under their control as Subpermittees/Assistants. Accordingly, all such activities are the responsibility of the Permittee or Authorized Agent. The Permittee and Authorized Agent shall be as fully responsible for any such activities to the same extent as if they had themselves carried out those activities under this Permit. The Permittee or Authorized Agent shall submit the name and contact information of designated Subpermittees/Assistants to the Protected Species Permit Coordinator at wildlifepermits@myfwc.com prior to that Subpermittee/Assistant conducting any activities authorized under this permit. The FWC reserves the right to deny a Permittee's designation of an individual as its Subpermittee/Assistant for just cause.
- 9 This office no longer requires a permit for species listed under the federal Endangered Species Act (ESA) [with the exception of sand skinks and blue tail mole skinks for which state agencies are delegated the authority to issue intentional take (state references as 'scientific collecting') permits

under 50 CFR 17.42(d)]. Federal authorization or permit(s) must be obtained from the [United States Fish and Wildlife Service \(USFWS\)](#) before embarking upon activities involving or impacting ESA and other federally protected species.

- 10 This permit does not authorize access to any public or private properties. The Permittee (and his designee) must secure permission from the appropriate landowner or land manager prior to conducting any activity authorized under this permit.
- 11 This permit is nontransferable and must be prominently posted on the Project site or carried on authorized individual's person for inspection by all authorized officials (including but not restricted to FWC, USFWS, local building and zoning, law enforcement) at all times while engaging in the permitted activities.
- 12 The Permittee by signature above confirms that representatives of the Florida Fish and Wildlife Conservation Commission (Commission) have his/her permission as the Permittee, and that of the landowner(s) to enter on and inspect the property(ies) described in the application (herein incorporated by reference) and any documents associated with this permit for all reasonable purposes pertaining to applicable Commission rules.
- 13 **This permit is in effect a renewal of permit LSNR-13-00073A which expires December 31, 2015 and supersedes all previous versions. All new or amended text is indicated in bold.**
- 14 An annual report detailing the number of nest taken, dates, nest status, location and final disposition of nests, eggs or flightless young, must be submitted to this office by June 30 of each year commencing year 2016 subsequent to permit expiration or upon application for permit renewal, whichever is precedent. Said reports should be directed to the Protected Species Permit Coordinator, Species Conservation Planning Section, by email at wildlifepermits@myfwc.com. Requests for permit renewal should be submitted at least 45 days prior to the time it is needed in the online permit system. All permit renewal (or amendment) requests must contain a copy of the above referenced report. Copies of any other reports or publications, which result from the work, must also be provided upon their availability.
- 15 This permit can be suspended, revoked or not renewed for just cause, pursuant to 68-1.010, [Florida Administrative Code](#) and Chapter 120, [Florida Statutes](#).

A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. If the FWC receives a petition, FWC will notify the Permittee. Upon such notification, the Permittee shall cease all work authorized by this permit until the petition is resolved. The enclosed Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.