



Advanced Restoration Ecology

# **Silver Fox Grid Station PUD**

Indiantown, FL

## **Bald Eagle Protection Plan**

Prepared For:  
The Village of Indiantown

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## 1.0 PURPOSE AND OBJECTIVES

The purpose of this Bald Eagle Protection Plan (BEPP) is to detail the measures that will be implemented during the Silver Fox Grid Station PUD development in the Village of Indiantown, Martin County, Florida, to avoid or minimize potential adverse impacts to Bald Eagles (*Haliaeetus leucocephalus*), their nests, and associated habitats. This plan aims to:

- Ensure compliance with the Bald and Golden Eagle Protection Act (BGEPA, 16 U.S.C. 668-668d).
- Ensure compliance with USFWS National Bald Eagle Management Guidelines (2007).
- Ensure compliance with Florida Fish and Wildlife Conservation Commission (FWC) Bald Eagle management guidelines (Florida Administrative Code (F.A.C.) 68A-16.002).
- Minimize disturbance to nesting Bald Eagles, their eggs, and young.
- Prevent delays to the project schedule by proactively managing potential eagle conflicts.

## 2.0 PROJECT LOCATION & DESCRIPTION

- **Project Name:** Silver Fox Grid Station PUD
- **Location:** STR: 27-39-38, Village of Indiantown, Martin County, Florida
- **Project Area:** 396 acres
- **Proposed Activities:** Data center and supporting infrastructure.

## 3.0 REGULATORY FRAMEWORK

Bald Eagles are protected by:

- **Bald and Golden Eagle Protection Act (BGEPA):** Prohibits the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, of any bald eagle or golden eagle, alive or dead, or any part, nest, or egg thereof. "Take" includes to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.
- **USFWS National Bald Eagle Management Guidelines (2007):** Provides a framework for avoiding "take" by minimizing disturbance to eagles. These guidelines recommend specific buffer zones and seasonal restrictions around eagle nests.
- **Florida Administrative Code (F.A.C.) 68A-16.002 (FWC Bald Eagle Rule):** Establishes state-level protections and management practices for Bald Eagles and their nests in Florida, often aligned with federal guidelines.

## 4.0 BASELINE CONDITIONS (PRE-CONSTRUCTION SURVEY)

1. **Qualified Biologist:** A qualified environmental consultant/biologist (hereafter referred to as "Project Biologist") will be retained by Advanced Restoration Ecology to conduct surveys for Bald Eagle nests.
2. **Survey Scope:** The Project Biologist will survey the entire project area and a buffer of at least 1,000 feet (preferably wider, up to 1/2 mile) around the project boundaries for active Bald Eagle nests during the nesting season prior to proposed ground breaking.
3. **Survey Timing:** The initial survey will be conducted prior to any ground-disturbing activities. If no active nests are in use, periodic re-surveys may be required, especially if significant time lapses between initial survey and construction, or if new areas are disturbed.

If active nests are present, nest activity status will be determined during Florida's nesting season (generally October 1st to May 15th).

4. **Survey Report:** A detailed report of the survey findings, including nest locations (if any), activity status, and recommendations, will be submitted by Advanced Restoration Ecology to relevant agencies (USFWS and FWC) if a nest is found.

## 5.0 PROTECTION MEASURES

If an active or inactive Bald Eagle nest is identified within or adjacent to the project area, the following protection measures will be implemented:

**5.1 Establishment of Buffer Zones:** Based on USFWS guidelines, specific buffer zones will be established around each identified Bald Eagle nest:

- **Primary Buffer Zone (No Activity Zone):**
  - **Distance:** A minimum of **330 feet (100 meters)** radius from the nest tree.
  - **Activities Prohibited:** Within this zone, *no* clearing, construction, heavy equipment operation, new road development, land alteration, or human entry (except for authorized monitoring by the Project Biologist) will be permitted.
  - **Marking:** This zone will be clearly delineated in the field with fencing, flagging, or other suitable markers to ensure all personnel are aware of its boundaries. Signage prohibiting entry will be posted.
- **Secondary Buffer Zone (Restricted Activity Zone):**
  - **Distance:** A zone extending from the edge of the Primary Buffer (330 ft) out to **660 feet (200 meters)** radius from the nest tree.
  - **Activities Restricted:** Within this zone, certain activities may be allowed outside of the nesting season, or with specific agency consultation and approval. Restricted activities include:
    - Intermittent or low-level activities that do not produce loud noises or involve significant human presence.
    - Construction of new permanent structures.
    - Development of new roads.
    - Land alteration.
  - **Nesting Season (October 1st – May 15th):** During the nesting season, all construction activities that produce loud noises, heavy human presence, or site alteration **will be prohibited** within the **entire 660-foot buffer zone** unless specific authorization and a permit are obtained from USFWS/FWC.

### 5.2 Specific Activity Restrictions:

- **Heavy Equipment Operation:** Operation of heavy equipment that produces loud noises (e.g., bulldozers, excavators, pile drivers) will be restricted within the 660-foot buffer during the nesting season.
- **Blasting:** Blasting activities are generally prohibited within 0.5 miles of an active nest during the nesting season. Agency consultation is required if such activity is unavoidable.
- **Tree Removal:** No nest tree or potential nest tree will be removed or impacted without prior authorization and a permit from USFWS/FWC.
- **Water Management:** Activities that significantly alter hydrology (e.g., large-scale dewatering, channelization) within the buffer zones will be avoided during nesting season.
- **Lighting:** Permanent lighting installed within the 660-foot buffer will be downward-shielded and directed away from the nest.

- **Chainsaw Use:** While chainsaw use for invasive species removal or site access may be part of the project, **no chainsaw use will occur within the 330-foot Primary Buffer at any time.** Within the 660-foot Secondary Buffer, chainsaw use will be restricted to non-nesting season only, or under direct supervision and guidance from the Project Biologist with agency approval.

### **5.3 Worker Education:**

- All project personnel, including contractors, subcontractors, and visitors, will receive a mandatory briefing on the importance of Bald Eagle protection, the location of any identified nests, and the requirements of this BEPP.