

## 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 via the [Online Permitting System](#). The application requests the following: (1) burrow location and status information, (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) requires you to attach digital photographs and 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. You may contact the Permitting Office via email at [WildlifePermits@myfwc.com](mailto:WildlifePermits@myfwc.com) or by mail attention 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.*

*Federal permits are required **only** if the nest is active (i.e., has flightless young or eggs present). Please contact the [U.S. Fish and Wildlife Service](#).*