

K.SC OSPREY NEST REQUIREMENTS

1.0 PURPOSE

NASA is dedicated to the protection of natural resources at the Kennedy Space Center (KSC). The Osprey (*Pandion haliaetus*) is a federally listed species under the Migratory Bird Treaty Act (16 U.S.C. 703-712). KSC is committed to assuring compliance with federal environmental laws and regulations, including those governing protected wildlife species such as the Osprey. NASA has developed requirements to guide actions in circumstances when an Osprey nest may be impacted by KSC operations. These requirements have been established in coordination with the U.S. Fish and Wildlife Service (USFWS) at Merritt Island National Wildlife Refuge (MINWR).

2.0 REQUIREMENT GUIDELINES

2.1 All projects (whether maintenance, demolition, or new construction) that might directly or indirectly impact osprey nests will be identified through the KSC Environmental Checklist process and/or the Excavation Permit request. If potential impacts are anticipated, they will be noted in the Record of Environmental Consideration or as an excavation permit review response that is returned to the responsible party.

It is the responsibility of the proponent of any action that may impact osprey nests to ensure the proposed action has been evaluated by the NASA Environmental Management Branch (EMB), either through the Environmental Checklist or Excavation Permit review process, prior to the start of work.

2.2 Activities should be conducted outside of nesting season (generally 1 February — 1 July, but may vary year-to-year). Projects that must be done during nesting season and that might directly or indirectly impact an Osprey nest should be reported to NASA Environmental Management Branch (EMB). EMB will then coordinate with the USFWS MINWR and its authorized agent to conduct a biological survey of the nest site. A decision will be made as to whether or not the intended activity will impact the nest. If so, the status of the nest will be determined, and appropriate actions will be recommended.

a. If a nest will be impacted and is determined to be inactive (does not contain eggs or young), it may be removed (i.e., destroyed) by MINWR personnel, the EMB authorized agent, or under the direction of either. Situations may occur where access to a nest is limited to high-crew trained personnel. Only authorized personnel designated and instructed by the EMB, or its agent, may participate in nest removal activities. MINWR personnel will be notified by EMB whenever an inactive nest is removed.

If the removal of an inactive nest will result in the destruction of the nesting site or will make the site unusable, then the construction of a replacement nesting

platform is required, as described in "c" below. If the removal of the inactive nest will not result in the destruction or permanent alteration of the nesting site, no further action will be required.

- b. An active nest is one that contains either eggs or hatchlings. Active nests may not be removed (i.e., destroyed). Under exceptional circumstances (as determined by USFWS at MINWR), an active nest can be relocated by MINWR personnel.**
- c. If a nest is relocated or the original nest site is rendered unusable, a replacement nesting platform of comparable or better quality than the original nest site must be installed by the contractor performing the maintenance, demolition, and/or new construction project. The replacement nest structure should be located as close to the original nest site as possible. When circumstances prevent the installation of a replacement nest structure in the immediate vicinity of the existing structure, alternatives to this requirement will be evaluated by EMB. In most cases the preferred alternative will be an alternative replacement nest location to be chosen by EMB and MINWR personnel.**

*** Nesting Platform specifications are available from the NASA EMB upon request.**