



ADVISORY: Recommended Time Periods for Avoiding Vegetation Clearing in Alaska in order to Protect Migratory Birds

General Information:

Under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703), it is illegal for anyone to "take" migratory birds, their eggs, feathers or nests. "Take" includes by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof. Take and possession under MBTA can be authorized through regulations, such as hunting regulations, or permits, e.g., salvage, research, depredation, or falconry. The MBTA does not distinguish between intentional and unintentional take. In Alaska, all native birds except grouse and ptarmigan (protected by the State of Alaska) are protected under the MBTA.

Destruction of active bird nests, eggs, or nestlings that can result from spring and summer vegetation clearing, grubbing, and other site preparation and construction activities would violate the MBTA. The following timing guidelines are not regulations, but are intended as recommendations to help you comply with the MBTA. Some species and their nests have additional protections under other federal laws, including those listed under the Threatened and Endangered Species Act (ESA), and bald and golden eagles (protected under the Bald and Golden Eagle Protection Act or BGEPA). Please contact the U.S. Fish and Wildlife Service to ensure compliance with ESA and BGEPA if these species may be present in your project area.

These Timing Guidelines are current for 2007.

Directions:

1. Apply timing window guidelines to your project planning, unless project-specific review results in unique guidelines from the USFWS for your project.
2. If you encounter an active nest *at any time*, including before or after the local timing window, leave it in place and protected until young hatch and depart. "Active" is indicated by intact eggs, live chicks, or presence of adult on nest. Timing guidelines should considerably reduce the risk of inadvertent nest destruction, but final compliance with the law is your responsibility: do not destroy eggs, chicks, or adults of wild bird species.
3. If you have any questions regarding the MBTA and the timing guidelines, including projects that may occur in "boundary areas" between regions described on the matrix, contact your local Fish and Wildlife Field Office for assistance:

Anchorage (907) 271-2888
Fairbanks (907) 456-0203

Kenai (907) 262-9863
Juneau (907) 780-1160



Recommended Time Periods for Avoiding Vegetation Clearing

HABITAT TYPE →	Forest or woodland ¹ <i>(i.e., trees present)</i>	Shrub or Open <i>(i.e., shrub cover or marsh, pond, tundra, gravel, or other treeless/ shrubless ground habitat)</i>	Seabird colonies <i>(including cliff and burrow colonies)</i>	Raptor and raven cliffs
REGION ↓				
Southeast	April 15 – July 15	May 1 – July 15 ²	May 1 – September 15 ³	April 10 – August 10
Kodiak Archipelago			April 15 – September 7 ³	
Southcentral <i>(Lake Iliamna to Copper River Delta; north to Talkeetna)</i>	May 1 – July 15 ²			
Bristol Bay/AK Peninsula <i>(north to Lake Iliamna)</i>	April 10 – July 15	May 1 – July 15 ^{2, 4}	May 10 – September 15	
Interior <i>(north of Talkeetna to south slope Brooks Range; west to treeline)</i>	May 1 – July 15 ²		May 1 – July 20 ⁵	April 15 – August 1
Aleutian Islands		April 25 – July 15	May 1 – September 15 ³	April 1 – August 1
Yukon- Kuskokwim Delta <i>(east to treeline)</i>		May 5 – July 25 ^{2, 4}	May 20 – September 15	April 15 – August 15
Seward Peninsula		May 20 – July 20 ⁴		
Northern <i>(includes northern foothills of Brooks Range)</i>		June 1 – July 31 ⁴		
Pribilof and Bering Sea Islands		June 1 – July 15	May 25 – September 1	

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¹ Owl species may begin to nest two or more months earlier than other forest birds, and are fairly common breeders in forested areas of Alaska. You may wish to survey for nesting owls (or other early spring tree-cavity nesters) prior to tree-cutting. It is your responsibility to protect active nests from destruction.

² Canada geese and swan habitat: begin April 20

³ Storm petrel burrow habitat: April 1 – October 15

⁴ Black scoter habitat: through August 10

⁵ Seabird colonies in Interior refer to terns and gulls