



United States Department of Agriculture
Natural Resources Conservation Service

Special Environmental Resource Concerns

Clean Air Act
Criteria Pollutants

Clean Air Act
Regional Visibility Degradation

Clean Water Act

Coastal Zone Management Areas

Coral Reefs

Cultural Resources

Endangered and Threatened Species

Environmental Justice

Essential Fish Habitat

Floodplain Management

Invasive Species

Migratory Birds

Prime and Unique Farmlands

Riparian Areas

Wetlands

Wild and Scenic Rivers

Migratory Birds

Migratory Birds

The Migratory Bird Treaty Act (MBTA) of 1918, as amended, is the domestic law that affirms, or implements, the United States' commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. Executive Order (E.O.) 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, requires NRCS to consider the impacts of planned actions on migratory bird populations and habitats for all planning activities. The Bald and Golden Eagle Protection Act of 1940, as amended, also prohibits the take of bald and golden eagles and their nests.

What is it?

Migratory birds are essentially all wild birds found in the United States, except the house sparrow, starling, feral pigeon, and resident game birds, such as pheasant, grouse, quail, and wild turkeys. Resident game birds are managed separately by each State. A list of migratory birds is found in 50 CFR Part 10. There are also other requirements protecting certain migratory birds. The Bald and Golden Eagle Protection Act (BGEPA) provides protection to all Bald and Golden Eagles by prohibiting all commercial activities and some noncommercial activities involving bald or golden eagles, including their feathers or parts.

Why is it important?

The MBTA fully protects all migratory birds and their parts (including eggs, nests, and feathers). Thus, the act makes it unlawful, unless permitted by regulation, for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird, including feathers, parts, nests, or eggs. This prohibition applies to Federal agencies as well as private individuals. Also, under the BGEPA, the "taking" of bald and golden eagles and their nests is prohibited. The definition of "take" under this law includes disturbance.

What can be done about it?

MBTA, BGEPA, and E.O. 13186 require NRCS to consider the impacts of planned actions on migratory bird populations and habitats for all planning activities. This may require cooperation with the U.S. Fish and Wildlife Service if the action will result in a measurable negative effect on migratory bird populations. If, for example, a proposed action can potentially kill or injure a migratory bird resulting in an intentional or unintentional "take" to the birds, nests, or eggs, or disturbance of eagles or their nests will occur, conservation measures must be considered to mitigate adverse impacts.

Migratory Birds at a Glance

Problems / Indicators - Proposed action may adversely impact migratory birds	
Causes	Solutions
<ul style="list-style-type: none"> Land use changes/conversions Ground-disturbing projects Vegetation management during the nesting season Land clearing or obstruction removal Sod-busting Forest harvest activities 	<ul style="list-style-type: none"> Timing of practice installation/harvest Prescribed grazing/timing of grazing Cooperation with USFWS to establish conservation measures Restoration & management of rare & declining habitats Establish monitoring protocols Avoidance of specific areas/setbacks

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