



## Federal Acts Pertaining to Migratory Birds

### Definition:

Migratory birds are all common 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 reference list of migratory game birds is found in Title 50, Code of Federal Regulations, Part 10.

### Executive Order 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. NRCS, FSA, and USFWS will develop *reasonable measures* for each Bird Conservation Region (BCR). These reasonable measures are designed to protect and/or conserve habitat areas, maintain, restore or enhance ecological conditions, avoid or reduce take of migratory birds, and reduce the expected adverse impacts of an action or category of actions. Reasonable measures may be designed to avoid impact, or where avoidance is not practicable, minimize impact, rectify the impact, or where avoidance is not practicable, minimize impact, rectify the impact, reduce or eliminate the impact over time, or compensate for impacts. Alternatives should be designed and implemented in a manner that avoids or minimizes, to the extent practicable, adverse impacts on migratory bird resources.

### Acts Affecting Migratory Birds:

*The Lacey Act (1900)* declares illegal the import, export, transport, sale or any commercial transaction concerning fish, wildlife, or plant taken or possessed in violation of any law, treaty, or regulation of the United States.

*The Migratory Bird Treaty Act (1918)* is a treaty between the United States, Great Britain (on behalf of Canada), Mexico and Japan which makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird, including feathers, parts, nests, or eggs.

*Migratory Bird Conservation Act (1929)* authorizes the creation of the Migratory Bird Conservation Commission to approve lands recommended for purchase or lease by the Secretary of the Interior for migratory bird conservation.

*Migratory Bird Hunting Stamp Act (1934)* in conjunction with the two migratory bird acts above, prohibits anyone over 16 years of age to take any migratory waterfowl unless he or she has in their possession a valid federal migratory bird hunting and conservation stamp. The act lists exceptions (e.g., under prescribed circumstances resident owners, sharecroppers, tenants, federal officials, etc., may be exempted) to the prohibition previously stated. The money is deposited in the Migratory Bird Conservation Fund that is used to acquire “waterfowl production areas”.

*Protection of Bald and Golden Eagles Act (1940)* prohibits all commercial activities and some non-commercial activities involving Bald or Golden eagles, including their feathers or parts.

*The Endangered Species Act (1973)* makes it illegal to sell, harm, harass, possess or remove protected animals from the wild. The Endangered Species Act further protects endangered migratory species such as the Peregrine falcon, Right Whale, Atlantic Ridley Turtle, etc.

**Reference:**

United States Code, Title 16 - Conservation <http://law2.house.gov/download.htm>