

Special Environmental Concerns

11. Migratory Birds/Bald and Golden Eagle Protection Act

Authority: Migratory Bird Treaty Act of 1918, 50 CFR 10.13

Protected Bird Species in Kansas

The take of all migratory birds, including bald eagles, is governed by the Migratory Birds Treaty Act's regulations. The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests **except as authorized under a valid permit** (50 CFR 21.11). Additionally, the MBTA authorizes and directs the Secretary of the Interior to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take (for example, hunting seasons for ducks and geese).

Wild Game Birds:

You can access the Kansas Department of Wildlife, Parks and Tourism's information on Federal Migratory Bird Regulations at <http://www.kdwpt.state.ks.us/news/Hunting/Migratory-Birds/Federal-Migratory-Bird-Regulations>

A list of birds protected by the Migratory Bird Treaty Act may be found at: <http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtandx.html>

Authority: Bald and Golden Eagle Protection Act of 1940 (amended in 1962)

The bald eagle will continue to be protected by the Bald and Golden Eagle Protection Act even though it has been delisted under the Endangered Species Act. This law, originally passed in 1940, provides for the protection of the bald eagle and the golden eagle (as amended in 1962) by prohibiting the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit (16 U.S.C. 668(a); 50 CFR 22). "Take" includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb (16 U.S.C. 668c; 50 CFR 22.3). The 1972 amendments increased civil penalties for violating provisions of the Act to a maximum fine of \$5,000 or one year imprisonment with \$10,000 or not more than two years in prison for a second conviction. Felony convictions carry a maximum fine of \$250,000 or two years of imprisonment. The fine doubles for an organization. Rewards are provided for information leading to arrest and conviction for violation of the Act.

[Go here \(USFWS Eagle Permits Website\) for more information about the Bald and Golden Eagle Protection Act and permits issued under that Act.](#)