

## **Migratory Birds:** Section II – Special Environmental Concerns, FOTG - Texas

All wild birds found in the U.S. except house sparrows, starlings, feral pigeons, and resident game birds which are managed separately by each State. Alphabetic and taxonomic lists of migratory birds are found in 50 CFR Part 10 (<http://www.ecfr.gov/cgi-bin/ECFR?page=browse>).

To extent practicable, conservation alternatives should be designed and implemented in a manner avoiding or minimizing adverse impacts on migratory bird resources.

**Migratory Bird Treaty Act (MBTA) of 1918** – affirms or implements U. S. commitment to international conventions protecting shared migratory bird resources.

- Intended to end commercial trade in birds and feathers that, by the early 20th century, had wreaked havoc on populations of many native bird species.
- Unless permitted by regulation, unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird, including feathers, parts, nests, or eggs. Prohibitions apply to Federal agencies and private individuals.
- Authorizes Secretary of the Interior to determine when taking of migratory birds is compatible with terms of the Act. This is why FWS prescribes season and bag limit restrictions to State game agencies for migratory game species, such as waterfowl and doves. Makes it unlawful to take migratory game birds over a baited area. Falconry and control of depredating birds are allowed by issuance of migratory bird permits from FWS.

## **Executive Order 13186** – (Responsibilities of Federal Agencies to Protect Migratory Birds)

- For all planning activities, requires NRCS consider impacts of planned actions on migratory bird populations and habitats.

## **Bald and Golden Eagle Protection Act**

- Prohibits all commercial activities and some non-commercial activities involving bald or golden eagles, including their feathers or parts.
- Prohibits “take” of bald and golden eagles and their nests. “Take” includes disturbance.
- FWS issued national management guidelines to minimize interference with bald eagles, particularly where actions may constitute disturbance. Available on FWS web-site.

## **Endangered Species Act**

- Protects endangered migratory bird species.
- Illegal to sell, harm, harass, possess, or remove protected animals from the wild.

See NECH sub-part H, section 610.111, for the “Migratory Birds and Bald and Golden Eagle Protection Act Evaluation Procedure Guide Sheet.”