



Pacific Southwest Region

California, Nevada and Klamath Basin

Migratory Bird Treaty Act

- ❖ Was enacted to put an end to the commercial trade of birds and their feathers.
- ❖ Prohibits killing, possessing, or trading migratory birds.
- ❖ Applies to whole birds, parts of birds, bird nests and eggs.
- ❖ Applies to many common bird species and private, state and federal lands.
- ❖ Does not provide protection of habitat of migratory birds, but does prohibit the destruction of active bird nests in active use without a permit from U.S. Fish and Wildlife Service.
- ❖ It is easiest to avoid active nests by working during the non-breeding season. This means avoiding vegetation removal between March 1 and August 31
- ❖ If you want to work during the nesting season, you should hire a biologist to survey for nesting birds and mark sites to be avoided during vegetation removal. Leave a buffer of vegetation around each nest to avoid nest abandonment.

More than 800 migratory birds are listed under the Migratory Bird Treaty Act. The Eagle Protection Act also protects bald and golden eagles.



Mourning Dove



Tri-Colored Blackbird

U.S. Fish and Wildlife Service Jurisdiction

Birds protected under the act include all common songbirds, waterfowl, shorebirds, hawks, owls, eagles, ravens, crows, native doves and pigeons, swifts, martins, swallows and others, including their body parts (feathers, plumes etc), nests, and eggs. A complete list of protected species is found at 50 CFR 10.13. Activities related to fire management which are most likely to result in take of migratory birds include, but are not limited to, clearing or grubbing, tree pruning or limbing, prescribed burning, and vegetation removal in migratory bird nesting habitat during the nesting season when eggs or young are likely to be present. Section 7031 of the MBTA prohibits taking any migratory bird, part, nest or eggs. Take is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities.” A take does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof.

Who Do I Contact?

USFWS: Sacramento office 916-445-0411 <http://www.fws.gov>