

Summary of Federal Wildlife Laws

U.S. Fish and Wildlife Service



Migratory Bird Treaty Act



It is illegal to pursue, hunt, take, capture, kill, any migratory bird, its nest or eggs, or any part thereof (i.e. feathers) or attempt any of these activities.

It is illegal to sell, barter, or transport any migratory bird, its nest or egg, or any part thereof.



What is a Migratory Bird?

☀ Any bird which migrates across a political boundary during some part of its life cycle

☀ Includes birds of prey, songbirds, shorebirds, ducks, seabirds, etc.



☀ Does not include non-migratory game birds such as grouse

Definitions

- ☀ **Take** - harass harm, pursue, hunt, shoot, wound, kill, trap, capture or collect
- ☀ **Harm** - habitat modification that results in death or injury, or disrupts breeding, foraging, or sheltering behavior
- ☀ **Harass** - Actions that will lead to injury to a migratory bird, and disrupt breeding, foraging, or sheltering behavior

What does this mean to you?

Any work that may affect a migratory bird, such as work around a nesting bird (drilling, pipeline installation, road construction, etc.), building powerlines that result in a bird being electrocuted, removal of trees or cliffs with nests on them could be a violation of this law!
(yikes!)

The really scary part

Intent does **not** have
to be proven!



Solutions

How do we find the birds?

- ☀ Use existing information

 - Other projects in area

 - WGFD

 - USFS

 - BLM

 - FWS



- ☀ Survey an area before conducting work

Solutions

What if we find a bird?

- ☀ Do work outside the nesting period (generally, March through July, but depends on species)
- ☀ Do work outside the nesting buffer (1/2 mile for all birds but bald eagles and ferruginous hawks)
- ☀ Get a permit

Solutions

What about electrocutions?

- ☀ Build raptor "safe" powerlines - lines which are designed, or have special features to prevent electrocutions, or to prevent raptors from using them.
- ☀ This is very inexpensive, and there is lots of good information available on how to do this.

Risk Management

- ☀ It all comes down to risk management - are you willing to take the risk your activities could impact a migratory bird?
- ☀ Working with us or the Federal land management agency has lots of benefits it reduces your risks, and helps the birds!

Bald and Golden Eagle Protection Act



Prohibits knowingly taking, or taking with wanton disregard, any bald or golden eagles or their body parts, nests, or eggs. Also prohibits collection, molestation, disturbance, or killing these birds

What does this mean to you?

Any work that may affect an eagle, such as work around a nesting eagle (drilling, pipeline installation, road construction, etc.), building powerlines that result in an eagle being electrocuted, removal of trees or cliffs with nests on them could be a violation of this law!
(yikes!)

Solutions

How do we find the birds?

- ☀ Use existing information

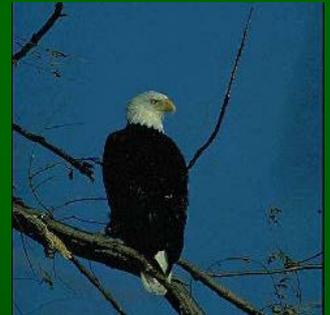
 - Other projects in area

 - WGFD

 - BLM

 - USFS

 - FWS



- ☀ Survey an area before conducting work

Solutions

What if we find a bird?

- ☀ Do work outside the nesting period (generally, February through August)
- ☀ Do work outside the nesting buffer or winter roosting buffer (1/2 mile for golden eagles, 1 mile for bald eagles)
- ☀ Get a permit

Endangered Species Act



Purpose is to conserve and protect threatened and endangered species

Endangered species - a species which is in danger of becoming extinct

Threatened species - a species which is in danger of becoming endangered

Endangered Species Act

Prohibits **take**, which is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in such conduct

Endangered Species Act

Harm - habitat modification that results in death or injury, or disrupts breeding, foraging, or sheltering behavior

Harass - Actions that will lead to injury to a migratory bird, and disrupt breeding, foraging, or sheltering behavior

How do we deal with listed species?

Solutions can be easy, but planning is crucial!

Private everything

- ☀ Are there any habitat features in your project area that may be suitable for a listed species?
- ☀ If so, call FWS! We will help - really!

How do we deal with listed species?

Public lands, ROW's or Leases

- ☀ Has the Federal land management agency contacted you about suitable habitat or species presence?
- ☀ If not, are there any habitat features in your project area that may be suitable for a listed species?

How do we deal with listed species?

Public lands, ROW's or Leases

If habitat or species are present, it is the responsibility of the Federal land management agency to work with FWS to find a solution through "consultation". However, we strongly encourage your participation in this consultation, so a solution acceptable to all parties can be found

How do we deal with listed species?

Private surface with Federal mineral, ROW, etc.

If there is a Federal connection to the project, and the project would not happen **"but for"** that Federal connection, the Federal agency must ensure compliance with the ESA on the private lands.

How do we deal with listed species?

Private surface with Federal mineral, ROW, etc.



This may mean surveys for listed species on private land and/or mitigation for listed species on private surfaces



Any Questions?