

Environmental Policy & Guidance

Migratory Bird Treaty Act

Summary:

The Migratory Bird Treaty Act of 1918 (MBTA), is the domestic law that affirms, or implements, the United States' commitment to four international conventions with Canada, Japan, Mexico and Russia, for the protection of migratory bird resources.

The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts and nests. The take of all migratory birds is governed by the MBTA's regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvest to be limited to levels that prevent overutilization. Section 704 of the MBTA states that the Secretary of the Interior is authorized and directed to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take. The Secretary in adopting regulations is to consider such factors as distribution and abundance to ensure that take is compatible with the protection of the species.

The MBTA prohibits the take, possession, import, export, transport, selling, purchase, barter, or offering for sale, purchase or barter, any migratory bird, their eggs, parts, and nests, except as authorized under a valid permit (50 CFR 21.11). Certain exceptions apply to employees of the Department of the Interior to enforce the MBTA and to employees of Federal agencies, State game departments, municipal game farms or parks, and public museums, public zoological parks, accredited institutional members of the American Association of Zoological Parks and Aquariums (now called the American Zoo and Aquarium Association) and public scientific or educational institutions.

The full text of the MBTA (16 U.S.C. §§ 703-712) can be found at [United States Code, Chapter 7- Protection of Migratory Game and Insectivorous Birds](#).

<http://www.eh.doe.gov/oepa/laws/mbta.html>

Pacific Region (1): California, Hawaii, Idaho, Nevada, Oregon, Washington and the Pacific Trust Territories.

U.S. Fish & Wildlife Service
Office of Law Enforcement
911 N.E. 11th Avenue
Portland, Oregon, USA 97232-4171
Phone: (503)231-6125 Fax: (503)231-6197