

SERVICE GUIDANCE TO CONSERVE MIGRATORY BIRDS

The following guidelines will be implemented to further the conservation of migratory birds to minimize the potential adverse effects of migratory bird take, with the goal of striving to eliminate take, while implementing our mission.

MIGRATORY BIRDS AND STATE PROGRAMS

Migratory Bird Management

1. Enter permitted migratory bird take activities into the Service Permit Issuance and Tracking System (SPITS), including species and number of individuals taken, in a timely matter.
2. Coordinate intra- and inter-Service training and information exchange with appropriate employees regarding the methods and means of avoiding or minimizing take with the goal of striving to eliminate take of migratory birds and conserving and restoring migratory bird habitat.
3. In coordination with other Federal and State agencies and nonprofit organizations:
 - (a) Improve the design of existing migratory bird surveys and increase efforts to monitor species whose status is poorly known, especially species of concern; and
 - (b) Develop status assessments for migratory bird species of concern that identify their limiting factors and promote strategies for addressing them.
4. Facilitate migratory bird conservation through the increased use of biologically-based, geospatial planning tools, such as Geographic Information Systems and statistical modeling, that identify focus areas for bird habitat protection, restoration, and management.
5. Administer the migratory bird permit program consistent with the intent of this Director's Order.
6. Increase dialogue between Regional and California/Nevada Operations Office (CNO) Migratory Bird Program staff, refuge biologists, and refuge managers during the evaluation process for species of concern, development of standards (e.g., banding, monitoring) for biological work on migratory birds, and writing of strategic Regional/CNO plans.
7. Raise public awareness regarding the possible presence of birds in a nest, and the risk of violating the Migratory Bird Treaty Act, the Endangered Species Act, and the Bald and Golden Eagle Protection Act. Inform the public of factors that will help minimize the likelihood that take would occur should nests (with birds or eggs) be destroyed ([Migratory Bird Permit Memorandum on Nest Destruction](#), April 15, 2003).
Permit coordinators will also ensure that MBTA permit applications for nest destruction are not targeting nests of endangered or threatened species or bald or golden eagles.

Bird Habitat Conservation

1. Encourage partners to incorporate best management practices into their migratory bird conservation projects.
2. Encourage North American Wetlands Conservation Act (NAWCA) grantees to provide benefits to migratory birds, particularly species of concern, as appropriate, in their projects.
3. Refine the criteria used to evaluate Neotropical Migratory Bird Conservation Act proposals to maximize benefits to migratory bird species of concern.
4. Encourage Joint Ventures to address migratory birds, with an emphasis on species of concern, in their grant proposal evaluations, and work towards identifying and addressing the obstacles that may hinder consideration of migratory birds in the grant process.
5. Develop outreach material identifying and promoting regional native food plants for migratory bird species of concern.

Federal Assistance

1. Encourage partners to incorporate best management practices into their migratory bird conservation projects.
2. Encourage State agencies responsible for implementing fish and wildlife conservation and protection programs administered through the Service's Federal Assistance Program to provide benefits to migratory birds, particularly species of concern, as appropriate, in their projects. These programs include: Wildlife Restoration, National Coastal Wetlands Conservation Grants, Multistate Conservation Grants, State Wildlife Grants, and Landowner Incentive Programs.

NATIONAL WILDLIFE REFUGE SYSTEM

1. Within the context of the current planning process for the National Wildlife Refuge System (NWRS), coordinate and implement plans and actions (such as comprehensive conservation plans (CCP's) and habitat management plans), in support of applicable comprehensive migratory bird planning efforts such as Partners in Flight Bird Conservation Plans, the U.S. Shorebird Conservation Plan, the North American Waterfowl Management Plan, and the North American Waterbird Conservation Plan.
2. Increase dialogue among refuge biologists, refuge planners, and the Regional/CNO Migratory Bird Program staff during the CCP process, biological work plans for migratory birds, and development of strategic regional plans.

3. Integrate Bird Conservation Region (BCR) goals and objectives into the goals and objectives of CCP's and other management plans for individual NWRS units, as appropriate.
4. In developing CCP's and other management plans for individual NWRS units, identify and evaluate opportunities further provide habitats and ecological conditions within the BCR needed to achieve the migratory bird conservation goals and objectives for that region.
5. Coordinate with the Division of Migratory Bird Management and Service Ecological Services field offices in evaluating proposals for siting of towers or power lines on refuges. When issuing special use permits to permittees for the installation of such facilities on refuge lands, include best management practices the permittee should implement including compliance with communication tower and powerline guidelines and Service interim wind power guidelines.
6. As part of integrated pest management on refuges, ensure that the use of pesticides harmful to wildlife, including birds, is limited. Where pesticides harmful to birds must be used, monitor the site during and post application for potential bird kills. Where problems are discovered, modify control strategies to prevent future impacts.
7. Assess invasive species management on fish and wildlife resources, including migratory birds, and make recommendations on how to best achieve invasive species management and migratory bird conservation. Priority should be given to species of concern and long-term habitat benefits. Coordinate with the Division of Migratory Bird Management and the Regional/CNO Integrated Pest Management Coordinator in developing integrated pest management plans and programs for individual NWRS units, where implementation could significantly affect migratory birds.
8. Manage refuges to encourage the restoration of native habitat communities for species of concern, where appropriate.
9. Evaluate all management practices that may cause migratory bird mortality and incorporate management principles that strive to minimize or avoid take, with emphasis on species of concern. For example, conduct restoration and management practices such as flooding, mowing, timber harvest, and burning (e.g., their timing, location, and intensity) in ways that minimize or avoid loss of nests and young, while still meeting management objectives.
10. Decrease management actions that favor overabundant species that are reducing other native migratory bird populations to suboptimal levels. Impacts of management actions on all native species will be evaluated before being implemented.
11. Evaluate current migratory bird management actions to ascertain their effectiveness towards achieving management goals.

12. Develop measures to provide escape routes or refugia during vegetation clearing (e.g., mowing from the inside out, mosaic patterns during prescribed burns).
13. When impacts of management actions that are taken to improve the status of migratory birds are not known with a reasonable degree of certainty, work cooperatively with other agencies, research institutions, or other entities to evaluate the efficacy of these management practices for accomplishing desired objectives for migratory birds.

ENDANGERED SPECIES

1. Incorporate habitat objectives of the bird conservation plans, as appropriate, into Endangered Species Act (ESA) Section 10 permits associated with Habitat Conservation Plans, Safe Harbor Agreements, and Candidate Conservation Agreements with Assurances. The bird conservation plans include the Partners in Flight Bird Conservation Plans, the U.S. Shorebird Conservation Plan, the North American Waterfowl Management Plan, and the North American Waterbird Conservation Plan.
2. Enter permitted migratory bird take activities into the Service Permit Issuance and Tracking System (SPITS), including species and number of individuals taken, in a timely matter.
3. When conducting consultations with other Federal agencies on all actions that may affect proposed or candidate species, incorporate migratory bird conservation into conservation recommendations as appropriate.
4. Offer technical assistance regarding recovery needs of listed, proposed, or candidate migratory bird species.
5. Consider opportunities for addressing migratory bird conservation when developing and implementing recovery plans, Candidate Conservation Agreements, and grants funded under the ESA.
6. Implement land acquisitions for the purposes of conservation of listed species, including migratory birds.
7. Work with the Migratory Birds and State Programs to identify migratory bird species that may warrant listing under the ESA and to address monitoring and conservation of recently-delisted migratory bird species.

FISHERIES AND HABITAT CONSERVATION

Fish and Wildlife Management Assistance and Habitat Restoration

1. Conduct site visits in advance of vegetation clearing activities by the project proponent to flag cavity trees or active nest sites.

2. Avoid vegetation clearing activities during the nesting season, particularly of species of concern.
3. Incorporate escape routes or refugia into plans involving habitat manipulations (e.g. mowing vegetation from the inside out, mosaic patterns during prescribed burns).
4. Report incidents of take, as may occur when birds are lost or wounded by fish sampling gear, to Regional/CNO Migratory Bird Program staff. Monitoring take could provide useful data for the development of non-lethal techniques.
5. Request contractors, heavy equipment operators, and private land owners implementing projects funded by the Service, to avoid disturbing active nest sites during project construction.
6. Evaluate the timing of restoration or management activities to avoid or minimize impacts to migratory birds when feasible. Place priority on avoiding impacts to species of concern during the nesting season.
7. Recommend the use of nondestructive, nondisruptive sampling whenever feasible on site assessments.
8. Encourage partners to incorporate best management practices into their migratory bird habitat projects.
9. Offer technical assistance regarding recovery needs of listed, proposed or candidate migratory bird species.
10. Consider opportunities for addressing migratory bird conservation when developing and implementing fishery management plans via fish commissions or councils, such as through the Atlantic States Marine Fisheries Commission.
11. Coordinate efforts with the Natural Resource Conservation Service to ensure Farm Bill provisions are "bird-friendly" and address migratory bird conservation, where appropriate.

Federal Program Activities

1. Participate in early project planning to advance bird conservation, with emphasis on species of concern. Specifically: (a) identify bird-related goals, conservation measures, and comprehensive plans applicable to the project area; (b) advise on project impacts to migratory birds; (c) identify means and measures to avoid and/or minimize potential for take of migratory birds, eggs and active nests, including, but not limited to: (1) project modification or denial, (2) time of year restrictions on vegetation clearing, (3) avoidance of cavity trees, colonial bird nests, and other active nests, and (4) avoidance of nests of species of concern.

2. Ensure that environmental analyses of Federal actions required by the National Environmental Policy Act or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, particularly species of concern. This pertains to Service actions in addition to the review of other Federal agency actions. Utilize best available demographic, population, or habitat association data in the assessment of impacts on migratory birds.
3. Coordinate with the respective Department of Defense Armed Forces in the development, review, and implementation of Integrated Resource Management Plans (INRMP) to ensure migratory bird conservation is addressed when applicable. Service staff will be active participants in ensuring migratory bird conservation is addressed by the INRMP development teams, and during the 1-year and 5-year INRMP reviews.
4. Coordinate Federal project assessments with the Regional/CNO Migratory Bird Program when proposed activities may have a negative effect on migratory birds, particularly species of concern.
5. Integrate goals and objectives for each Bird Conservation Region into the goals and objectives for the Service Mitigation Policy where appropriate.
6. Increase review and consultation efforts for activities that affect migratory bird populations and habitats, including communication towers, wind turbines, other utility structures, and other Federal activities and land use planning actions.
7. Promote compliance with communication tower and powerline guidelines and windpower guidelines as they are developed in project assessments.
8. When completing project reviews, recommend to project applicants that they incorporate sufficient funding in project budgets for investigations and assessment of issues pertinent to migratory birds, particularly species of concern.

Environmental Quality

Investigations

1. When conducting environmental contaminants studies, limit adverse effects of collection on migratory birds by avoiding taking live birds whenever possible (e.g., use carcass where possible) and use non-destructive (i.e., nonlethal) sampling whenever feasible (e.g., drawing blood or feather collection).
2. Improve the use and dissemination of the results of environmental contaminants investigations that relate to migratory bird management and status. Continue to use and improve the database for the Contaminant Assessment Program on NWR's to provide information of concern to migratory bird managers.
3. Use surrogate, captive bred, or more abundant avian species for testing sensitivity to environmental contaminants, especially when working in partnerships with researchers at U.S. Geological Survey (USGS), Environmental Protection Agency (EPA), and in academia.

4. Minimize loss of migratory birds from contaminants. Where terminally ill birds are euthanized during spill response or following other exposures to oil, hazardous materials, pesticides, or elevated levels of natural elements, use specimens to obtain appropriate ecotoxicological information to assist in management planning.

Natural Resource Damage Assessment and Restoration

5. Assess, minimize, and where possible, eliminate potential adverse impacts to migratory birds from contaminants found on sites being considered for restoration activities.
6. Where feasible, use existing plans for migratory bird management (e.g., North American Waterfowl Management Plan, U.S. Shorebird Conservation Plan, North American Waterbird Conservation Plan, and Partners in Flight Conservation Plans) in developing restoration options for compensation for injuries to migratory birds.
7. Coordinate intra- and inter-Service programs to assure remediation and other management actions taken to eliminate or reduce environmental contaminants focus on eliminating or significantly minimizing the take of migratory birds and, where possible, incorporate management actions to assist in the recovery and conservation of migratory birds.
8. Request sufficient funding for investigations and assessment of impacts of hazardous wastes, oil, and other environmental contaminants on migratory birds during general planning and budget initiatives. Encourage partners, both inside and outside the Service, to do the same.

National Fish Hatchery System

1. Coordinate closely with other Service programs to ensure that: (a) the Memorandum on Environmentally Beneficial Practices on Federal Landscaped Grounds is followed and implemented; and (2) implement procedures to track the amount of pesticides known to harm birds used and unused, and to return unused portions for recycling or disposal.
2. Whenever possible, prevent the use of pesticides known to harm birds at fish hatcheries. Where pesticides harmful to birds must be used, notify Service ES field offices and Law Enforcement offices 72 hours prior to field application, including detailed locational data (acre, latitude and longitude, section/range/township), and contact information to the sites during and post application. Work with the ES field office and Law Enforcement to conduct more follow-up evaluations after applications of potentially dangerous pesticides when they have to be used, and where problems are discovered, to modify control strategies to prevent future impacts.
3. Coordinate with Division of Migratory Bird Management in evaluating the potential siting of towers or power lines on hatcheries or rights-of-ways. Communication tower, power line, and Service Interim wind power guidelines must be complied with.

4. Develop alternatives to eliminate mortality of migratory birds and reduce, if possible, the effects they have on fish at hatcheries.
5. Manage hatchery grounds to encourage the restoration of native habitat communities for species of concern, where appropriate.
6. Provide nest boxes for migratory birds at hatcheries, with emphasis on species of concern.
7. Develop alternatives that eliminate the mortality of migratory birds and reduce the conflicts between migratory birds and the effects they have on fish at hatcheries.
8. Manage public use at fish hatcheries (including both non-wildlife and wildlife recreational use) and related facilities to minimize impacts on migratory bird populations and their habitats.
9. Evaluate all management practices at fish hatcheries that may cause migratory bird mortality and incorporate management principles that strive to minimize or avoid take, with emphasis on species of concern. For example, conduct restoration and management practices in ways that minimize or avoid loss of nests and young, while still meeting site management objectives.

LAW ENFORCEMENT

1. In coordination with the Migratory Bird Program, work with industries proactively through education and outreach to minimize the take of migratory birds.
2. Investigate violations of the Migratory Bird Treaty Act and other Federal laws that affect migratory bird populations (e.g., commercial exploitation, market hunting, and take caused by poisonings, oil spills, and other environmental contaminants).
3. Prevent, within the scope of our statutory authorities, the import of live non-native animals and plants that may be harmful to migratory bird resources.
4. Work with Federal, State, and tribal counterparts to enforce migratory game bird hunting regulations and preserve hunting opportunities for American sportsmen and women.
5. Continue to develop and provide training on migratory bird identification and enforcement techniques to appropriate Federal, tribal, and State agencies.

INTERNATIONAL AFFAIRS

1. Through the migratory bird treaties (i.e., Canada, Mexico, Japan, and Russia), International Affairs Program staff will work with government leaders and other colleagues within those countries to develop innovative new approaches to migratory bird conservation that lead toward our Service conservation goals and those identified specifically within the U.S. and North American bird conservation plans. These conservation approaches will be developed in a way as to integrate into the priorities of these partner countries.

2. Enter permitted migratory bird take activities into the Service Permit Issuance and Tracking System (SPITS), including species and number of individuals taken, in a timely matter.

International Conservation

1. Project officers for Division of International Conservation small-grants programs will work with grantees to avoid or minimize any negative impacts to migratory birds that may occur due to implementation of the grant.
2. For scientific research grants on migratory birds, the project officer will work with the grantee to make sure they are fully trained in the research methods to prevent negative impacts to the birds (e.g., mist netting or other banding techniques).
3. The Western Hemisphere Program and the Russian Program (i.e., for migrants shared between the Russian Far East and Alaska) of the Division of International Conservation will integrate into their programs as appropriate, migratory bird conservation effort that positively affect species of concern. This will be done by adding an additional criterion to the proposal review sheets within the Western Hemisphere Program and the Russian Program.
4. The Division of International Conservation will seek opportunities to work with the World Bank, Asian Development Bank, the State Department's Agency for International Development Programs, and other international programs, that affect U.S. migratory bird species traveling outside the United States, with an aim to promote conservation of migratory birds and avoid take of those birds.

BUSINESS MANAGEMENT AND OPERATIONS

Engineering

1. Coordinate closely with other Service programs to ensure that: (a) the Memorandum on Environmentally Beneficial Practices on Federal Landscaped Grounds is closely adhered to; and (b) best management practices are incorporated into facility design, maintenance and repair, hazardous materials management and mitigation to reduce or eliminate take of migratory birds.
2. Consult with a migratory bird biologist prior to initiating engineering projects that may adversely affect birds.