

US EPA ARCHIVE DOCUMENT

DRAFT  
Memorandum of Understanding  
(MOU)  
Conservation of Migratory Birds  
EPA (OPP) and FWS



PPDC  
Dec. 6, 2013



# Migratory Bird Treaty Act

- **Migratory Bird Treaty Act** (of 1918):
  - Domestic law that implements the US's commitment to four international conventions
    - Covers ~1,000 species
  - MBTA is a criminal statute
    - Unlike the ESA, there is **no consultation process** under the MBTA

# Executive Order 13186

- **Executive Order (EO) 13186** (January 10, 2001):
  - EO 13186 broadens the MBTA's applicability to the federal government.
  - “Each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement... a Memorandum of Understanding (MOU) with the Fish and Wildlife Service (Service) that shall promote the conservation of migratory bird populations”.
  - The Secretary of Interior was directed to establish a Council made up of departments and agencies that have established, or are in the process of establishing, MOUs with the Service.
    - EPA is one of the ~20 Federal agencies represented on the Council.
    - Council Meetings: Dec 2009, Dec 2010, Apr 2012, Apr 2013

# DRAFT Migratory Bird MOU

## – MOU

- OPP and FWS have negotiated a draft MOU (OPP is the first EPA office to enter into an MOU with the FWS under EO 13186)
  - Available for public comment in January 2014
  - Anticipate final signed MOU in April 2014
- FWS has MOUs finalized with NMFS, USFS, APHIS, FERC, NPS, BOEMMRE, BLM, DOE, DOD
- OPP will develop a migratory birds web page

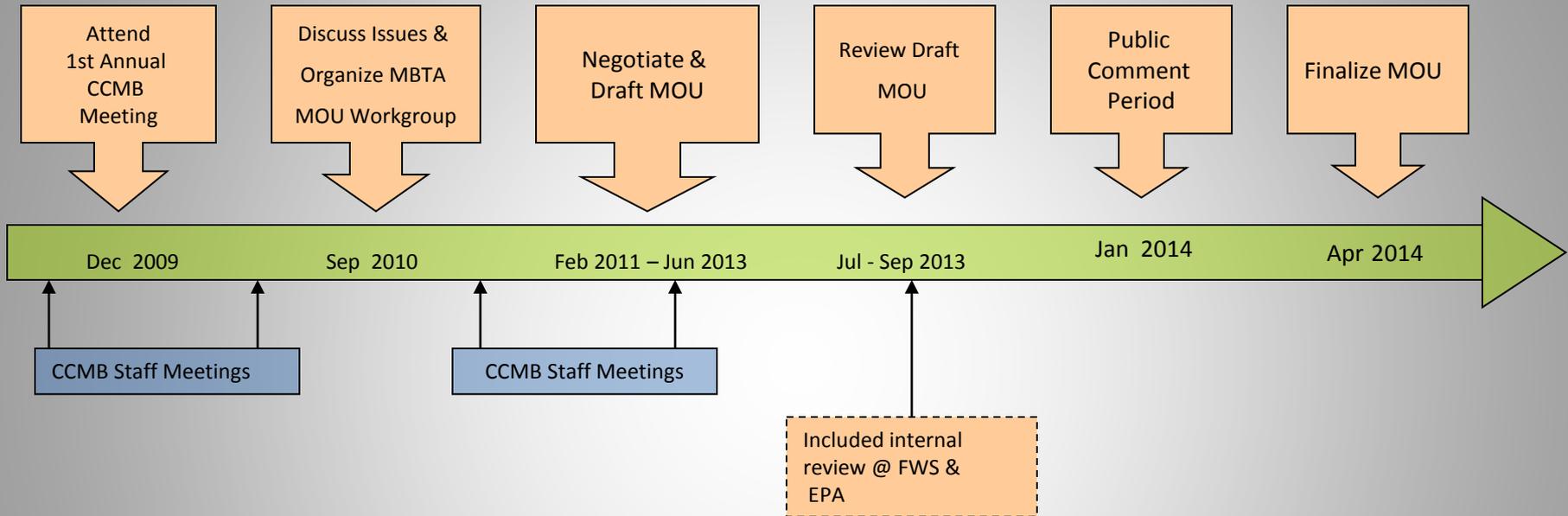
Additional information on completed MOUs can be found at:

<http://www.fws.gov/migratorybirds/CCMB.htm>

# DRAFT Migratory Bird MOU

- The MOU will NOT impact OPP's ability to meet its statutory deadlines for completing registration and re-evaluation decisions
- If the MOU leads to any significant change in pesticide risk assessment methodology, EPA will convene a FIFRA SAP, which would include public comments

# EPA/FWS MOU on Migratory Birds: Timeline



**KEY: Council** for the Conservation of Migratory Birds = CCMB  
 CCMB Staff = support staff to the Council consisting of Agency reps

**KEY: Joint EPA & FW Activities**