

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

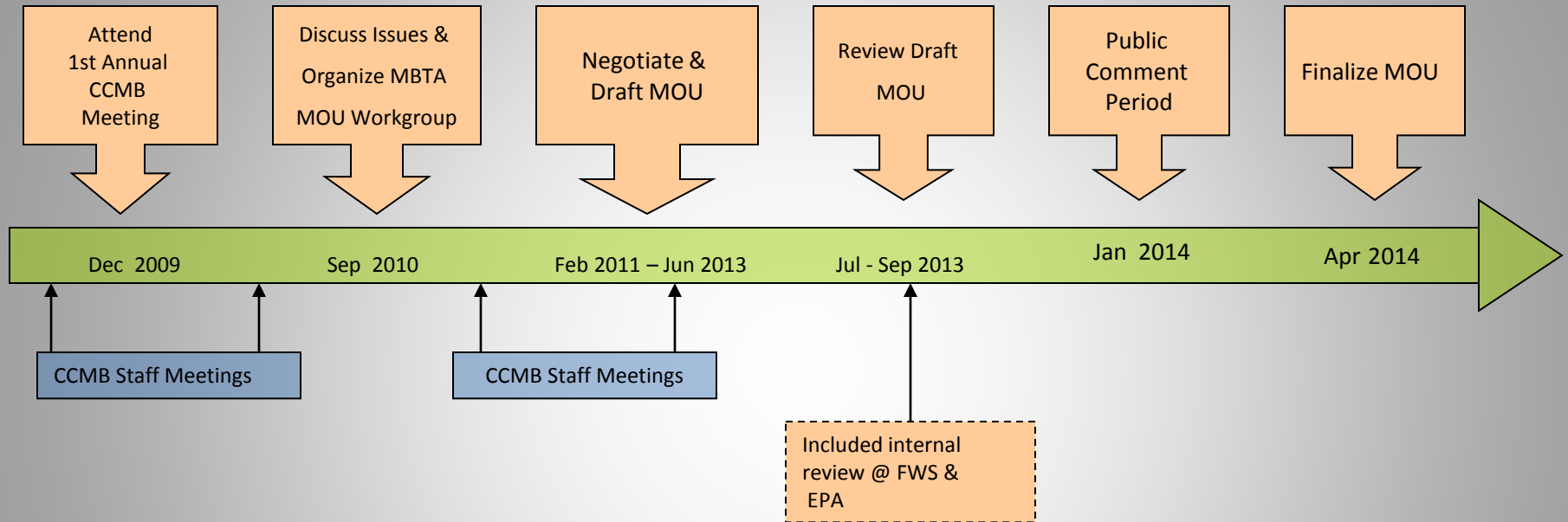
Additional information on completed MOUs can be found at:

<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