

Appendix A

In Reply Refer To:
FWS/LE

Memorandum

TO: Service Law Enforcement Officers

FROM: Director, FWS

SUBJECT: MBTA Enforcement Policy

A recent U.S. District Court decision, in the Northern District of Georgia has resulted in a Preliminary Injunction against logging operations on National Forests lands in Georgia. As a result of that court decision, the Departments of Interior, Justice and Agriculture are actively reviewing all aspects of the case, including the standing of the Migratory Bird Act (MBTA) and it's intent.

The Service has had a long standing , unwritten policy relative to the MBTA that no enforcement or investigative action should be taken in incidents involving logging operations, that result in the taking of non-endangered, non-threatened, migratory birds and/or their nests.

Notwithstanding the District Court's decision, the Service will continue to enforce the MBTA in accordance with this longstanding policy. However, it should be emphasized that the Service will continue to take necessary enforcement actions to prevent migratory bird mortality caused by criminal or preventable environmental contaminants or hazards, such as trona ponds, oil sludge pits, power line electrocution and similar situations.

cc: LE Reading LE Chron File INV Reading File Originator-Healy

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