

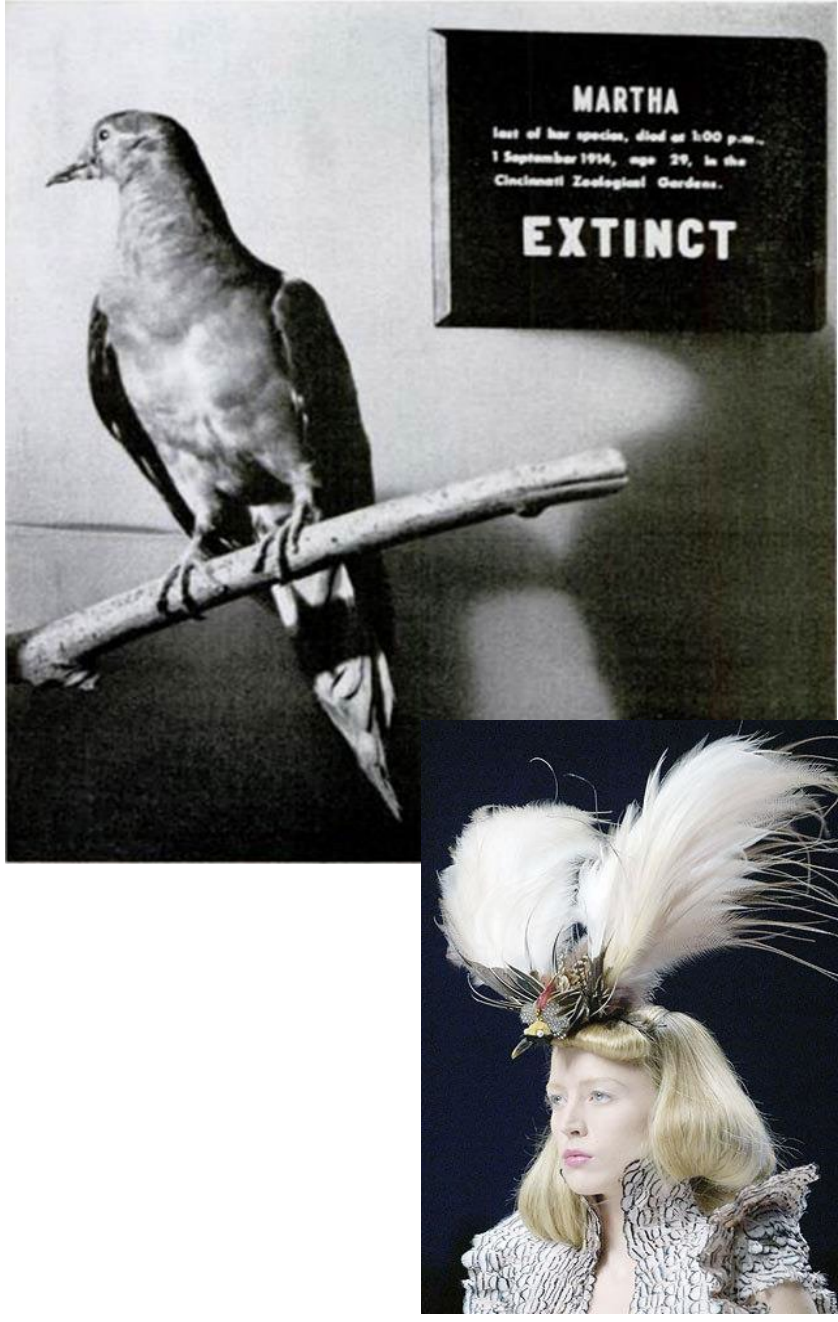
MBTA Incident Take Regulations

NAEP Webinar

July 13, 2022 webinar

Noah Matson, Deputy Associate Director for Migratory Birds, USFWS

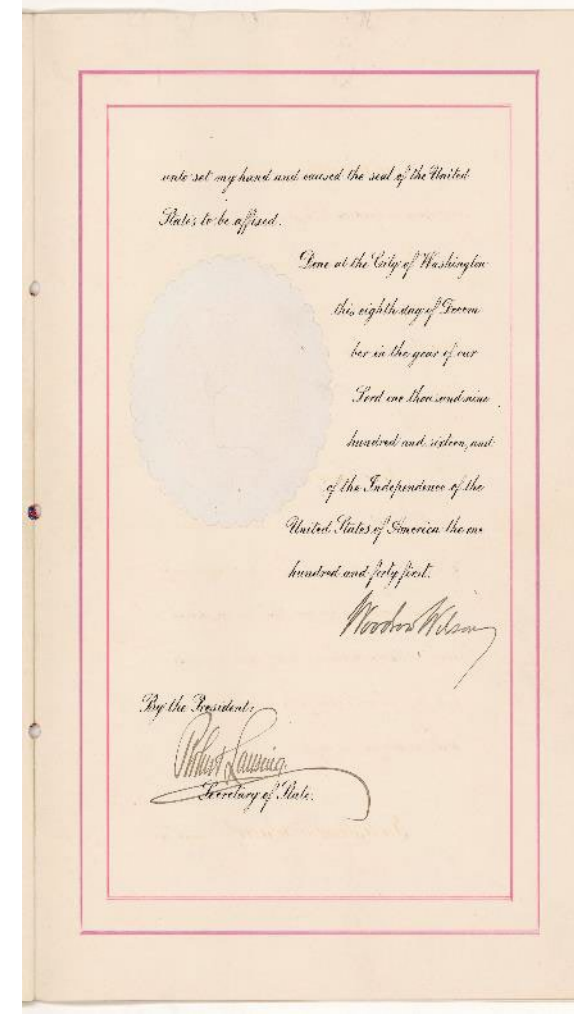
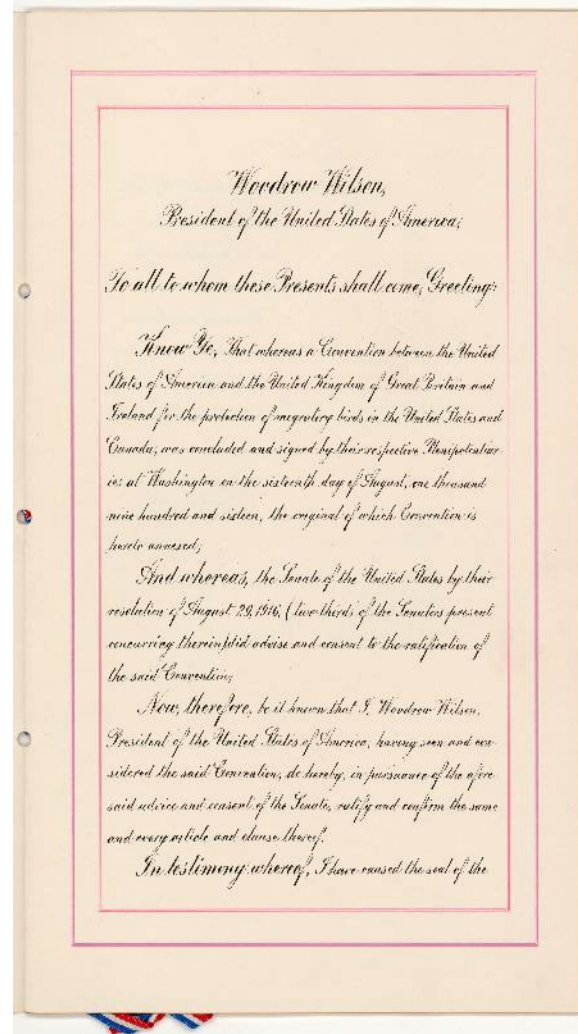
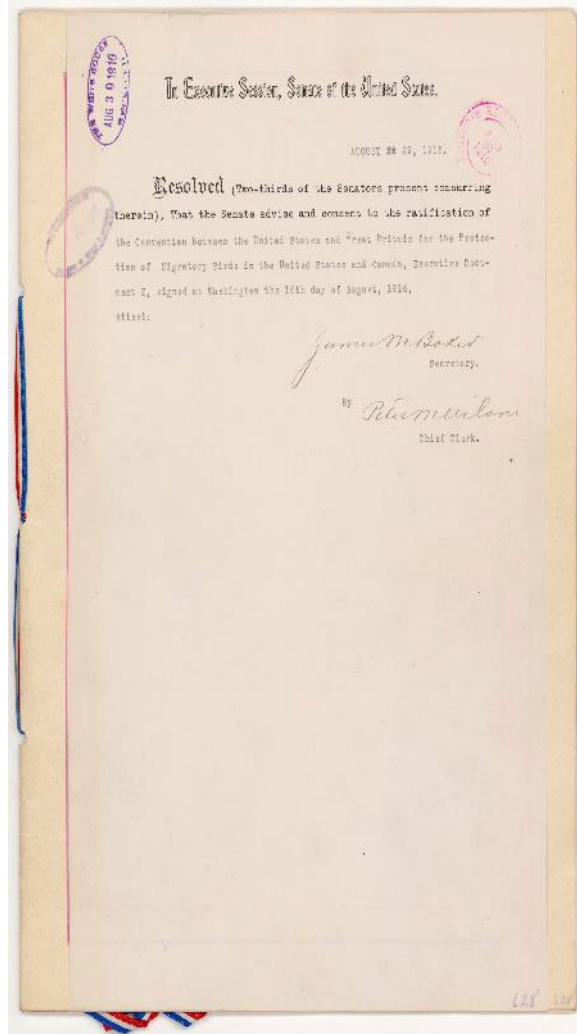




MIGRATORY
BIRDS

Conserving America's Birds

Migratory Bird Treaty (1916), Act (1918)



Goal: "to assure the preservation of species either harmless or beneficial to man."

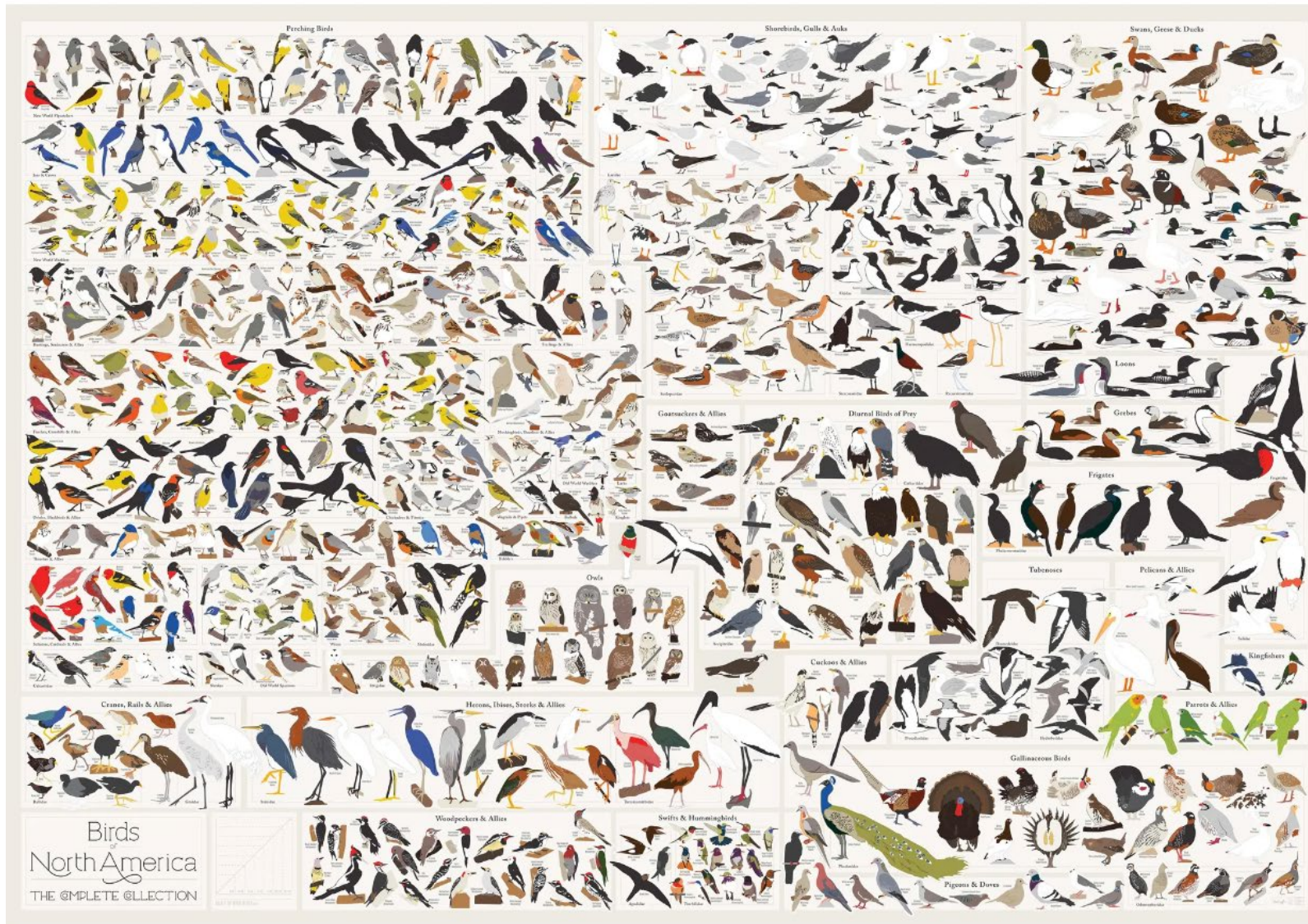




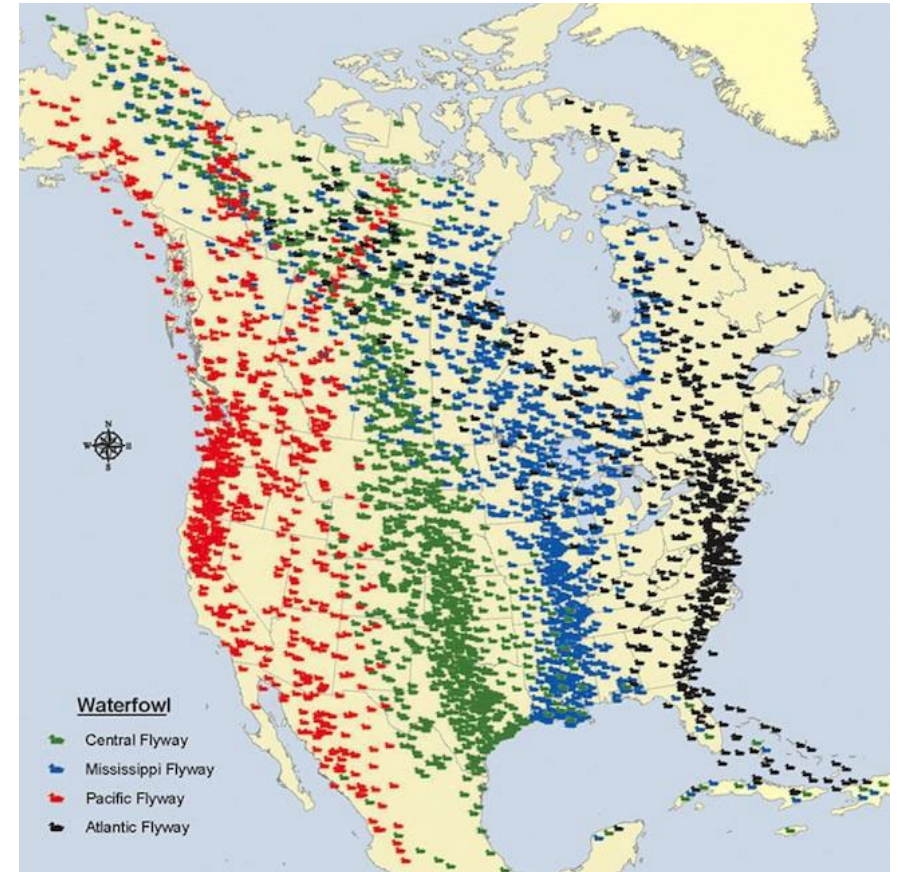
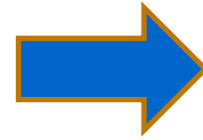
Human-caused bird mortality



Over 1,000 bird species protected by MBTA



From individual projects to managing a nationwide program





Specified Activities

- Commercial Fisheries
- Oiled and Produced Waters
- Power Lines
- Solar Energy
- Towers
- Transportation
- Wind Energy



3-Tier Framework

1. Regulatory Authorization
 - Low to No Risk
 2. General Permits
 - Moderate Risk
 3. Specific Permits
 - High or Uncertain Risk
-
- Tier-specific eligibility criteria
 - Tier-specific conditions



Regulatory Authorization

Authorized - No Permit Required

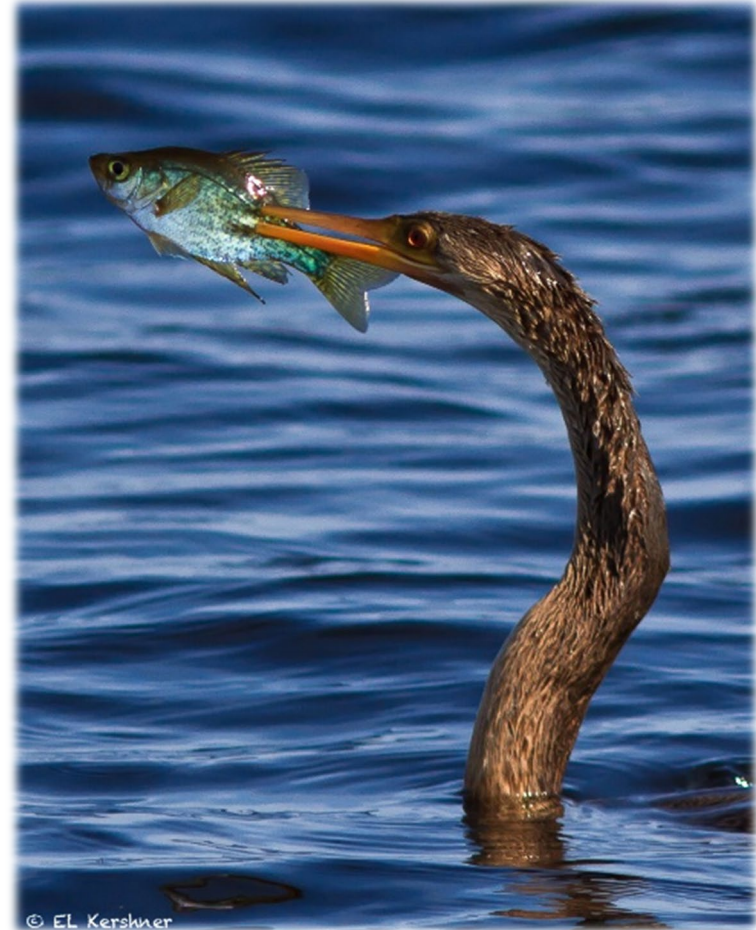
Eligibility Criteria:

- Low-risk based on:
 - Infrastructure
 - Geographic Location
 - Operational Practices

Conditions:

- Best known avoidance and minimization measures

No contact with the Service



Specific Permits

Permit – Staff Review Required

Eligibility Criteria:

- High risk or uncertain risk

Conditions:

- Customized based on activity
- Follow the traditional mitigation hierarchy
 - Avoid, Minimize, Compensate
- Close coordination with the Service



General Permits

Permit – Registration System

Eligibility Criteria:

- Moderate-risk based on:
 - Infrastructure
 - Geographic Location
 - Operational Practices

Conditions:

- Required avoidance and minimization measures
- Registration
 - Permit obtained without staff-review
 - Audit program
- Flat Fee/Credit system for compensation



Non-Specified Activities

Regulatory Authorization

- Individuals acting in personal capacity
 - Entities acting that are:
 - Not a federal agency
 - Not a specified activity
- AND*
- Implementing all relevant conservation measures



Compensatory Mitigation

Offsetting Impacts at a Program Scale

- General Permits: Flat-fee/credit system compensation required per permit
- Specific Permits: Traditional mitigation hierarchy, including compensatory mitigation options



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Federal Agencies



U.S. Customs and Border Protection



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