

# Migratory Bird Incidental Take

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As directed by Secretary's Order 3418, "Unleashing American Energy," we have:

- Rescinded Director's Order 225, Incidental Take of Migratory Birds
- Withdrawn Advance Notice of Proposed Rulemaking from October 2021
- Published a new Solicitor's Opinion (M-37085), which reinstates previous interpretation that the MBTA does not prohibit incidental take





# Reducing Impacts to Migratory Birds

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## [Reducing Impacts to Migratory Birds](#)

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To better protect migratory bird populations and provide more certainty for the regulated community, the U.S. Fish and Wildlife Service, or Service, works to address human-caused mortality by providing information on measures people can take to avoid and minimize the take of migratory birds. The Service is the federal agency delegated the primary responsibility for managing birds, as authorized by the [Migratory Bird Treaty Act of 1918](#), as amended (16 U.S.C. 703 et seq.), which implements treaties with Canada, Mexico, Japan, and Russia.

Migratory birds face numerous threats throughout their annual cycles, including habitat loss and degradation, [climate change](#), [invasive species](#), collisions with



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