



U.S. Fish & Wildlife Service Region 7

Timing Recommendations for Land Disturbance & Vegetation Clearing

Planning Ahead to Protect Nesting Birds

In Alaska all native birds except grouse and ptarmigan, which are managed by the State of Alaska, are protected by the Migratory Bird Treaty Act (MBTA). Under the MBTA (16 U.S.C. 703) it is illegal for anyone to “take” migratory birds, their eggs, feathers or nests, unless permitted by regulations. “Take” is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to pursue, hunt, shoot, wound, kill, trap, capture or collect” a migratory bird (50 CFR §10.12). For more information, please see:

<http://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php>.

Destruction of active nests, eggs, or nestlings can result from spring and summer vegetation clearing, grubbing, brush hogging, burning, stockpiling fill, and other land disturbance and construction activities. An “active” nest is indicated by intact eggs, live chicks, or presence of at least one adult on the nest. Human disturbance and repeated loud noises near nest sites can cause nest failure and is considered “take”. Avoiding nesting seasons during project implementation minimizes the risk of encountering an active nest or inadvertently causing a nest to fail.



Lucas DeCicco/USFWS

Rusty Blackbird

Some bird species and their nests have additional protections under other federal laws, including Bald and Golden eagles under the Bald and Golden Eagle Protection Act (Eagle Act), and those listed under the Endangered Species Act (ESA). Please contact the U.S. Fish and Wildlife Service if these species may be present in your project area to ensure Eagle Act and ESA compliance.

Implementing the following timing recommendations considerably reduces the risk of “take” under the MBTA. Final compliance with the law is your responsibility.

Recommendations:

1. Conduct land disturbance and vegetation clearing activities as described above outside of the nesting season (please see nesting season timing for your area on the next page).
2. If you encounter an active nest *at any time*, including before or after the local recommended avoidance times, leave it undisturbed until the eggs hatch and the young depart the nest.
3. If you have any questions regarding the MBTA, the timing recommendations, or if you are unable to comply with the timing recommendations, please contact your local U.S. Fish and Wildlife Service Fish and Wildlife Conservation Office for assistance:

Anchorage (includes Juneau and Kenai areas) - (907) 271-2888

Fairbanks (includes the North Slope, Interior, and Western Alaska) - (907) 456-0203



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Nesting Seasons by Habitat Type and Region:

Recommended Times to Avoid Land Disturbance & Vegetation Clearing

| HABITAT TYPE → REGION ↓ | Forest or Woodland (i.e., trees present) | Shrub or Open (i.e., shrub cover or marsh, pond, tundra, gravel, or other treeless/shrubless ground habitat) | Seabird Colonies (including cliff and burrow colonies) | Eagles ^e |
|--|---|---|---|---------------------|
| Southeast | April 15-July 15 ^a | May 1-July 15 ^{a, b} | May 1-September 15 | March 1-August 31 |
| Kodiak Archipelago | | | April 15-September 7 | |
| Southcentral (<i>Lake Illiamna to Copper River Delta; north to Talkeetna</i>) | May 1-July 15 ^{a, b} | | | |
| Bristol Bay/AK Peninsula (<i>north to Lake Illiamna</i>) | May 1-July 15 ^{a, b, c} | | May 10-September 15 | |
| Interior (<i>north of Talkeetna to south slope Brooks Range; west to treeline</i>) | May 1-July 15 ^{a, b} | | May 1-July 20 ^d | |
| Aleutian Islands | | April 25-July 15 ^a | May 1-September 15 | |
| Yukon-Kuskokwim Delta | May 1-July 15 | May 5-July 25 ^{a, b, c} | May 20-September 15 | |
| Seward Peninsula | May 1-July 15 | May 10-July 20 ^{a, c} | | |
| Northern (<i>includes northern foothills of Brooks Range</i>) | | June 1-July 31 ^{a, c} | | |
| Pribilof and Bering Sea Islands | | May 15-July 15 ^a | May 15-September 15 | |

^a Raptors may nest two or more months earlier than other birds.

^b Canada geese and swans begin nesting April 20.

^c Black scoter are known to nest through August 10.

^d Seabird colonies in Interior refer to terns and gulls.

^e Eagles and their nests have additional protections under the Eagle Act and a permit may be required to conduct activities near an eagle nest. Visit the U.S. Fish and Wildlife Service's Alaska Region Eagle Permit Program web page (<https://www.fws.gov/alaska/eaglepermit/guidelines/disturbnestingbaea1.htm>) or call your local Fish and Wildlife Conservation Office for step-by-step guidance to determine if your activity is likely to take or disturb eagles and for conservation measures to that avoid disturbance.