

# Executive Order 13186

---

## Responsibilities of Federal Agencies to Protect Migratory Birds

NMFWA

March 2020



U.S. Fish and Wildlife Service  
Migratory Bird Program  
*Conserving America's Birds*

# Executive Order 13186 – what is it?

---

## *Objectives of the EO*

- To better fulfill the Federal Government's role as the lead in protecting migratory birds
- To incorporate bird conservation more fully into agency programs without compromising the agency mission



# Executive Order 13186 – The Basics

---

## *EO Context*

- Signed in 2001 – by President Clinton (66 FR 3853)
- Acknowledges that birds have biological, economic and societal value
- U.S agencies have obligations to implement the Treaties

**Federal Agencies that may have negative effects must develop an MOU**

# Executive Order 13186 – Important Points

---

## *Section 3*

- Avoid or minimize impacts of actions
- Restore and enhance habitat
- Ensure environmental impact analysis incorporates birds (NEPA)
- Identify actions that are likely to impact birds
- Promote bird conservation through education, outreach and training

# Executive Order 13186 - Today

---

## *Federal Agency responsibilities to protect migratory birds*

- The M-Opinion does not directly affect how federal agencies manage incidental take
- The EO was not designed to implement the MBTA per se
  - Intended to govern federal efforts to conserve migratory birds more broadly (treaties)
- Federal agencies should continue to comply with the EO
  - Implement MOUs, including applying conservation measures to bird and habitat impacts

# DoD MOU

---

## *What does it say?*

- First MOU signed in 2008 (good for 5 years)
- Renewed and revised in 2014

*The purpose of this MOU is to promote the conservation of migratory bird populations while sustaining the use of military managed lands and airspace for testing, training, and operations.*

# DoD MOU - what does it cover?

---

*This MOU does not address incidental take resulting from military readiness activities or active DoD airfield operations.*

- **Natural resource management activities:** habitat management, erosion control, forestry activities, hunting, fishing, agricultural outleasing, conservation law enforcement, invasive-weed management, and prescribed burning;
- **Installation support activities:** administration, retail sales, food service, health care, water and sewage treatment, supply and storage, education, housing, equipment maintenance, base transportation, laundry and dry cleaning, recreation, and religious activities;
- **Operation of industrial activities;**
- **Construction, maintenance, renovation, or demolition of facilities** that support the activities described in items 1 through 3; and
- **Prevention or abatement of pollution or detrimental alteration** of the environment

# DoD MOU – Responsibilities of Both Parties

---

## *The Highlights*

- Emphasize an interdisciplinary, collaborative approach to migratory bird conservation
- Work to protect, restore, and enhance migratory bird habitats
- Provide training opportunities to appropriate personnel on responsibilities under the MBTA
- Promote migratory bird conservation nationally and internationally through activities such as National Public Lands Day and International Migratory Bird Day



# DoD MOU – DoD Commitments

---

## *The Highlights*

- Follow permitting requirements in 50 CFR part 21
- Incorporate migratory bird management into INRMPS
- Evaluate effects of impacts using NEPA reviews
- Inventory and monitor bird populations on DoD lands
- Mitigating the negative impacts of reflective glass in building design
- Maximizing the use of native landscaping to promote migratory bird habitat, except in areas subject to BASH hazards

# DoD MOU – DoD Commitments

---

## *The Highlights*

- To the extent reasonable and practicable, use a best-practices
  - Turning out lights in buildings at night, except where needed for safety or security reasons;
  - Reducing or eliminating activities that can attract invasive species, including feeding or managing outdoor or feral cats;
  - Minimizing or eliminating the use of insecticides, herbicides, rodenticides;
  - Covering open pipes in which birds may be able to enter but not escape
  - Minimizing vegetation removal and manipulation during the breeding season, as practicable and when not in conflict with airfield BASH management.

# National Environmental Policy Act

---

*Addressing impacts to the human environment*

- Requires Federal Agencies to evaluate action-related impacts to the human environment, including birds
- Questions to consider
  - How does the action impact migratory birds and their habitats?
  - Can impacts be reduced with best practices?
- Goal is to find the least impacting approach