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SERVICE PUBLISHES FINAL LIST OF NON-NATIVE BIRD SPECIES

The U.S. Fish and Wildlife Service today published in the Federal Register a final list of the bird species to which the Migratory Bird Treaty Act (MBTA) does not apply because they are not native to the United States and have been introduced by humans everywhere they occur in the nation. The list is required by the Migratory Bird Treaty Reform Act of 2004.

Most migratory bird species in the United States are protected by the MBTA, which prohibits take of protected species, their nests and eggs except as permitted by regulation. The MBTA implements treaties for the protection of shared migratory bird resources signed by the United States with Canada, Japan, Mexico, and Russia.

"By declaring that the MBTA does not apply to nonnative human-introduced species, the Reform Act has restored the historic status of the MBTA and enabled State and Federal Agencies to resume effective management of native wildlife populations," said Service Director Steve Williams.

Williams noted that the publication of today's final list is for public information purposes only as required by the Reform Act and has no legal effect.

The actual list of migratory birds protected by the MBTA is published in the Code of Federal Regulations (Title 50, Part 10.13). When it became law late last year, the Reform Act excluded any species from protection not specifically included on the Title 50, Part 10 list.

Of the 125 species on the final list of species exempt from MBTA regulation, only 17 are known to have established self-sustaining breeding populations in the United States. Only one of the 125 species has ever been treated as federally protected under the MBTA. The mute swan was afforded protection beginning in December 2001 by order of a Federal court. Other prominent and well-known species on the list are the Eurasian collared-dove and rock pigeon.

The exclusion of these species from the MBTA does not change the protections that they might receive under other laws or treaties such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Endangered Species Act, or the Wild Bird Conservation Act. In addition, States and communities may protect nonnative, human-introduced species at their discretion.

Numerous other introduced species - including such widely distributed species as ring-necked pheasant, European starling, and house sparrow - don't belong to families covered by the MBTA and thus are not affected by this notice.

The notice is available on the Internet at <<http://migratorybirds.fws.gov>>.

The Pennsylvania Biodiversity Listserve is intended to promote discussion of biodiversity issues in the state. It is moderated by the Pennsylvania Biodiversity Partnership (PBP) following guidelines posted at <http://www.pabiodiversity.org/listserve.html>. The opinions expressed in messages are those of the authors and NOT the PBP. To unsubscribe, send the message UNSUBSCRIBE PABIODIV to majordomo@webmail.upb.pitt.edu.