

June 4, 2015

## PROTECTING NATIVE BIRDS

Native birds are federally protected in the United States by the Migratory Bird Treaty Act ([www.fws.gov/birds](http://www.fws.gov/birds)). This includes the birds we enjoy in Southeast Nebraska. The only exceptions are three non-native birds; House Sparrow (*Passer domesticus*), European Starling (*Sturnus vulgaris*), Domestic Pigeon or Rock Dove (*Columba livia*). Because of the nuisance nature of these three species the birds and nests can be destroyed at any time. For all other birds the federal law prohibits the possession of all feathers, eggs, shells, nests or other parts related to protected birds. I have adapted some of this article from an article developed by Soni Cochran, Extension Associate in Lancaster County.

The Migratory Bird Treaty Act is a strict liability law with no requirement to prove intent. This means enforcement is absolute and not discretionary. Basically, the law says you may not pursue, hunt, take, capture, kill or possess at any time any migratory bird or any part, nest or egg. While a feather may be beautiful or a nest might look nice on a display shelf, this would constitute possession. So why does it matter whether you keep a feather or a nest? Historically, plumage from many migratory birds was desirable to adorn women's hats. This market was devastating to bird populations. More recently, with the popularity of Native American artifacts increasing, a lucrative market still exists for migratory bird feathers and eagle feathers to decorate many curios and art objects. The regulations are intended to eliminate any commercial market for the birds themselves, as well as their feathers and parts.

Feathers from domestic birds like chickens, turkeys, ducks, geese and guinea's are exempt. Feathers of game birds taken under license by hunters can be used by the hunter (owner) or can be sold to non-hunters. If you acquire some wild turkey feathers from a hunter, you need a bill of sale for the feathers in order to comply with the law. Contact the Nebraska Game and Parks Commission at 402-471-0641 for information on game birds.

There are situations where birds are a nuisance or caused damage and control is an option. In this case you would be very wise to contact Game and Parks and discuss the situation and the options. In many cases a plan for deterrent might be a better choice than killing the predator bird. For example, chickens left in an open pen outside overnight are missing their heads and crops in the morning. Likely an owl had a feast and will be back in a few nights. Putting a wire top on the pen or closing the chickens in a coop for the night will be more effective than killing the owl and wondering when his cousin will stop by.

Raptors have attracted extra protection. If you find an injured hawk or owl, contact Raptor Recovery at 402-994-2009 or 402-488-7586 or visit their website at [www.fontenelleforest.org/raptor-recovery](http://www.fontenelleforest.org/raptor-recovery). There are additional laws in place to protect Bald eagles and endangered species.

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