

Appendix D. Applicable Laws and Executive Orders

Law, Regulation, or Guideline	Description
Migratory Bird Treaty Act of 1918 (MBTA), as amended, (16 U.S.C. 703-711)	The Service has the primary statutory authority to manage migratory bird populations in the United States. The MBTA implements treaties with Great Britain (for Canada in 1916 as amended in 1999), the United Mexican States (1936 as amended in 1972 and 1999), Japan (1972 as amended in 1974), and the former Soviet Union (1978) and imposed certain obligations on the U.S. for the conservation of migratory birds, including the responsibilities to: conserve and manage migratory birds internationally; sustain healthy migratory bird populations for consumptive and non-consumptive uses; and restore depleted populations of migratory birds. Conventions are also held with Mexico, Japan, and Russia.
Endangered Species Act of 1973 (ESA), as amended (7 U.S.C. 136; 16 U.S.C. 460 et seq.)	It is Federal policy, under the ESA, that all Federal agencies seek to conserve threatened and endangered species and utilize their authorities in furtherance of the purposes of the Act (Sec. 2(c)).
National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321-4347)	NEPA is our national charter for protection of the environment; it requires Federal agencies to evaluate the potential environmental impacts when planning a major Federal action and ensures that environmental information is available to public officials and citizens before decisions are made and before actions are taken. It mandates a process for thoroughly considering what an action may do to the human environment and how any adverse impacts can be mitigated (http://npi.org/nepa/process.html).
Sustainable Fisheries Act (Public Law 104-297) (re-named from the Magnuson-Stevens Act) (MSA)	Amended the habitat provisions of the MSA. It calls for direct action to stop or reverse the continued loss of fish habitats. The Act requires Federal agencies to protect, conserve, and enhance "essential fish habitat" (EFH) for federally managed fish species; "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity."
Public Law 106-53, Section 582c	Requires the U.S. Army Corps of Engineers to "carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary" in conjunction with the Departments of Interior and Commerce.

Appendix D. Applicable Laws and Executive Orders Continued

Law, Regulation, or Guideline	Description
Fishery Conservation and Management Act (FCMA) of 1976 (16 U.S.C. 1801-83)	Law 99-659, Section 104, amended Section 302 of the 1976 act requires all Federal agencies to respond within 45 days to comments and recommendations made by the Regional Fishery Management Council relative to the impacts a Federal activity have on fishery resources under the Council's jurisdiction.
Fish and Wildlife Coordination Act (FWCA) of 1958	Requires equal consideration and coordination of wildlife conservation with other water resource development programs.
Fish and Wildlife Conservation Act (16 USC 661-667e), as amended	Requires the Service to monitor non-gamebird species, identify species of management concern, and implement conservation measures to preclude the need for listing under ESA.
Fish and Wildlife Act of 1956 (16 USC 742a-743j)	Provides Secretary of Interior with authority to protect and manage fish and wildlife resources.
Executive Order 13186 (EO), Responsibilities of Federal Agencies to Protect Migratory Birds	Directs any Federal agency whose actions have a measurable negative impact on migratory bird populations to develop a Memorandum of Understanding (MOU) with the Service to promote conservation of migratory birds. The MOUs would establish protocols to guide future agency regulatory actions and policy decisions; renewal of permits, contracts or other agreements; and the creation of or revisions to land management plans.
Federal Water Pollution Control Act of 1948, as amended ("Clean Water Act")	The Clean Water Act (CWA) contains a number of provisions to restore and maintain the quality of the nation's water resources. Provides for protection of water quality.
Coastal Zone Management Act (CZMA) of 1972, as amended (16 U.S.C. 1451-1464)	Protects environmental quality of coastal areas.
Estuary Protection Act (16 U.S.C. 1221-1226)	The purpose of the Estuary Protection Act is to establish a program to protect, conserve and restore estuaries. The act does not affect an agency's authority for existing programs within an estuary.
Executive Order 11593 (EO), Protection and Enhancement of the Cultural Environment	States that if the Service proposes any development activities that may affect archeological or historical sites, the Service will consult with Federal and State Historic Preservation Officers to comply with Section 106 of the National Historic Preservation Act of 1966, as amended.

Appendix D. Applicable Laws and Executive Orders Continued

Law, Regulation, or Guideline	Description
Executive Order 12898 (EO), Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, 11 February 1994	The overall purpose of the order is to avoid disproportionately high imposition of any adverse environmental or economic impacts on minority or low-income populations. All NEPA environmental analyses must include an evaluation of effects on minority and low income communities.
Executive Order 13175, Consultation and Coordination with Indian Tribal Governments	Provides a mechanism for establishing regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications.
Section 10, Rivers and Harbors Act of 1899 (30 Stat 1151; 33 USC 401 Section 10)	Provides for the protection of waters associated with work in or affecting Navigable Waters of the United States. Requires U.S. Army Corps of Engineers review for structures or work.

*Illustration:
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