



Credit: DesertUSA.com/animals/cliff-swallow.html



City of Phoenix
STREET TRANSPORTATION DEPARTMENT

Migratory Bird Treaty Act

(Applies to many birds in Phoenix)

The purpose of this flyer is to provide City of Phoenix employees and contractors with basic knowledge to reduce the risk of impacting species protected by the Migratory Bird Treaty Act.

Migratory Bird Treaty Act (MBTA)

Under the Migratory Bird Treaty Act of 1918, as amended, listed birds and their parts (including eggs, feathers, and nests) are fully protected. They are also protected under Arizona State Law, Title 17-101, Title 17-235, and Title 17-236. The MBTA states that it is illegal to:

- Pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export, or transport any migratory bird, or any part, nest, or egg of any such bird.
 - 'Take' is defined as to "pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect."

More information regarding the MBTA can be found at:

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

Where/When are they active?

- The nests of birds protected by the MBTA can be found in many places, including trees, shrubs, cacti, cattails, on the ground, in holes in the ground and on man-made structures including culverts, bridges, buildings, etc.
- The breeding cycle of most birds in Phoenix occurs between February 1 and August 31, although there are a few species that may nest outside that period. Some birds may be present year-round and others migrate, often during the late summer/early autumn period.

How to avoid impacting birds protected by the MBTA:

- If your project might impact active bird nests/burrows, work with one of the contacts below during the design process to make appropriate arrangements before the project activity begins. Necessary actions may include active nest surveys, seasonal restrictions, or obtaining a project-specific relocation permit from the U.S. Fish and Wildlife Service.
- When actively working, be aware of your surroundings. If you see a nest that appears active (chirping, aggressive or distracting adult bird behavior, eggs present, etc.) **STOP WORK** within 30 feet of the area and call one of the contacts below.

Questions? Work may impact birds protected by the MBTA? Contact a City of Phoenix Street Transportation Department Environmental Quality Specialist:

Andrea Love 602-495-6718 or via e-mail at <andrea.love@phoenix.gov>

Greta Halle 602-534-6030 or via e-mail at <greta.halle@phoenix.gov>



Credit: AGFD



City of Phoenix
OFFICE OF ENVIRONMENTAL PROGRAMS

Sonoran Desert Tortoise

(Gopherus morafkai)

The purpose of this flyer is to provide City of Phoenix employees and contractors working on City projects with basic knowledge to reduce the risk of impacting Sonoran Desert tortoise.

Legal Status:

The Sonoran Desert tortoise is a Tier 1A Species of Greatest Conservation Need in the State of Arizona, as defined by the Arizona Game and Fish Department (AGFD) and is a Candidate Species under the Endangered Species Act.

Species Description:

- Length: 8-15 inches
- Bottom shell yellowish and not hinged
- Hind limbs stocky and elephantine
- High-domed, brownish shell with a pattern and prominent growth lines
- Flattened forelimbs for digging, covered with conical scales

Where are they found?

- Rocky, steep slopes and lower mountain slopes
- Native desert scrubland
- Between 904 and 4,198 feet in elevation
- Washes and valley bottoms may be used in dispersal

Where are they active?

- Sonoran Desert tortoise spend the bulk of time in burrows, which provide protection from heat and cold
- Emerge from burrows on rocky slopes, deserts scrub or grassland to feed, bask and breed, mostly during the monsoon season

How to avoid impacting Sonoran Desert tortoise:

- Scan ahead as you work
- ***If Sonoran Desert tortoise observed, STOP WORK, call the contact below and allow the tortoise to leave under its own power***
- Do NOT pick up or handle the Sonoran Desert tortoise unless the tortoise is in imminent danger. Improper handling can result in tortoise death. If a tortoise must be moved, strictly adhere to the following AGFD guidelines (rev. 9/22/2014): <https://s3.amazonaws.com/azgfd-portal-wordpress/Portallimages/files/wildlife/2014%20Tortoise%20handling%20guidelines.pdf>.
- When working in Sonoran Desert tortoise habitat, check for tortoises under parked vehicles before driving

Questions? Concerns? Think your project will impact Sonoran Desert tortoise? Contact the City of Phoenix Office of Environmental Programs, Environmental Programs Coordinator, Tricia Balluff at (602) 534-1775 or tricia.balluff@phoenix.gov.



City of Phoenix
OFFICE OF ENVIRONMENTAL PROGRAMS

Western Burrowing Owl

(*Athene cunicularia*)

The purpose of this flyer is to provide City of Phoenix employees and contractors working on City projects with basic knowledge to reduce the risk of impacting western burrowing owls.

Legal Status:

The western burrowing owl is protected under the Migratory Bird Treaty Act of 1918, as amended. All migratory birds and their parts (including eggs, feathers, and nests) are fully protected. They are also protected under Arizona State Law, Title 17-101, Title 17-235, and Title 17-236.

Species Description:

- Small, ground-dwelling owl (mass of approx. 5 oz.)
- Length: 7.6-9.9 inches, with long legs
- Wingspan: approx. 23 inches
- Round head, lacks ear tufts
- Distinct oval facial ruff, framed by a broad, puffy white eyebrow
- Bright yellow iris

Where are they found?

- Dry, open, short grass, treeless plains
- Human dominated landscapes such as:
 - Golf courses, airports
 - Agricultural fields, vacant lots
- Depends on other animals to construct burrows

Identifying an active burrow

- Western burrowing owls use burrows constructed by ground squirrels, badgers, coyotes, tortoises, etc, or may use pipes, culverts, and ditches.
- They may “decorate” the entrance to a burrow with cow, horse, or dog manure, feathers, vegetation, and trash items
- An active burrow may (not always) have owl excrement (“whitewash”) and/or pellets near the entrance

How to avoid impacting western burrowing owls:

- Scan ahead as you work
- *If western burrowing owls or potentially active burrows observed, STOP WORK and MOVE at least 100 feet away from the owl or occupied burrow before resuming work*
 - Do not harass or “shoo” the owl away
- If the project cannot avoid or stay outside 100 feet of the owl or active burrow, call contact listed below

Questions? Need to work within 100 feet of a western burrowing owl or active burrow? Contact the City of Phoenix Office of Environmental Programs, Environmental Programs Coordinator Tricia Balluff at (602) 534-1775 or tricia.balluff@phoenix.gov.

Sources: Arizona Department of Transportation Environmental Planning Group Western Burrowing Owl Awareness Flyer
Arizona Game and Fish Department Animal Abstract: Western Burrowing Owl. Heritage Data Management System

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