

**MEMORANDA OF UNDERSTANDING AND ITS USE TO REDUCE LOSS OF
MIGRATORY BIRDS BY COLLISION AND ELECTROCUTION FROM
UTILITY TRANSMISSION LINES^{tw}**

Lou Hanebury
USDI Fish and Wildlife Service
Ecological Services
2900 4th Ave. North, Rm. 301, Billings, MT 59101
lou_hanebury@fws.gov

Sam Milodragovich
Northwestern Energy
Butte, MT 59701

Roger Parker
Senior Resident Agent
USDI Fish and Wildlife Service, Division of Law Enforcement
2900 4th Ave. North, Rm. 300, Billings, MT 59101

Significant numbers of migratory birds and eagles in Montana are lost each year due to collision and electrocution from transmission lines. Increased energy-related development may result in increased avian mortality across the state. The Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act and Endangered Species Act prohibit the taking of migratory birds, eagles or listed species, respectively. Utility companies may be discouraged from monitoring bird losses on their transmission lines due to the threat of prosecution. Memoranda of Understanding (MOU) between utility companies, state game agencies and the USDI Fish and Wildlife Service are a cooperative, non-adversarial endeavor. The Service can exercise its discretionary authority not to submit for prosecution the unlawful take of migratory birds that occur on company properties of those companies that make a good faith effort to eliminate the take of migratory birds. Under the MOU, companies will develop a comprehensive Avian Protection Plan to monitor avian losses and take reasonable steps to resolve any situations occurring on company property, which may pose a threat to migratory birds. The first MOU between a utility company in Montana, Montana Fish, Wildlife and Parks and the USDI Fish and Wildlife Service should be signed in 2003.