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Department of Interior Declares That Only Deliberate Acts Constitute Take of Migratory Birds

The U.S. Department of the Interior's Office of the Solicitor has issued [Memorandum M-37050](#), dated December 22, 2017, which concludes that the Migratory Bird Treaty Act's prohibition on the "taking" or "killing" of migratory birds applies only to deliberate acts, such as hunting, intended to take a migratory bird. The legal opinion reverses the Obama administration's position that the Act prohibits not only the intentional take of migratory birds but also taking or killing that is incidental to otherwise lawful activity (i.e., unintentional). See our [full report](#) on this development, by [Donald Baur](#), [Laura Godfrey Zagar](#), [Anne Beaumont](#), and [Christian Termyn](#)

