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December 04, 2018 California Affirms Protections for Migratory Birds Despite Contrary Federal Stance

California's Attorney General and Department of Fish and Wildlife have jointly issued an advisory affirming that California law continues to provide robust protections for migratory birds, including prohibiting incidental takes, notwithstanding the recent reinterpretation of the Migratory Bird Treaty Act by the U.S. Department of the Interior. The advisory notes that three lawsuits (including one joined by the attorney general) are challenging the Trump administration's reinterpretation of the Act to allow incidental takes and points to the ongoing, robust protection of migratory birds based on California statutes and caselaw. More information on this advisory is available in this Update by Don Baur, Laura Zagar and Anne Beaumont.

