



## **A Guide for Tribal Members to Legally Access and Possess Protected Feathers through Feather Repositories**



## **Learn More About Legal Access for Tribal Members to Possess Protected Feathers**

This information is a guide for tribal members, by tribal members, about requesting and receiving feathers. Ensuring legal access for tribal members to possess feathers not only allows for the continuation and creative expression of Native culture and freedom of religion, but also actively works to end demand to the black market, helping conserve wild bird populations.

- **Why is it so difficult to get legal access to feathers?**

The Migratory Bird Treaty Act of 1918 (MBTA) is a federal law that protects all migratory birds. It bans the possession of migratory birds that are alive or dead, and also protects their parts, feathers, nests, and eggs. In addition to possession, the MBTA makes it unlawful for anyone to pursue, hunt, kill, sell or purchase migratory birds and their parts (including feathers). The Bald and Golden Eagle Protection Act more specifically protects eagles as well. These laws were created with the best of intentions, and have done much to help protect many vulnerable bird species.

- **Why do federally-recognized tribal members get legal access to feathers?**

Thanks, in part, to the American Indian Freedom of Religion Act, it has been legally recognized that tribal member access to feathers is incredibly important. This was further legally clarified in an Attorney General's memorandum, commonly referred to as the Morton Policy.

- **What about tribal members who aren't from federally recognized tribes?**

At this time, legal access has been legally defined and clarified only for federally recognized tribes. This, therefore, does exclude state-recognized tribes and non-enrolled members.

- **Why is it important that tribal members follow all the laws?**

We understand the temptation to bypass these laws, as at first, they may seem limiting. However, it is of vital importance for you to note that seeking non-legal avenues of feather access can significantly damage wild bird populations and can also hurt other tribal members by making future feather access increasingly difficult. Following state and federal laws in regard to feathers protects you, your family, and your community.

- **What is a Feather Repository?**

A feather repository is a holding and distribution center that can legally accept and distribute feathers protected by the MBTA to enrolled adult tribal members of federally recognized tribes. Think of them as a "middle man" or "intermediary" between those who can send feathers (like permitted wildlife rehabilitators, zoos, falconers, etc.) and tribal members who can request and receive feathers. Two types of feather repositories exist in the US: the National Eagle Repository (for Bald and Golden Eagles, government sector), and 2 non-eagle feather repositories (nonprofit sector, private entities).

- **What feathers can I get from non-eagle feather repositories?**

If you are an enrolled member of a federally recognized tribe and are an adult, you can request any feathers that are protected by the MBTA that are not eagle feathers. This includes species of hawk, falcon, osprey, owl, waterbirds, woodpeckers, songbirds, etc. A complete listing of birds protected by the MBTA can be found here:

<https://www.fws.gov/birds/management/managed-species/migratory-bird-treaty-act->

[protected-species.php](#). However, the non-eagle feather repositories can only send you what species they currently have in their inventory, which depends upon which species are sent to them by permit-holders.

- How do I request non-eagle feathers?

You need to complete and send in the application as a formal request to one of the non-eagle feather repositories for naturally molted primary or tail feathers or whole carcasses of birds that are protected by the MBTA. Applications can be found on their websites. Here is a direct link to a fact sheet about requesting non-eagle feathers:

<https://www.fws.gov/southwest/NAL/docs/Non-eagleRequestfactsheet.pdf>

- How do I request eagle feathers?

You can only request Bald and Golden Eagle feathers from the National Eagle Repository, located in Colorado. It is a separate process to request eagle feathers, which also includes completing an application. You cannot receive eagle feathers from the non-eagle feather repositories. Here is a direct link to a specific fact sheet about the possession of eagle feathers and parts by Native Americans:

<https://www.fws.gov/eaglerepository/factsheets/PossessionOfEagleFeathersFactSheet.pdf>

and here is a direct link on requesting eagle parts and feathers from the National Eagle Repository: <https://www.fws.gov/eaglerepository/FAQs/Eagle%20Q&A.pdf>. Note – a very small number of tribes, through the Native American Eagle Aviary Permit, operate their own eagle aviary and can also distribute naturally molted eagle feathers. Learn more about tribal eagle aviaries here: <https://www.fws.gov/southwest/NAL/aviaries.html>.

- How much does this cost? Is this program really free? Who pays for this?

There is no cost to tribal members to obtain eagle or non-eagle feathers, and it is illegal for anyone to pay for federally protected feathers. The purpose of these programs is to remove barriers and truly make feather access legal and accessible. Technically, there are costs associated with shipping to the eagle and non-eagle feather repositories and for shipping to the tribal member, but these costs are underwritten by the organization that sends the feathers to the repository and by the feather repository itself. At this time, a tribal member is limited to no more than four requests per year for non-eagle feathers and for eagle feathers, a tribal member can only have one pending application at a time.

- Why do other facilities pay to send feathers to repositories? Why do they care about tribal member access to feathers?

Many of the organizations that hold permits to care for birds protected by the MBTA care deeply for birds, and also care about wild populations. Those who send feathers recognize that there is a true need and desire by tribal members to utilize feathers for religious purposes and ceremonies and that items made with and from feathers are highly respected and deeply meaningful. Sending to feather repositories can be considered a way to continue that care for, and honor of, those birds. Additionally, allowing tribal members a legal pathway to feather possession not only allows for the continuation and creative expression of culture and freedom of religion, but also helps reduce “demand” to non-legal avenues of feather acquisition. Reducing the black market protects birds and helps to conserve bird populations in the wild.

- How long does it take the non-eagle feather repository to process a feather request?  
Receiving non-eagle feathers is a rather straight-forward process. Once your application is received by the non-eagle feather repository, it is processed in the order that it is received. Turn-around time is usually very efficient (usually within a month), however, delays could be experienced if the request is for a species that is not currently in the non-eagle feather repository's inventory. They may call you to ask if you'll accept a similar species instead (such as a Red-tailed Hawk instead of a Red-shouldered Hawk, or a Double-crested Cormorant instead of an Anhinga). To expedite your request, you can ask for a specific species and add "or similar species" on your application.
- How long does it take the National Eagle Repository to process a feather request?  
Depending on what eagle feathers you specifically request will determine the speed of your feather shipment. Based on the current inventory and processing of eagle feathers and specimens, loose eagle feathers have a much faster turn-around time (generally 3-6 months), whereas the waiting time for a whole eagle carcass may take approximately 2 years, or more for an immature Golden Eagle.
- Tips for completing your request form:
  - Complete the paperwork necessary for your request. Note that each repository has its own specific application.
  - You will need to send documentation that you are an enrolled member of a federally recognized tribal, and are at least 18 years old. Without this documentation, the feather repositories are unable to process your request, as they must follow all of the rules and laws established by the U.S. Fish and Wildlife Service.
  - The application does have the potential for very specific feathers to be requested. However, if your request isn't that specific, particularly for non-eagle feathers, that is okay. The feather repositories are culturally competent and understand that vast variation exists between the hundreds of tribes in the United States. Simply explain what you are looking for or planning to make, and they will do their best to accommodate you.
  - Do not request species that they are unable to accommodate. The non-eagle feather repositories *cannot* send (nor do they possess) the feathers of Bald Eagles or Golden Eagles (only the National Eagle Repository can send the feathers of those species). They also do not have any feathers of birds that are not in the United States, and they do not have any feathers of birds not protected by the MBTA.
- Tips for once you receive your feathers:
  - Depending on what you requested, you will receive either specific feathers, parts, or possibly even an entire carcass. Please open your received package as soon as possible, as it may be frozen.
  - If you don't plan to work with your feathers immediately, it is okay to freeze the item(s) you have requested until you are ready to process or work with them.
- Paper documentation that you have legal access for your feathers:
  - When you receive your shipment from the feather repository, you will receive paperwork and a tracking number. It is *highly recommended* to save this paperwork with your feathers and any future item(s) you make with those feathers.

- If a federally recognized enrolled tribal member wants to share or transfer feathers with other federally recognized enrolled tribal members (as tribal member-to-tribal member transfer is legal), it is *highly recommended* to give them a photocopy of your paperwork to continue the flow of documentation for legal access of those feathers.
- Contact information for the current feather repositories
  - **National Eagle Repository**
    - Website: <https://www.fws.gov/eaglerepository/>
    - Address: 6550 Gateway Road, RMA, Bldg 128, Commerce City, CO 80022
    - Telephone: (303) 287-2110
    - Email: repository@fws.gov
  - **Liberty Wildlife Non-eagle Feather Repository**
    - Website: <http://libertywildlife.org/conservation/non-eagle-feather-repository/>
    - Address: 2600 E. Elwood Street, Phoenix, AZ 85040
    - Coordinator contact information: Robert Mesta
      - (520) 240-7406 or [robertm@libertywildlife.org](mailto:robertm@libertywildlife.org)
    - Program Assistant contact information: Mare VanDyke
      - (480) 384-0929 or [marev@libertywildlife.org](mailto:marev@libertywildlife.org)
  - **Sia: The Comanche Nation Ethno-Ornithological Initiative**
    - Website: <http://comancheeagle.org/home.html>
    - Mailing Address: P.O. Box 341, Cyril, OK 73029
    - Telephone: (580) 464-2750
    - Email: siainc@tds.net

All information provided is to be used as a guide. However, laws and policies do change overtime, so it is your responsibility to ensure you are following all state and federal laws. For additional information and details, please visit the United States Fish and Wildlife Service (USFWS) webpage: <https://www.fws.gov/southwest/nal/feathers.html>

This information page is provided by the following organizations:

**Native America Humane Society (NAHS)** NAHS functions as a bridge between tribal communities and local resources, emphasizing respect, responsibility, protection, and compassion for all animals important to Native communities. NAHS cares about legal feather access for tribal members as a way to help with the continuation and expression of Native culture, while ensuring respect, responsibility, protection, and compassion for all animals. As a private 501(c)(3) nonprofit organization, NAHS's mission is to empower Native communities to become healthier, happier and safer by providing information, support and resources for animal care programs in Indian country. [www.nativeamericahumane.org](http://www.nativeamericahumane.org)

**Wisconsin Humane Society (WHS)** Legal feather access for tribal members is important to WHS as it aligns with its mission to build a community where people value animals and treat them with respect and kindness. Additionally, WHS views sending feathers to the repository as an extension of the dedicated care its staff and volunteers have for the thousands of birds they work to save. WHS operates five animal shelters, a low-cost spay/neuter clinic, and one of the busiest wildlife rehabilitation centers in Wisconsin. WHS is a 501(c)(3) nonprofit organization and receives no general government funding and is not part of any national umbrella organization. [www.wihumane.org](http://www.wihumane.org)