

January 14, 2020

The Honorable Raúl Grijalva  
Chairman  
House Natural Resources Committee  
Longworth House Office Building  
Washington, DC 20515

The Honorable Rob Bishop  
Ranking Member  
House Natural Resources Committee  
Longworth House Office Building  
Washington, DC 20515

Dear Chairman Grijalva and Ranking Member Bishop:

On behalf of the undersigned organizations, we write in strong support of the Migratory Bird Protection Act (H.R. 5552) and urge you to advance this legislation in order to reinforce fundamental bird protections at a time when bird populations are facing a crisis.

Last year, our nation celebrated the 100<sup>th</sup> anniversary of the Migratory Bird Treaty Act (MBTA). Passed in 1918, the law is credited with saving many beloved species from extinction, such as the Wood Duck, Sandhill Crane, and Snowy Egret. The MBTA implements the visionary treaty signed with Canada in 1916 to protect migratory birds shared by our countries, as well as similar treaties signed later with Mexico, Japan, and Russia.

The law is critical in protecting and conserving nearly all of our nation's native birds, including waterfowl, songbirds, raptors, and more. Birds provide significant value to our country by reducing agricultural pests and pollinating crops, supporting healthy ecosystem functions, and benefiting our economy through bird-related tourism and spending that represents a \$100 billion-plus industry that supports more than 860,000 jobs.

The MBTA and its protections are needed now more than ever. Recent reports highlight the serious ongoing and future threats facing birds. A new study published in the journal *Science* found that North American bird populations have declined by nearly three billion birds since 1970, which represents a loss of more than one in four birds on the continent. And the National Audubon Society released a new report which found that two-thirds of North America's birds are threatened by climate change.

We can give birds a fighting chance by advancing efforts to limit the threats they face. One of the most significant factors we can address are bird deaths from industrial hazards. These mortalities can often be prevented or minimized with basic precautions and best management practices, such as covering oil waste pits, marking transmission lines, and following wind energy guidelines. Protection under the MBTA has incentivized proactive conservation to help bird populations and thereby limited the need for still greater protection under the Endangered Species Act.

Over the past two years, however, the MBTA has been significantly undermined by the administration. In December 2017, the Department of the Interior issued a controversial legal opinion with an interpretation that the MBTA does not apply to the incidental take of migratory birds. This opinion is contrary to the plain language of the Migratory Bird Treaty Act, reverses decades of precedent by Republican and Democratic administrations, and ends legal responsibility for industry to minimize non-

purposeful yet avoidable bird deaths from industrial hazards, which accounts for millions of deaths each year. The administration's opinion is opposed by three Flyway Councils, multiple states, numerous former senior Interior officials from every administration since the early 1970s, and hundreds of nongovernmental organizations.

This policy dramatically reduces the incentive for industries to implement best management practices that save birds, and limits the accountability and recovery from events and activities that kill substantial numbers of birds. For example, after the 2010 Deepwater Horizon oil spill, which killed more than one million birds, BP pleaded guilty to violations of the MBTA and paid a \$100 million fine under the law. These funds have been distributed through the North American Wetlands Conservation Act (NAWCA) to restore habitat for waterfowl and other birds that were impacted by the spill.

The Migratory Bird Protection Act presents a major opportunity to secure bird protections and safeguard the law. The bill reaffirms longstanding protections for birds from industrial hazards, which until this administration had been applied consistently for decades. In doing so, it will ensure that there continues to be incentives to implement best management practices and technologies, and retain the ability to generate resources under the law to recover from incidents such as oil spills that impact birds.

The Migratory Bird Protection Act would also provide greater certainty for industry while advancing bird conservation by directing the U.S. Fish and Wildlife Service (FWS) to develop a permitting program that would authorize incidental take for industrial sectors that have historically worked with FWS to minimize bird deaths. The MBTA expressly allows for permits to authorize take, which represents a balanced approach to meet the purposes of the law and the needs of birds and people. Additionally, the legislation would establish a mitigation fee to benefit impacted bird populations from industrial hazards and would direct those funds to programs such as NAWCA and the Neotropical Migratory Bird Conservation Act.

As recent scientific reports have made clear, our nation's birds are facing crises like never before. To address these crises and ensure that birds continue to provide substantial value and enhance the quality of life for communities across the country, we urge you to support and advance the Migratory Bird Protection Act.

Sincerely,

National and International Organizations

American Bird Conservancy  
Animal Legal Defense Fund  
Animal Welfare Institute  
Association of Zoos and Aquariums  
Born Free USA  
Center for Biological Diversity  
Climate Hawks Vote  
Defenders of Wildlife

Earthjustice  
Earthworks  
Endangered Species Coalition  
Environment for the Americas  
Environmental Defense Fund  
Friends of the Earth US  
Humane Society Legislative Fund  
International Bird Rescue  
International Crane Foundation  
International Marine Mammal Project of Earth Island Institute  
International Ornithologists' Union  
League of Conservation Voters  
National Audubon Society  
National Wildlife Federation  
National Wildlife Refuge Association  
Natural Resources Defense Council  
Ocean Conservancy  
Oceanic Preservation Society  
Sierra Club  
The Humane Society of the United States  
The Nature Conservancy  
The Wilderness Society  
The Wildlife Society  
Turtle Island Restoration Network  
Western Watersheds Project  
WildEarth Guardians  
World Wildlife Fund

#### Regional and Local Organizations

Alberta Wilderness Association  
Amos Butler Audubon Society  
Appalachian Trail Conservancy  
Arkansas Valley Audubon Society  
Audubon Society of Central Arkansas  
Audubon Society of Northern Virginia  
Backyard Birders Of Jefferson County Florida  
Baltimore Bird Club  
Bay County Audubon Society  
Bergen County Audubon Society  
Bird City Wisconsin  
Bird Conservation Network  
Birding Under Nevada Skies

BirdsCaribbean  
Boulder County Audubon Society  
Bozeman Birders  
Brookline Bird Club  
Brooklyn Bird Club  
Bucks County Audubon Society  
Californians for Western Wilderness  
Cape Coral Friends of Wildlife  
Chesapeake Wildlife Heritage  
Chicago Audubon Society  
Coastal Bend Audubon Society  
Community Water Coalition of Southern Arizona  
Conscious Talk Radio  
Conservation Colorado  
Delaware Ecumenical Council on Children and Families  
Delaware Valley Ornithological Club  
Endangered Habitats League  
Endangered Small Animal Conservation Fund  
Environmental Action Committee of West Marin  
Environmental Protection Information Center  
Evanston North Shore Bird Club  
Fatal Light Awareness Program (FLAP) Canada  
Feminist Bird Club  
Friends of Bombay Hook  
Friends of the Inyo  
Friends of the Little Pend Oreille National Wildlife Refuge  
Friends of the Migratory Bird/Duck Stamp  
Genesee Audubon  
Genesee Valley Audubon Society  
Golden Gate Audubon Society  
Grand Canyon Trust  
Grays Harbor Audubon Society  
Great Old Broads for Wilderness  
Halifax River Audubon  
Hawaii Audubon Society  
High Country Audubon Society  
Hilton Pond Center for Piedmont Natural History  
Hoffmann Bird Club  
Illinois Ornithological Society  
Iowa Audubon  
John Burroughs Natural History Society  
Juniata Valley Audubon Society  
Kiesha's Preserve, Paris, Idaho  
Kirkland Bird Club

Kirtland Bird Club  
Kitsap Audubon Society  
Klamath Forest Alliance  
Lane County Audubon Society  
Los Angeles Audubon Society  
Los Padres ForestWatch  
Madrone Audubon Society  
Maine Audubon  
Maricopa Audubon Society  
Maryland Conservation Council  
Menotomy Bird Club  
Minnesota River Valley Audubon Chapter  
Missouri River Bird Observatory  
Monroe Science Educational Services  
Mount Vernon Songbird Sanctuary  
Mountaineer Audubon  
Nahant S.W.I.M. Inc.  
Native Songbird Care & Conservation  
Nevada Wildlife Federation, Inc.  
New Mexico Audubon Council  
New York City Audubon  
Northcoast Environmental Center  
Northern Catskills Audubon Society  
NY4WHALES  
On a Wing and a Prayer Wild Bird Rehabilitation  
Olympic Forest Coalition  
Oregon Natural Desert Association  
OVEC--Ohio Valley Environmental Coalition  
Paskamansett Bird Club  
Paula Lane Action Network (PLAN)  
Pennsylvania Society for Ornithology  
Piedmont Wildlife Rehab Inc.  
Pilchuck Audubon Society  
Port Crescent Hawk Watch  
Powder River Basin Resource Council  
Predator Defense  
Presque Isle Audubon Society  
Prince George's Audubon Society  
Quiet Use Coalition  
Rachel Carson Council  
Retired Backyard Birders Of Jefferson County Florida  
Rochester Birding Association  
Rockbridge Bird Club  
Rocky Mountain Wild

Sacramento Audubon Society  
Safe Skies Maryland  
Salem Audubon Society  
Sarasota Audubon  
Save Animals Facing Extinction  
Save Our Allegheny Ridges  
Save Our Sky Blue Waters  
Sheep Mountain Alliance  
SkyTruth  
Soda Mountain Wilderness Council  
South Florida Wildlands Association  
Southeastern Avian Research  
Southern Utah Wilderness Alliance  
Stanislaus Audubon Society  
Tennessee Ornithological Society, Memphis Chapter  
Tennessee Ornithological Society, Nashville Chapter  
The Bird Rescue Center  
The Institute for Bird Populations  
The Lands Council  
The Oak Granary  
The Urban Wildlands Group  
The Wildlife Trust  
Tropical Audubon Society  
Tucson Audubon Society  
Unexpected Wildlife Refuge  
Virginia Bluebird Society  
Warioto Audubon Society  
Western Colorado Alliance  
Western Cuyahoga Audubon Society  
Western Great Lakes Bird and Bat Observatory  
Western Nebraska Resources Council  
Western Slope Conservation Center  
Wild Farm Alliance  
Wild Mountain Birds  
Wildbird Recovery, Inc  
Wildlife Restoration Partnerships  
WildWest Institute  
Wisconsin Society of Ornithology  
Yellowstone to Uintas Connection  
Zoological Society of Milwaukee