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 100th 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