

March 31, 2023

The Honorable Jeff Merkley
Chairman
Subcommittee on Interior, Environment,
and Related Agencies
Senate Appropriations Committee
Washington, DC 20510

The Honorable Lisa Murkowski
Ranking Member
Subcommittee on Interior, Environment,
and Related Agencies
Senate Appropriations Committee
Washington, DC 20510

The Honorable Mike Simpson
Chairman
Subcommittee on Interior, Environment,
and Related Agencies
House Appropriations Committee
Washington, DC 20515

The Honorable Chellie Pingree
Ranking Member
Subcommittee on Interior, Environment
and Related Agencies
House Appropriations Committee
Washington, DC 20515

Dear Chairman Merkley, Ranking Member Murkowski, Chairman Simpson, and Ranking Member Pingree:

On behalf of the undersigned organizations, we respectfully request that the Fiscal Year 2024 Interior appropriations bills support funding to provide additional agency capacity for permitting efforts, by providing no less than the President's request for the Migratory Bird Management program. Specifically, this includes the requested levels for Permits and Conservation and Monitoring, plus additional support for ePermits, which will help provide greater capacity for the U.S. Fish and Wildlife Service (FWS) to carry out incidental take permitting under the Migratory Bird Treaty Act (MBTA).

We are grateful that the Biden Administration has restored longstanding protections for birds under the MBTA, and has begun the process to improve its permitting regulations. The previous administration's rollback of this bedrock law received overwhelming opposition by the public and key stakeholders – including more than 25 states and 30 tribal governments, three flyway councils, more than 200 former career officials, and our treaty partner, Canada. Furthermore, over 500 organizations from all 50 states and more than 250,000 people representing birders, hunters, scientists, and more, voiced their opposition and called for Interior to do more for birds – underscoring the 2019 Science report finding that North America's bird populations have declined by 3 billion birds since 1970, and the National Audubon Society finding that two-thirds of our bird species are threatened by climate change.

Taking further action to modernize the MBTA's permitting regulations can provide a lasting favorable impact in addressing our biodiversity crisis, while ensuring that there are reasonable and consistent standards for the industrial sector, including for our growing clean energy economy. A permitting program for incidental take can provide a conservation-based framework that expands the adoption of best management practices to minimize impacts to birds and increase regulatory certainty for commercial entities.

To address this need, we recommend supporting no less than the President's request, which would provide a total of \$13.31 million for the Permits program element under Migratory Bird Management, which is an increase of \$7.61 million and 16 FTEs, and an increase of at least \$5.6 million and 13 FTEs for regulatory enhancements and clean energy under Conservation and Monitoring. These increases will

enable FWS to add technical capacity to develop and implement an efficient and effective permitting program, and also further develop the ePermits system, including with the support from the \$13.5 million request for ePermits.

The Interior Appropriations bills can help support implementation of the MBTA in a way that fulfills the commitments to conservation and provides a durable path forward for the future of this bedrock law, the hundreds of species of birds it protects, and the people that benefit from their continued presence.

Sincerely,

National Audubon Society
American Bird Conservancy
Natural Resources Defense Council
Defenders of Wildlife
National Wildlife Federation
Wildlife Conservation Society
The Wildlife Society