



Shaping the future for birds

April 25, 2016

Re: 100 Years of Conserving Migratory Birds at Risk

Dear Senator:

2016 marks the 100th anniversary of the Migratory Bird Treaty, a landmark international agreement that has helped to recover and maintain bird populations for many groups of birds, especially shorebirds, waterfowl, and herons. Birds have enormous constituencies among hunters, birdwatchers, photographers, and nature lovers. A major multi-billion business is also based on backyard bird feeding and birdwatching tourism.

Unfortunately, today, many migratory birds protected under the Act (MBTA), 16 U.S.C. § 703 et seq., are facing serious threats and many are in rapid decline. About 30% of the birds protected by the MBTA are officially recognized by the U.S. Fish and Wildlife Service (FWS) as being in need of particular protection, including approximately 75 endangered and threatened species, and more than 240 species that are listed by FWS as Birds of Conservation.

Migratory birds face many threats including habitat loss, degradation and fragmentation; excessive logging and inappropriately managed forests; inappropriately or inadequately managed fires; hydrologic change to wetlands; exotic and invasive species; resource extraction and energy industry operations; overgrazing; climate change; contaminants and pesticides; prey resource depredation; human disturbance; long line and gill net fisheries; collisions with human-created structures; and intentional illegal killing.

In 2015, an amendment threatened to bar the Department of Justice from enforcing the MBTA, which protects over 1,000 species of migratory birds and makes it illegal to harm them except under very specific circumstances. Conservation groups strongly opposed this provision which was not enacted, and sent the letter below along with thousands of individual letters in support of protecting migratory birds. We are again concerned about possible amendments to FY 2017 spending bills to prevent the protection of migratory birds and enforcement of the Migratory Bird Treaty Act.

The MBTA prohibits take of migratory birds, but there is no permitting system in place to prevent avoidable incidental losses resulting from industrial development, or to provide for regulatory certainty for development. Such a rule is urgently needed to help stem a broad-scale decline of migratory bird populations. The U.S. Fish and Wildlife Service (FWS) has announced its intention to prepare a programmatic environmental impact statement (EIS) to evaluate the effects of creating a permitting system to reduce the incidental take of migratory birds. A draft EIS is expected this year.

The [Notice of Intent](#) includes potential options to establish incidental take authority permitting for sectors and projects that have known impacts to migratory birds such as oil and gas drilling, communications towers, and power lines and tall towers. For each of these examples included in the notice, there are already available technologies and proven methods that can reduce bird mortality.

[American Bird Conservancy petitioned](#) FWS for wind industry regulatory action to protect migratory birds and supports the agency's intention to establish a permitting process, consistent with the Presidential Memorandum on Mitigation, that would significantly improve the protection of birds covered by the MBTA by avoiding, minimizing, and compensating for avoidable threats.

Please support migratory bird conservation by:

1. Opposing an amendment limiting or preventing enforcement of the [Migratory Bird Treaty Act](#).
2. Support the U.S. Fish and Wildlife Service's [rulemaking](#) to permit the incidental take of migratory birds.

June 29, 2015

Dear Chairman Cochran, Chairman Shelby, and Ranking Member Mikulski:

On behalf of the millions of Americans who are bird enthusiasts and bird watchers represented by the undersigned organizations, we want to express our opposition to the recent attack on the oldest bird protection law in our country, the Migratory Bird Treaty Act (MBTA). An amendment offered by Congressman Jeff Duncan (SC) to the Fiscal Year 2016 Commerce, Justice, Science, and Related Agencies (CJS) Appropriations bill and adopted by the House of Representatives prohibits the use of funds to prosecute or hold liable any person or corporation for a violation of the MBTA.

This enforcement prohibition could potentially deal a lethal blow to many of the bird species that Americans love which are already in steep decline. We urge you to oppose any effort to include a similar amendment to the FY 2016 Senate CJS appropriations bill.

Migratory birds play a key role in the U.S. economy, supporting recreational opportunities that create jobs and generate billions of dollars in revenue. They are good indicators of environmental health and safety and also provide environmental benefits, including pollination, insect and rodent control, and seed dispersal.

According to a [2011 survey](#) published by the U.S. Fish and Wildlife Service (USFWS), roughly one in five Americans—about 47 million people—are birdwatchers. They are huge revenue generators for the U.S. economy, spending over \$40 billion on equipment and activities related to bird watching. Birding expenditures also created 666,000 jobs and \$31 billion in employment income. About \$6 billion in state tax revenue and \$7 billion in federal tax revenue were derived from birding-related recreational spending.

The MBTA was enacted in 1918 and implements the United States' obligations under several international treaties and conventions for the protection of over 1,000 species of migratory birds. The MBTA was passed in an effort to stop the mass slaughter of birds at that time which were being killed for their feathers.

The MBTA makes it illegal to pursue, hunt, kill, and sell birds or bird parts without a permit. MBTA protects many of the birds that Americans love to watch such as Red Knots and Golden-winged Warblers, and it can help conserve species before they become endangered.

We urge you to stand up for the Migratory Bird Treaty Act and vote NO and on any provisions that would allow birds to be threatened, harmed, or killed.

Thank you for helping to protect the billions of migratory birds across our country.

Sincerely,

Alberta Wilderness Association
Allegheny Front Alliance
Alliance for the Wild Rockies
Alma College Bird Observatory
Altacal Audubon Society
American Bird Conservancy
Anne Arundel County Bird Club
Arizona Native Plant Society
Arkansas Audubon Society
Audubon Outdoor Club, Inc. of Corpus Christi, TX
Audubon Society/Mahoning Valley
Audubon Society of Kalamazoo
Audubon South Carolina
Baltimore Bird Club
Bexar Audubon Society
Bird City Wisconsin
Bird Conservation Network
Black River Audubon Society
Bozeman Birders

Chesapeake Audubon Society
Chesapeake Wildlife Heritage
Chimney Swift Conservation Association
City Wildlife, Inc.
Conservation Northwest
Cornell Laboratory of Ornithology
Delaware Audubon Society
DuPage Birding Club
Eastern Long Island Audubon Society
Endangered Habitats League
FIRE (Fire Island Raptor Enumerators)
Friends of Blackwater
Friends of Lake Lafayette
Friends of the Tampa Bay National Wildlife Refuges
Golden Gate Raptor Observatory
Great Old Broads for Wilderness
Greater Ozarks Audubon Society
Hawk Mountain Sanctuary Association
Hilton Pond Center for Piedmont Natural History
Illinois Ornithological Society
International Crane Foundation
Iowa Audubon
Kalmiopsis Audubon Society
Kettle Range Conservation Group
Klamath Siskiyou Wildlands Center
Lane County Audubon Society
Los Padres ForestWatch
Maryland Ornithological Society
Mountaineer Chapter of National Audubon
North Cascades Audubon Society
Palm Beach Zoo & Conservation Society
Palomar Audubon Society
Palos Verdes South Bay Audubon Society
Pasadena Audubon Society
Prescott Audubon Society
Quad City Audubon Society
Queens County Bird Club
Rainforest Biodiversity Group
Robert Cooper Audubon Society
Rockbridge Bird Club
Safe Passage Great Lakes
Salem Audubon Society
Sangre de Cristo Audubon Society
Santa Barbara Audubon Society
Save Our Cabinets
Saving Birds Thru Habitat
Seattle Audubon Society

Smithsonian Migratory Bird Center
South Carolina Wildlife Federation
South Florida Audubon Society
Southern Adirondack Audubon Society
Southern Maryland Audubon Society
Spokane Audubon
St. Lucie Audubon Society
St. Petersburg Audubon Society
Tennessee Wildlife Federation
The Institute for Bird Populations
The Lands Council
Tippecanoe Audubon Society
Todd Bird Club
Tree Fredericksburg
Umpqua Watersheds
Virginia Society of Ornithology
West Virginia Highlands Conservancy
Western Great Lakes Bird and Bat Observatory
Yellowstone Valley Audubon Society