

## **Migratory Bird Treaty Act Sign-On Letter**

**RVAS signed on Jan. 19, 2018**

Dear Member of Congress,

On behalf of the undersigned organizations, we strongly urge you to defend the Migratory Bird Treaty Act (MBTA) -- one of our nation's oldest and most important wildlife conservation laws. In particular, we urge you to oppose any effort that undermines the ability to address the incidental take of birds under the MBTA.

This year, our nation celebrates the 100th anniversary of the signing of the Migratory Bird Treaty Act. Passed in 1918, the law is credited with saving many beloved species from extinction, such as the Wood Duck, Sandhill Crane, Snowy Egret, and more. The law 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 conserving nearly all of our nation's native birds. The MBTA protects more than 1,000 species, most of which are not covered by other laws, while also allowing for the regulation of hunting. The treaty and legislation aimed to protect a variety of birds that provide value to the country, including waterfowl and wading birds that were overhunted in the early 20th century, but also insectivorous and pollinating birds, such as hummingbirds, orioles, and woodpeckers, which help reduce agricultural pests and pollinate crops.

The MBTA has effectively protected birds in the decades since its passage, and is still needed now as much as ever. While our country has made great progress in conserving birds, hundreds of species remain at serious risk and many are facing long-term declines. The 2016 State of the Birds report found that one-third of our nation's bird species are of high conservation concern, and at risk of extinction without urgent conservation action. Birds face numerous modern-day threats. Impacts can often be avoided or minimized with basic precautions and best management practices, such as covering oil waste pits, flagging transmission lines, and following wind energy guidelines. MBTA protections have incentivized proactive conservation to help bird populations and limited the need for further protections under the Endangered Species Act.

The MBTA is now under serious threat. In December, the Trump administration issued a controversial legal opinion providing an interpretation that the law does

not apply to the incidental or accidental deaths of migratory birds, reversing decades of precedent. The opinion means that the administration will not hold industries accountable for preventable bird deaths. In Congress, H.R. 4239 – the “SECURE American Energy Act” – would change the law to cement this interpretation and permanently end the government’s ability to address major sources of bird mortality from industrial activities. This change would represent the most significant roll back of the MBTA in its 100-year history. It would dramatically reduce the incentive for industries to implement best practices that save birds, and would limit the accountability and recovery from events and activities that kill substantial numbers of birds. For example, after the Gulf of Mexico oil spill, which killed more than one million birds, BP pled guilty to violations of the MBTA, paying \$100 million to recover damages to birds impacted by the spill. These funds are being distributed through the North American Wetlands Conservation Act to restore habitat for waterfowl and other birds.

As we celebrate the 100th anniversary of the law and the incredible gains we have made to help protect our nation’s birdlife, we urge you to oppose any effort that would gut the MBTA and turn back the clock decades on bird conservation.

Carol Mockridge, President  
Rogue Valley Audubon