



LOUISIANA WILDLIFE FEDERATION

The voice of Louisiana's wildlife and natural resources since 1940.

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Resolution No. 4, 2021

SUBJECT: SUPPORT FOR THE MIGRATORY BIRD PROTECTION ACT AS A TOOL FOR STRENGTHENING THE MIGRATORY BIRD TREATY ACT

WHEREAS, the Migratory Bird Treaty Act (MBTA) is a one-hundred-year-old bedrock conservation law protecting migratory birds from both intentional and incidental takings; and

WHEREAS, the term “Incidental Take” is defined as the unintentional but often very significant and preventable taking (killing or capturing) of birds and a classic example is the 100,000 to a million birds killed during the BP Deepwater Horizon Oil spill; and

WHEREAS, many of the birds that have benefitted from the MBTA are birds of conservation concern and still in danger from a large array of threats; and

WHEREAS, in December 2017, a legal opinion was issued by the U.S. Department of Interior with the intent of eliminating the Incidental Take Provision of the MBTA; and

WHEREAS, in 2019, Louisiana Wildlife Federation voted unanimously in support of Resolution Number 3 in support of the Migratory Bird Treaty Act and its Incidental Take Provision that provides protections for birds from these industrial causes of bird deaths; and

WHEREAS, there is rule making currently in progress, but not yet concluded, to reverse the rollback of the Incidental Take provision that needs to be implemented immediately; and

WHEREAS, all of these facts thoroughly demonstrate a need for a strengthening and reaffirmation of the MBTA and the Incidental Take prohibition; and

WHEREAS, H.R. 5552, the Migratory Bird Protection Act, was introduced in the U.S Congress in 2020 to address that need; and

WHEREAS, H.R. 5552 requires that the U.S. Fish and Wildlife Service must regulate such incidental taking, including by (1) issuing general permits for certain industries that require companies to comply with best management practices and technologies developed to minimize bird mortality, (2) creating a mitigation fee for any incidental taking of migratory birds, and (3) identifying categories of de minimis risk activities that are exempt from liability for the taking of migratory birds; and

WHEREAS, the USFWS must establish and maintain a research program: (1) to evaluate the impacts of commercial activities on birds, (2) to evaluate the effectiveness of best management practices and technologies to avoid or minimize such impacts, and (3) to develop new or improved best management practices and technologies; and

WHEREAS, H.R. 5552 makes it explicitly clear how and when incidental take is covered, making it difficult for the MBTA to be reinterpreted to reduce migratory bird protections; and

WHEREAS, H.R. 5552 has been reintroduced in the U.S Congress in 2021 as H.R. 4833.

THEREFORE, BE IT RESOLVED that Louisiana Wildlife Federation supports the passage of the Migratory Bird Protection Act in order to enhance and strengthen the Migratory Bird Treaty Act and to protect this valuable resource and source of pleasure for all people.

Adopted by Louisiana Wildlife Federation in Convention Assembled virtually on August 21, 2021.