



FAST FACTS

Migratory Bird Treaty Act



Snowy egrets. Credit: Jim Barney/USFWS 2014.

The Migratory Bird Treaty Act protects over a thousand bird species from unnecessary death and harm. It is one of the United States' most important wildlife conservation laws. The National Wildlife Federation opposes any legislative or administrative efforts that undermine this Act or its ability to reduce the intentional or incidental loss of birds. We support the creation of a permit system so the U.S. Fish and Wildlife can better manage insignificant and unavoidable impacts to migratory birds.

We need the Act to protect birds at risk:

- Power lines kill up to 175 million birds a year.¹
- Communications towers in the U.S. and Canada kill up to 6.8 million birds a year.²
- Uncovered oil waste pits account for up to another 500,000 to 1 million bird deaths.³
- Wind turbines kill between 134,000 and 327,000 birds a year.⁴

Overview:

- The MBTA has played a vital role in saving many migratory bird species from extinction and decline, such as the Snowy Egret and Wood Duck.
- It was passed after the massive decline of many birds in the late 19th and early 20th century due to unregulated overhunting and unregulated commercial trade in bird feathers.
- The law is a sensible but strong act that provides protections for over 1,000 species.
- It allows for the regulated hunting of many bird and waterfowl species, but also prevents deaths caused by industrial activities, such as open mining pits and oil spills.

After the Gulf of Mexico oil spill, which killed more than one million birds, federal officials used the MBTA to ensure BP made recovery payments of \$100 million which is being used to restore habitat for waterfowl and other birds. This investment in critical recovery efforts would not have been possible without strong protections under the Act.

Recent and proposed changes would roll back the act's protections for birds.

- In December, the Department of Interior reversed decades of protections for birds against many industrial activities by issuing a memorandum concluding that the MBTA does not prohibit any incidental or accidental deaths.
- In Congress, legislative proposals* would permanently change the law to end the Act's ability to protect birds from incidental, but foreseeable and preventable, deaths from major industrial activities.

The Solution: A permitting system for consequential levels of incidental take.

Such a permitting system would protect birds and provide clear and consistent expectations to industries and individuals. It is specifically authorized in Section 703(a) of the MBTA which prohibits killing and taking of migratory birds “[u]nless and except as permitted by regulations made as hereinafter provided...”, and Section 704 which directs the Secretary of the Interior to “determine when, to what extent, if at all, and by what means” to allow taking, killing, and other harms.

Now is not the time to weaken America's landmark bird protection act. One third of North American birds are in trouble. This trend is part of a larger crisis impacting America's wildlife.

- The cerulean warbler has suffered a 75 percent decline between 1996 and 2012⁵, one of the steepest decline of any warbler species.
- Chimney swift populations declined in the United States by 53 percent from 1966 to 2007.⁶
- The number of wood thrush that breed in the United States has decreased more than 60 percent over the last 50 years.⁷
- The grasshopper sparrow has lost 68 percent of its population since 1970.⁸ Long-term data indicate the population has declined 8.4 percent per year in Ohio since 1966.⁹
- Rusty blackbirds, which breed in freshwater wetlands across boreal Canada and the U.S., have declined 89 percent in recent decades.¹⁰
- The Lewis's woodpecker has experienced a 67 percent population loss since 1970.¹¹
- The olive-sided flycatcher has experienced a 78 percent population loss since 1970.¹²
- The tricolored blackbird has declined by over 50 percent since 1970.¹³
- The evening grosbeak has declined 92 percent since 1970, the steepest decline of all land birds in the continental U.S. and Canada.¹⁴
- Black rails have experienced an ongoing long-term decline in distribution and abundance. While the exact rate of decline is unknown, in the long term the species has declines between 30 and 80 percent.¹⁵

*Amendment to Strengthening the Economy with Critical Untapped Resources to Expand (SECURE) American Energy Act ([H.R. 4239](#))

¹ US Forest Service 2005. https://www.fs.fed.us/psw/publications/documents/psw_gtr191/Asilomar/pdfs/1051-1064.pdf

² Longcore, T., et al. 2012. An Estimate of Avian Mortality at Communication Towers in the United States and Canada. *PLoS ONE*, 7(4).

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3338802/>

³ USFWS 2013. https://www.researchgate.net/publication/6805311_Avian_Mortality_at_Oil_Pits_in_the_United_States_A_Review_of_the_Problem_and_Efforts_for_Its_Solution

⁴ USFWS 2016. <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/wind-turbines.php>

⁵ NatureServe <http://explorer.natureserve.org/servlet/NatureServe?searchName=Dendroica+cerulea+>

⁶ IUCN. <http://www.iucnredlist.org/details/22686709/0>

⁷ Smithsonian 2016. <http://insider.si.edu/2016/01/loss-breeding-grounds-north-america-likely-cause-wood-thrush-decline/>

⁸ Partners in Flight 2017. <https://www.partnersinflight.org/species/grasshopper-sparrow/>

⁹ Ohio DNR. <http://wildlife.ohiodnr.gov/species-and-habitats/species-guide-index/birds/grasshopper-sparrow>

¹⁰ Partners in Flight 2017. <https://www.partnersinflight.org/species/rusty-blackbird/>

¹¹ Partners in Flight 2017. <https://www.partnersinflight.org/species/lewis-woodpecker/>

¹² Partners in Flight 2017. <https://www.partnersinflight.org/species/olive-sided-flycatcher/>

¹³ Partners in Flight 2017. <https://www.partnersinflight.org/species/tricolored-blackbird/>

¹⁴ Partners in Flight 2017. <https://www.partnersinflight.org/species/evening-grosbeak/>

¹⁵ NatureServe. <http://explorer.natureserve.org/servlet/NatureServe?searchName=Laterallus+jamaicensis>