

Congress of the United States
Washington, DC 20515

February 20, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We are writing to request a forty-five day extension of the public comment period regarding the February 3, 2020 proposed rule governing take of migratory birds under the Migratory Bird Treaty Act (MBTA) and the accompanying environmental impact statement (EIS). We also urge you to clarify your timeline and process for completing the EIS.

This proposed rule overturns decades of consistent MBTA interpretation by every past administration. We are concerned that it may violate international treaty obligations, contravene the text and purpose of the law,¹ and put millions of migratory birds at risk. Such a drastic policy change warrants careful consideration, no small part of which includes comment and input from the public.

The MBTA has protected migratory birds for over a century, deterring irresponsible behavior and holding bad actors accountable for conduct that results in the killing of large numbers of migratory birds. These protections are even more critical today, as scientists estimate that North America has lost three billion birds since the 1970s.²

A forty-five day extension of the comment period would be consistent with the ninety-day comment period the Department of the Interior (DOI) has granted for other significant rulemakings. The public cares deeply about birds, and their voices matter.

We look forward to your response.

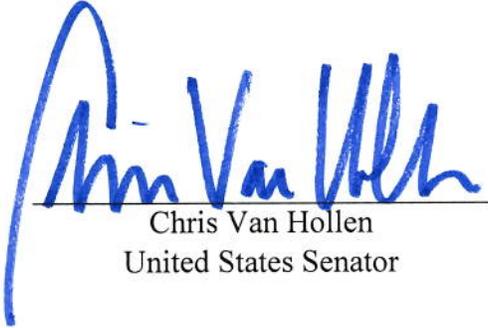
Sincerely,



Thomas R. Carper
Ranking Member
Senate Committee on
Environment and Public Works



Raúl M. Grijalva
Chairman
House Committee on Natural
Resources



Chris Van Hollen
United States Senator



Alan Lowenthal
United States Representative

¹ <https://www.doi.gov/sites/doi.gov/files/uploads/m-37041.pdf>

² Rosenberg, K. V. et al. 2019. Decline of the North American Avifauna. *Science* 365(6461). doi: 10.1126/science.aaw1313