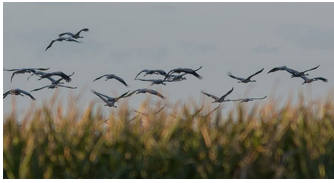


## Letter to the editor: You can speak out for birds

Written by Gallupsun Staff  
Friday, 20 March 2020 06:19

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### But you must do it by March 19

The Migratory Bird Treaty Act of 1918 has protected birds for 100 years. Protection stopped in 2017 when, two days before Christmas, the current administration “reinterpreted” the MBTA to protect birds only from *intentional* harm - that is, if the actual purpose of the activity is to kill a bird. If you stole a hawk egg, you could be prosecuted, but BP would have had no responsibility for the one million birds killed in the *Deepwater Horizon* disaster.

The U.S. Dept. of the Interior now asserts the MBTA was never intended to protect birds from unintentional death, called “incidental take.” However, ordinary industrial activities kill 1-5 billion birds a year through incidental take, accounting for 99.9% of all bird mortality. For example, a flock of birds can mistake a tar pit for a pond. Netting over the pit can prevent that.

Now a proposed rule would codify the reinterpretation, removing industry’s responsibility to do even that.

This is not “birds versus industry.” This is not a partisan issue (the late Senator John McCain was a birdwatcher and advocated for habitat restoration). MBTA does not stop industry. In fact, a new proactive permit process has been recommended to be added to the MBTA for when industry can’t reasonably avoid bird deaths. Permit terms would include mitigation, habitat restoration, or conservation funding.

The U.S. Fish and Wildlife Service’s own estimate is that 45 million birders in the U.S. spend \$41 billion annually on bird-related activity. Some of this money is spent traveling to places like

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New Mexico and staying in hotels and eating in restaurants.

Current and former federal legislators and officials and more than 500 non-governmental organizations have already voiced their opposition to the reinterpretation. Individuals can comment, too, and March 19, 2020 is the deadline for comment. You can go to <https://www.regulations.gov> and search FWS-HQ-MB-2018-0090.

Mesilla Valley Audubon Society (Las Cruces) officers and board members Aaron Lucas, Annie Mitchell, Diane Moore, Mark Pendleton, Gill Sorg, Elaine Stachera Simon, Sid Webb, and the New Mexico Audubon Council, representing four local chapters of the National Audubon Society in New Mexico, conserving and restoring natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biodiversity.

*Elaine Stachera Simon*  
*Las Cruces, NM*