



April 9, 2018

The Honorable Eduardo Garcia
1020 N Street, Room 160
Sacramento, CA 95814

RE: AB 2627 (Kalra): California Migratory Bird Protection - SUPPORT

Dear Assemblymember Garcia:

On behalf of above-signed organizations, we are writing in support of Assembly Bill 2627: California Migratory Bird Protection. This measure promotes conservation of migratory birds while providing guidance to industry on compliance with laws protecting migratory birds. Specifically, the bill does the following:

1. Ensures that birds protected under the federal Migratory Bird Treaty Act (MBTA) continue to be protected in California;
2. Provides a pathway for entities to obtain authorization of incidental take of migratory birds where they implement effective best management practices; and
3. Provides for a transparent reporting process whereby entities seeking incidental take authorization can self-certify compliance.

We believe these steps would create certainty for industry and maintain a commonsense balance of development and conservation.

This year is the 100th anniversary of the federal Migratory Bird Treaty Act. The MBTA is one of the nation's oldest and most effective environmental laws. It is credited with saving iconic bird species, including the

Sandhill Crane and the Snowy Egret, incentivizing the development of best management practices to reduce impacts to birds from industrial operations, and holding companies like BP and Exxon accountable for events like oil spills that kill tens of thousands of birds and other wildlife. Overall, the MBTA protects not only the nation's biodiversity but also billions in economic benefits that birds provide to the U.S. annually.

Unfortunately, the Trump Administration and members of Congress are weakening the MBTA through administrative and legislative efforts. The Trump Administration's actions create a huge loophole in the MBTA, allowing companies to engage in activities that routinely kill large numbers of migratory birds without requiring any avoidance, minimization, or compensation for those impacts. They would largely eliminate liability for impacts to birds from events like the Deepwater Horizon oil spill. The federal efforts undermine California's ability to protect migratory birds within the state and along our coastlines and creates uncertainty for the regulated community.

Assembly Bill 2627 addresses this situation by reaffirming that California has sovereign authority to protect migratory birds within its borders and by providing a clear path forward for authorizing take of migratory birds where best management practices and reporting requirements are met. While California law already strictly prohibits the killing of non-game migratory birds, it does not provide a pathway to comply with the law for industries whose activities inevitably kill birds. AB 2627 is designed to strike a balance between the need to protect migratory birds from unnecessary take and the burdens imposed on businesses and the Department of Fish & Wildlife to ensure compliance with the law.

It is important to note that AB 2627 does not change existing law related to the California Environmental Quality Act, the California Endangered Species Act, or California's Fully Protect Species provisions. Moreover, AB 2627 does not change the status quo for any entity that does not seek take authorization. In other words, AB 2627 creates a pathway for compliance for entities that want it, but entities may also choose to continue to operate as they always have without any additional requirements.

Protecting California's biodiversity, including its migratory birds, will only become more difficult in the future. California must step up to protect its birds and biodiversity as the federal government continues to retreat. AB 2627 strikes a reasonable balance between development and conservation. **It is for these reasons that we urge your support of AB 2627.**

Thank you,

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Audubon California

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