

Assembly Bill 454

California Migratory Bird Protection Act

Assemblymember Ash Kalra

SUMMARY

AB 454 will ensure that existing California migratory bird protections will remain in effect in the state regardless of any reinterpretations made by the U.S Department of the Interior under the current administration. Specifically, this bill will ensure that protections provided under the Migratory Bird Treaty Act (MBTA) will remain in force in California as it was listed in federal law on January 1, 2017.

BACKGROUND

Migratory birds are essential to California's natural history, biodiversity, and economy. There are over 600 species of migratory birds in California, which provide the primary interaction most Californians have with wildlife on a daily basis, connecting people to nature right in their own backyards. Migratory birds also provide important ecological functions, including insect control, pollination, and native plant seed dispersal. They also help generate millions in dollars for local economies that rely on hunting, bird watching, and the purchase of products and services related to both.

The MBTA, a century-old law that has been the foundation for migratory bird protection in North America, is one of the world's most effective environmental laws and is credited with helping to save iconic bird species. The MBTA protects more than 1,000 native U.S. species of birds, including the bald eagle, America's national bird, and other bird species that were near extinction before MBTA protections were put in place in 1918.

In December 2017, in a move that contradicted 100 years of federal policy, the Trump Administration issued a legal opinion saying it would no longer enforce the MBTA to protect migratory birds in cases of incidental bird deaths, effectively allowing industry to kill millions of migratory birds without the need to implement mitigation measures or to pay fines where large-scale killings of birds occur.

This federal weakening of the MBTA has been met with strong opposition throughout the U.S.

Specifically, over 500 organizations from all 50 states and Canada joined together to urge Congress to defend the MBTA.¹ In December, a bipartisan collection of seventeen former leaders of the DOI representing every White House going back to 1971 co-signed a letter opposing the Administration's interpretation and urging support for the MBTA.² Their letters emphasized that the Administration's interpretation creates a new loophole in the MBTA that will lead to the large-scale killing of birds without accountability, transparency, or the implementation of reasonable avoidance and mitigation requirements.

In response to the federal government's rollback on these protections, a [legal advisory](#) was jointly released by California Attorney General Xavier Becerra and the California Department of Fish and Wildlife (CDFW) on Nov. 28, 2018, reasserting California's protections for migratory birds, including a prohibition against incidental take, remain clear and unchanged.

Unfortunately, we live in a time where actions like these are becoming the norm, where states are having to undertake their own actions to keep in place federal protections for wildlife that are under threat by the current federal administration. As federal rollbacks to the MBTA have created a vacuum in wildlife protection, certainty and consistency is needed for both conservation efforts and industry to ensure that birds and other natural resources are protected.

SOLUTION

AB 454 ensures that migratory bird protections under the MBTA as of Jan. 1, 2017, will continue to be enforced in California, regardless of rollbacks

¹

https://www.audubon.org/sites/default/files/migratory_bird_treaty_act_letter_to_congress_from_500_groups_1.pdf

² <https://defenders.org/publications/mbta-zinke.pdf>

made at the federal level. The MBTA authorizes states to make and enforce laws or regulations that give further protection to migratory birds, their nests, and eggs.

As the Trump Administration continues to weaken key environmental protections, this bill will help California continue its legacy of conservation, maintain vital protections for our state's incredible diversity of birds, and safeguard our treasured ecosystem for future generations.

SPONSOR

Audubon California

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