



January 13, 2020

The Honorable Raul Grijalva
Chairman
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Grijalva and Ranking Member Bishop:

The Public Lands Council (PLC), National Cattlemen's Beef Association (NCBA), and American Sheep Industry Association (ASI) oppose H.R. 5552, the Migratory Bird Protection Act. PLC is the only national organization dedicated solely to representing the roughly 22,000 ranchers who hold federal grazing permits and operate on federal lands. NCBA is the beef industry's largest and oldest national marketing and trade association, representing American cattlemen and women who provide much of the nation's supply of food and own or manage a large portion of America's private property. ASI is a federation of forty-five state sheep associations representing a diverse industry since 1865 and has been the national trade organization representing the interests of the 100,000 sheep ranchers located throughout the country who produce America's lamb and wool.

Despite its title, this bill would do little to protect migratory birds. Rather, it overturns a commonsense legal opinion made by the Interior solicitors. The previous interpretation of "incidental take" was overbearing and often applied improperly. We were glad to see the 2017 Interior Solicitor's opinion that clarified that the unintentional loss of a protected avian species from an otherwise lawful activity does not constitute an "incidental take" of that animal. Ranchers should not be held liable for those unintended, unforeseen, and rare occurrences where a normal operating activity results in the loss of a protected avian species—especially when many of those species enjoy stable populations and are listed by the International Union for the Conservation of Nature as being of "Least Concern".

As part of their business operations, ranchers across the United States conserve open spaces, wildlife habitats, and ecosystem connectivity by managing land to promote natural resources. By empowering them with a clear and consistent regulatory environment in which to perform these crucial functions, the birds can continue to enjoy thriving populations and rural Americans can make good land management decisions without fear of punitive repercussions.

PLC, NCBA, and ASI appreciate the opportunity to provide our input on behalf of our members – the nation's food and fiber producers. We urge your no-vote on H.R. 5552, the Migratory Bird Protection Act.

Sincerely,

Public Lands Council
National Cattlemen's Beef Association
American Sheep Industry Association