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October 18, 1993

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Mr. Craig Harrison
Pacific Seabird Group
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P.O. Box 19230
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Dear Mr. Harrison:

I am writing to solicit your comments on the attached migratory bird conservation legislation. As you know, there currently is tremendous public interest in migratory birds, thanks in part to the Partners in Flight Program and the efforts of many agencies and nongovernmental organizations. Given this interest, I believe we have a real opportunity to review and strengthen our laws relating to the conservation of migratory birds, especially the nongame species. The National Audubon Society has approached the Subcommittee about a possible migratory bird legislative initiative, and we have spent the last several months preparing the enclosed "discussion draft". The proposed legislation requires development of regional habitat management plans, strengthens implementation of the Western Hemisphere Convention and the migratory bird conventions with Russia and Japan, increases penalties for violations of the Migratory Bird Treaty Act, and addresses the lack of data and attention to takings of migratory birds in commercial fisheries.

I am interested in having your written comments on and suggestions for this draft migratory bird legislation. I welcome your feedback on the entire draft, or simply on those sections that particularly interest you. Here are four questions of particular interest to me:

- Would hiring a federal Partners in Flight coordinator (roughly modeled after the North American Waterfowl Plan coordinator) be helpful as the Partners in Flight working groups and joint committee define and seek to implement national and regional priorities? Is there a different mechanism that would be more effective?

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- Are there examples of cases where violations of the Migratory Bird Treaty Act were not prosecuted because of the low penalties in the MBTA? Are there cases where a judge failed to take seriously a violation of the MBTA when sentencing a violator because of the low criminal penalties or lack of civil penalties?
- Are there examples of cases under the MBTA that should have been prosecuted, but were not, because the felony standard for "takings is limited to violations for "bartering and selling"?
- Are there areas of concern with respect to migratory bird conservation that are not addressed in this legislation but that are within the jurisdiction of the Committee on Merchant Marine and Fisheries?

I would appreciate having your written reply by the close of business on Friday, October 29. This draft is being circulated only for discussion purposes, and both the Subcommittee and Audubon staff would appreciate it if you would not circulate it any more widely than necessary for purposes of internal review. Thank you, and I look forward to hearing back from you.

Sincerely,



Gina De Ferrari
Senior Staff

Enclosures