



Challenges to the Migratory Bird Treaty Act by **Coralie Palmer**, IWF Board Member

▲ Photo: Whooping Crane pair at Goose Pond
by Aaron Stump, IWF staff

Whether catching a glimpse of the endangered Kirtland's Warbler (*Setophaga kirtlandii*) at Indiana Dunes State Park, spotting some of the 265 bird species documented at Indianapolis' beautiful Eagle Creek Park or watching the incredible spectacle of the Sandhill Crane (*Antigone canadensis*) migration at Goose Pond, Indiana has some wonderful highlights for bird watchers and wildlife enthusiasts.

These birds have great inherent value and provide enjoyment for so many people throughout our state, as well as being important economic drivers and providing essential ecological services - such as agricultural pest control, seed dispersal and pollination of crops.

Recognizing the importance of migratory birds, the U.S. and Canada signed the Migratory Bird Treaty in 1916, one of the first international agreements to protect wildlife. The treaty was signed into law in 1918 as the Migratory Bird Treaty Act (MBTA), becoming one of the oldest and most influential pieces of U.S. environmental legislation. Subsequent bilateral treaties were signed with Mexico (1936), Japan (1972), and Russia (1976).

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The MBTA made it illegal, unless permitted by regulations, to “pursue, hunt, take, capture [or] kill” any migratory bird “at any time, by any means or in any manner”.

The law protects nearly all U.S. native birds, covering more than 1000 species (many of which are not covered by other laws) and has been credited with saving species such as the Snowy Egret (*Egretta thula*) and Wood Duck (*Aix sponsa*). Formulated primarily to protect migratory birds from unregulated hunting, it has been a critical conservation tool as threats have changed with time.

As industrial threats have increased, the MBTA has been essential in bringing government, industry and conservation groups together to develop best practices that minimize incidental bird deaths. Millions of birds are killed every year by preventable industrial causes, including interactions with oil waste pits, transmission lines, communication towers, wind turbines and oil spills. The MBTA has helped reduce these deaths, for example by ensuring that exposed oil pits are covered with nets and transmission lines are flagged, and by improving commercial fishing techniques to reduce seabird drowning. The MBTA provides incentives to implement best practices, and means for enforcement and accountability to aid recovery where needed. After the 2010 Deepwater Horizon oil spill, as part of the settlement for violating the MBTA, BP agreed to pay \$100 million to the North American Wetlands Conservation Fund to support wetland restoration and conservation.

However, on the eve of the MBTA’s 100th anniversary, at a time when more than one-third of North American bird species are of high conservation concern and as fragile populations are facing increasing challenges, this important piece of environmental legislation is under threat.

In December 2017, the Department of the Interior announced a new legal memorandum, reinterpreting the MBTA and concluding that its prohibitions “only criminalise affirmative actions that have as their purpose the taking or killing of migratory birds”. This controversial interpretation reverses decades of precedent and removes avenues for legal recourse against companies for preventable bird deaths. In a January 10, 2018 letter, seventeen former Interior officials, including U.S. Fish and Wildlife directors under Presidents Nixon, George H.W. Bush, Clinton, George W. Bush and Obama, renounced this reinterpretation, stating “This legal opinion is contrary to the long-standing interpretation by every administration (Republican and Democrat) since at least the 1970’s, who held that the Migratory Bird Treaty Act strictly prohibits the unregulated killing of birds.....we respectfully request that you suspend this ill-conceived opinion...Your new interpretation needlessly undermines a history of great progress, undermines the effectiveness of the migratory bird treaties, and diminishes U.S. leadership”.

Additionally, Congress is considering the SECURE American Energy Act (H.R.4239); an amendment to this bill, added by Congresswoman Liz Cheney, obviates liability for the incidental or accidental take of migratory birds under the MBTA.

These moves effectively mean that industries will not be held responsible for bird deaths that result from their activities; there is real concern that this will greatly reduce incentives for implementation of best practices that reduce mortality.

As we enjoy the many bird watching highlights in Indiana this summer, we urge our representatives to consider the great value of migratory birds and the critical role the MBTA has played in their protection, and to oppose any efforts that undermine this Act.

Reminder the IWF Memberships expire on June 1st!

IWF’s outreach, education, and advocacy would not be possible without the support of our dedicated members. By renewing your membership, you’ll help promote common sense conservation in Indiana for years to come and strengthen our unified voice on critical wildlife and habitat issues.

It’s easy to renew today, simply visit www.indianawildlife.org and click the RENEW button!

Letter from the Executive Director

Greetings IWF Members,

As we look through the 80 years of archived conservation work of this organization, we can see so many of the same calls-to-action relating to protecting our wildlife habitat, water, soil and air. But as the world rapidly changes around us and the negative effects of development, population growth, industry and food production are advancing at a staggering pace—how does a wildlife organization stay relevant?



When IWF first incorporated in 1938—we were largely comprised of hunting and fishing clubs across Indiana that consolidated to strengthen their voice and organize around conservation issues more effectively. At that time approximately 800 clubs joined together to form the Indiana Conservation Council, Inc. (ICCI) and those united clubs gave ICCI, now IWF, the power to influence policy, educate the public, and share their passion and respect for Indiana's natural resources and beauty.

Today fewer than 50 conservation clubs exist in our organization. The number of hunters and anglers participating in this activity is rapidly declining in Indiana and across the country. While some people who fundamentally oppose hunting may celebrate—this decline is having catastrophic effects because nearly 60% of all conservation funding in this country comes from hunting and fishing license sales. The National Wildlife Federation states that current funding for wildlife conservation is less than 5% of what is necessary.

So as wildfires burn on, invasive species rapidly take root, and the built environment encroaches further into natural one—we feel it is time to unite our voices again. Whether you are a hunter or a hiker, a fisher or a photographer—you are the voice of a Hoosier conservationist, and we are so glad you are here.

IWF is proud of our legacy of common-sense conservation. As the physical landscape changes and the political landscape shifts, our policies and positions remain rooted in sound-science, careful research, thoughtful discussion and our passion for Indiana's wildlife. We stay relevant by having [engaged members](#) that are willing to [volunteer](#), vote and [donate](#) to our common cause when federal and state mechanisms begin to fail. With your help, IWF will continue on for another 80 years bolstering the work of our non-profit and government agency partners, advocating for the sound management and sustainable use of Indiana's natural resources.

Yours in conservation,

Emily Wood, Executive Director

Calendar Updates

June 9-10 - Conner Prairie Curiosity Fair

June 10 - National Get Outdoors Day

June 10-18 - Nature Play Days

June 11 - Habitat Workshop for Marion Co Master Gardener's

June 15 - Holt Scholarship Application Deadline

June 16 - IWF Members Only Float Trip

June 19-25 - Pollinator Week

July 21 - Greenwood Habitat Workshop

August 24 - Next IN Campfires Hike

Volunteer Opportunities

IWF is a small organization and we rely on our amazing volunteers to make our events happen. These are some of the ways in which you can help:

- **Booth Events**

Every year, we promote our organization at booth events like Earth Day and Conner Prairie's Curiosity Fair. We need enthusiastic volunteers who want to engage with the public, talk about being an IWF member, and help us run our giveaways and games.

- **Planting, Removal, and Clean Up**

This year, we want to have more hands on outdoor work. If you like to get your hands dirty and clean up our shared spaces, we will have several opportunities.

- **Photography**

Are you an avid photographer? We are always looking to showcase great nature photography. Donating the use of your photos to IWF helps us and spotlights your talent!

To find out about all our opportunities visit: www.indianawildlife.org/about/volunteer/. To volunteer, email us at info@indianawildlife.org.



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*We are excited to offer
the RANGER RICK
family of magazines!*



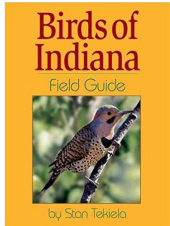
Were **YOU** a Ranger Rick kid?

Visit www.nwf.org/iwfkidsgift to introduce a lucky kid to nature. \$5 of every subscription benefits IWF!

There's Still Time to Apply for the 2018 Holt Scholarship!

The June 15th deadline for applications is quickly approaching. Please remind any students you know who are at or above a sophomore level and studying a field related to resource conservation or environmental education to submit their applications!

Visit www.indianawildlife.org/Holt-Scholarship to apply.



The 2018 Annual Kids' Contest has officially closed. Congratulations to our prize winners below!

1st - 2nd Grade

Luke S
Genesis N
Bryson D

3rd - 4th Grade

Josiah J
Kaden K
Ishmael H

5th - 6th Grade

Kaylen H
Caleb O
Heather S



Invasive Alert!



The problem with Callery Pears

You have no doubt heard plenty about the Callery Pear Tree this year. Once considered sterile, the hybridization of these ornamental trees has allowed them to reproduce and escape cultivation, rapidly invading natural areas and devastating habitats. Even seemingly innocuous neighborhood stands can contribute to the invasion of roadside woodlands and grasslands. In fact, if you're driving along a highway in April and you spot clusters of white-flowered trees in the woods, chances are you're looking at invasive Callery Pears.



We completely understand the daunting task of removing a tree and replacing it. While it can be a lot of work and a drastic change, think of the new wildlife you will see and the feeling of knowing you are not only removing a bad tree, but replacing it with something that will create habitat.

A Serviceberry (*A. canadensis*) can serve as a perfect replacement. Similar in stature and color, these trees provide ample amounts of berries to attract birds like the Cedar Waxwing. Their hearty nature allows them to thrive even on roadsides. Another option is the Flowering Dogwood (*C. florida*), which has much larger blooms and can handle light shade. For a change of color, the Eastern Redbud (*C. canadensis*) is a beautiful short-stature tree with pink blooms. Yellowwood trees (*C. kentuckea*) are an underappreciated medium sized tree with hanging strands of white flowers that also serve as a great native substitute. Finally, Chokecherry (*P. virginiana*) is a versatile short-stature tree with bloom time and color similar to the Callery Pear, but with a pleasant, sweet fragrance.

Meet our new interns!

I'm Reed McMurray, a Senior at Purdue University studying Corporate Communication. I'm from La Grange IL, a west suburb of Chicago, and have lived in Chicago my whole life leading up to Purdue. With a lifelong passion for wildlife, I hope to expand both as a professional and as a person with IWF. I love animals and often volunteer to walk dogs at a local no kill shelter. I love sushi and enjoy getting dinner with my parents, brother, and sister. I have great interest in fitness and cooking healthy meals like chicken and broccoli or salmon and avocado. I listen to many musical artists ranging from Greta Van Fleet to Nas. My favorite movie is Goodfellas and I love to watch basketball and soccer.



My name is Jade Kawamoto, and I just graduated from the University of Dayton with a degree in International Studies, with minors in Sustainability and Spanish. I was born and raised in Maui, Hawaii, and my family moved to Indiana when I was nine years old. Growing up on a beautiful island, I have always had a passion for the environment and wildlife, and I plan to pursue a career in the environmental field. Other interests of mine include music, politics, and sports, and I played on the Women's Tennis team at the University of Dayton for four years. I am excited about interning with IWF and continuing my passion for helping the environment.



Habitat Programs Updates

Certified Habitat Workshop

We have delivered habitat programs across Indiana this year! We have been from Boonville to Schererville (below). If you belong to a group that is interested in scheduling a free habitat workshop, you can contact Aaron at stump@indianawildlife.org.



Certified Sustainable Trails

IWF recently visited with representatives from the DePauw Nature Park. The site is one of the cleanest and most beautiful natural areas we have had the pleasure of visiting. This fall, we will be moving forward with trail certification efforts and we're very excited to bring our members to programs in the park!



Corporate Sponsorship for Conservation

Does your business share the IWF vision of sustainable wildlife and wildlife habitats for Indiana? If your business would like to show its commitment to conservation and be highlighted for doing so through our communications and website, please contact us by email at info@indianawildlife.org or by phone at 317-875-9453