

# Billion Birds at Risk as US Pushes Final Rule Ahead of Biden

Media Mentions

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Bracewell's **Ann Navaro** talked with *Bloomberg Law* about a proposed rule that would codify a 2017 interpretation of the century-old Migratory Bird Treaty Act.

An August court ruling in the US District Court for the Southern District of New York said Interior Solicitor Daniel Jorjani's interpretation diminished the act to a "hunting-regulation statute, preventing it from addressing modern threats to migrating bird populations." The court rulings may be moot after President-elect Joe Biden takes office. The Interior Department is expected to withdraw Jorjani's 2017 opinion and then "identify a course of action to return to the previous interpretation and enforcement approach," said Navaro.

"I am confident that the Biden Administration will look for a way to suspend or repeal the new rule fairly quickly," added Navaro.

Among the oldest wildlife protection laws on the books, the Migratory Bird Treaty Act makes it unlawful without a waiver to pursue, hunt, take, capture, kill or sell approximately 800 species of birds listed as migratory birds. This new rule could lead to more widespread killings of migratory birds, and companies would be less likely to implement best practices to protect them.

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