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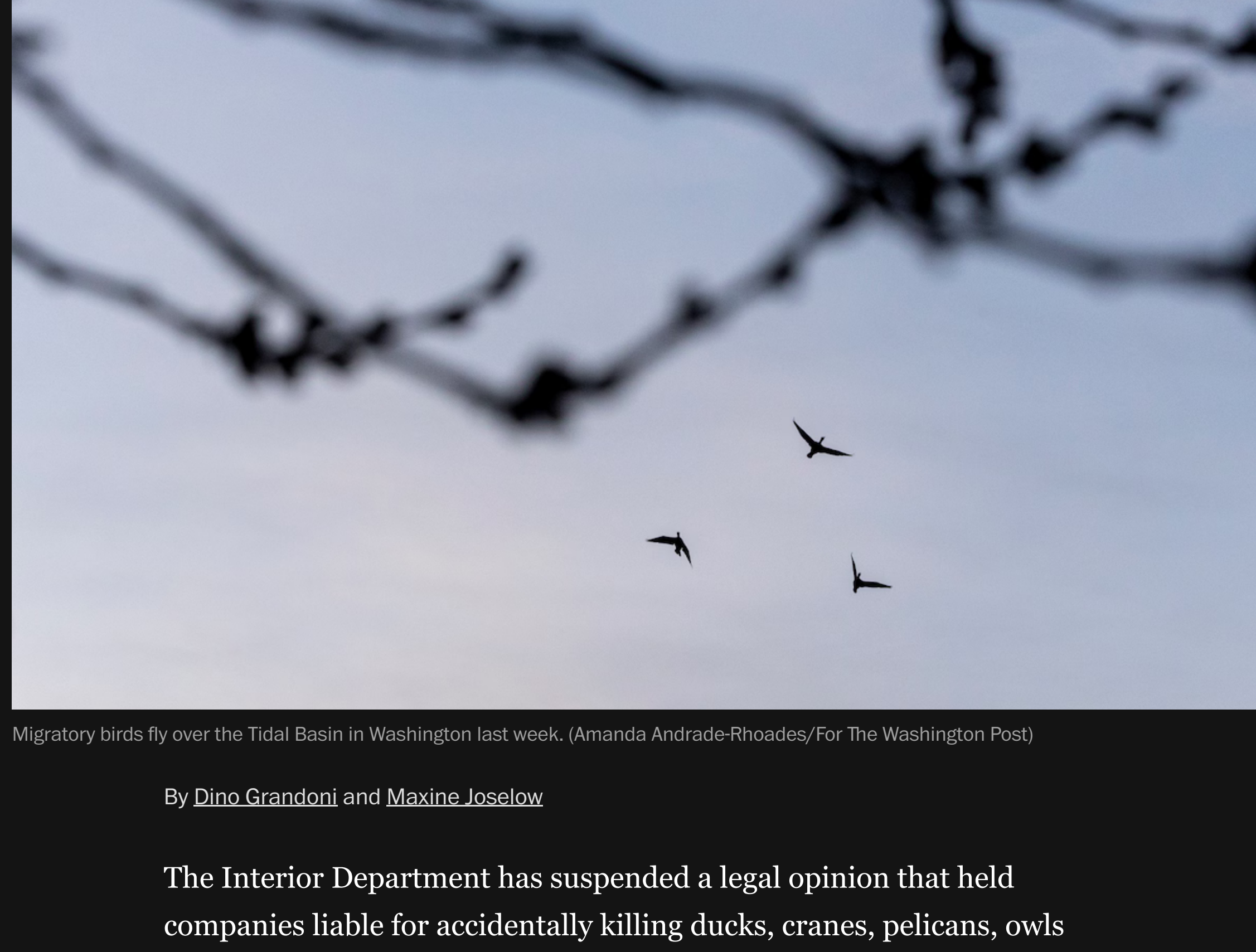
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# Trump moves to relax rules against killing migratory birds

The Interior Department suspended a legal opinion holding companies liable for accidentally killing ducks, cranes, pelicans, owls and other bird species.

17 minutes ago

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Migratory birds fly over the Tidal Basin in Washington last week. (Ananda Andrade-Rhoades/For The Washington Post)

By [Dino Grandori](#) and [Maxine Joselow](#)

The Interior Department has suspended a legal opinion that held companies liable for accidentally killing ducks, cranes, pelicans, owls and hundreds of other bird species.

In a [memorandum](#) dated Feb. 28 but posted online in recent days, Interior's acting chief lawyer suspended every legal opinion issued by the Biden administration, including one that subjected companies to penalties for accidentally killing birds through activities such as oil and gas drilling, wind energy production, mining or construction.

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The move delivers a win to the oil and gas industry, which has argued that the government has unfairly punished companies that never intended to harm birds. But it has sparked alarm from conservationists who warn that bird populations are already plunging due to climate change and human encroachment into their habitats.

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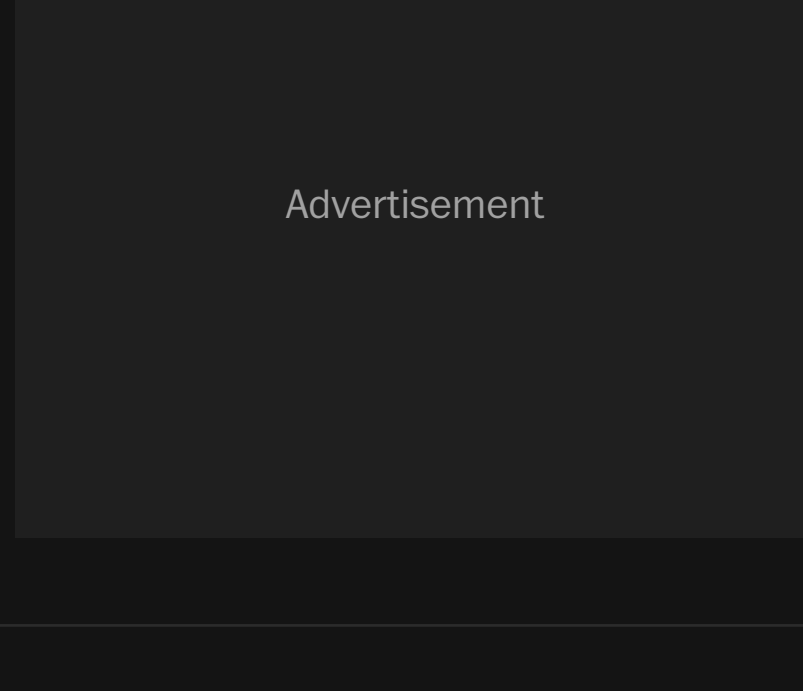
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"This is going to affect a significant number of migratory birds, and we're already seeing plummeting populations of certain species," said Tara Zuardo, an attorney at the Center for Biological Diversity, an environmental group. "This is big."

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Scott Lauer, a spokesman for the American Petroleum Institute, the top lobbying arm for the U.S. oil and gas sector, said in an email: "Our industry is committed to the protection of migratory birds, and we look forward to working with the Department of the Interior to advance common sense policies that both protect wildlife and support American energy dominance."

The move modifies the government's interpretation of the Migratory Bird Treaty Act, which prohibits unauthorized "take" of hundreds of bird species — regulatory-speak for hunting, killing, capturing, selling or otherwise hurting the animals.

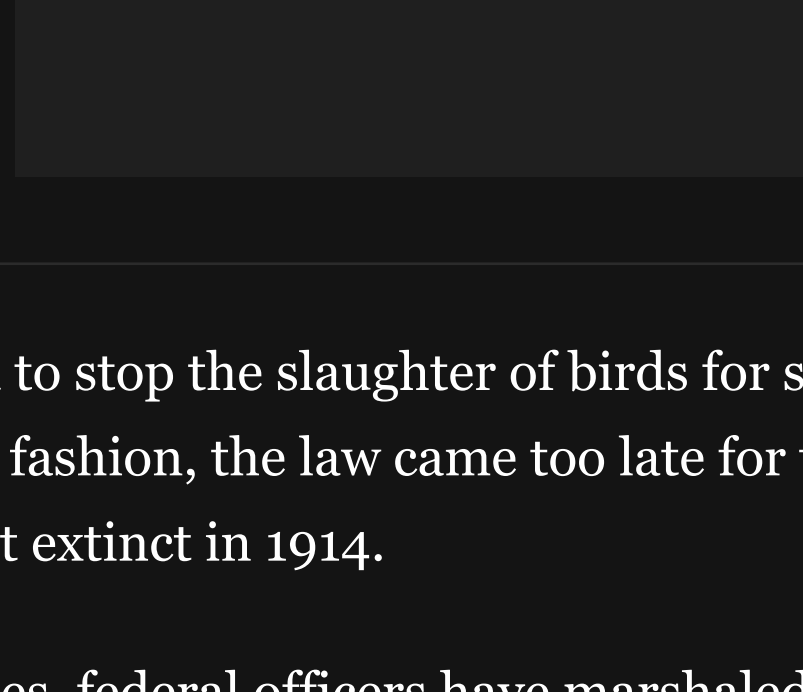


The [oil tycoon Harold Hamm](#), who helped raise millions of dollars for Trump's 2024 campaign, has long criticized penalties under the landmark law.

The issue is personal for Hamm, the billionaire founder of Continental Resources. In 2011, the U.S. attorney in North Dakota brought criminal misdemeanor charges against seven oil companies, including Hamm's, for failing to prevent 28 migratory birds from dying in waste ponds. The companies faced maximum fines of \$15,000 per bird. (In Continental's case, the feathered victim was a Say's phoebe, a type of flycatcher.)

A Continental spokeswoman did not immediately respond to a request for comment.

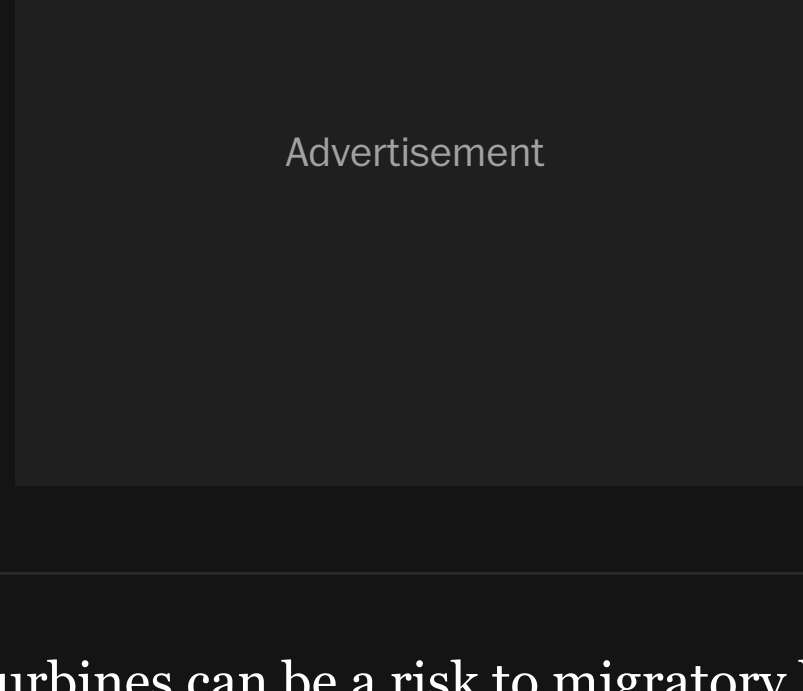
Passed in 1918, the Migratory Bird Treaty Act is one of the nation's oldest environmental laws. Congress acted after the disappearance of several once-common birds such as the passenger pigeon.



Originally adopted to stop the slaughter of birds for sport or for the use of their feathers in fashion, the law came too late for the passenger pigeon, which went extinct in 1914.

But over the decades, federal officers have marshaled the law to hold oil companies accountable after some of the nation's biggest environmental disasters, including the [Exxon Valdez](#) and [Deepwater Horizon](#) oil spills, each of which killed hundreds of thousands of birds.

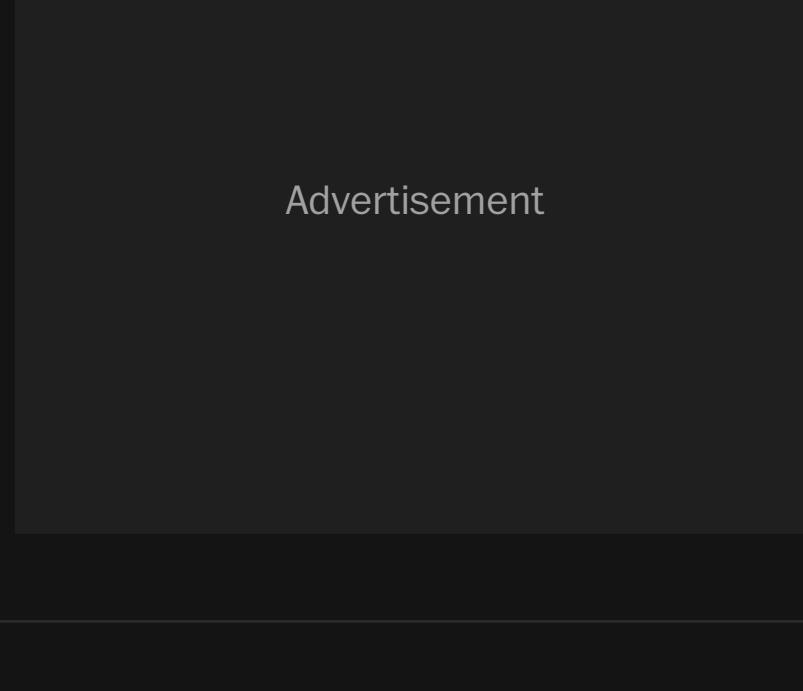
In addition to fossil fuel development, wind turbine blades [can accidentally kill birds](#), underscoring the trade-offs of the nation's transition to clean energy. But [research suggests](#) that house cats cause far more bird deaths in the United States each year, and that [painting the turbine blades black](#) can help reduce fatalities.



"Obviously, wind turbines can be a risk to migratory birds," said Andrew Carter, director of conservation policy at Defenders of Wildlife, an environmental group. "Renewable energy is important, and it can be done in a way that respects that these birds have to be protected."

During Trump's first term, Interior [clipped the wings](#) of the Migratory Bird Treaty Act by limiting prosecution to those who purposefully killed birds. But a federal judge [struck down](#) that decision in 2020.

Referring to Harper Lee's famous novel, U.S. District Judge Valerie E. Caproni wrote: "It is not only a sin to kill a mockingbird, it is also a crime. ... But if the Department of the Interior has its way, many mockingbirds and other migratory birds that delight people and support ecosystems throughout the country will be killed without legal consequence."



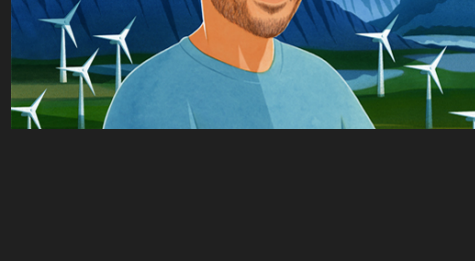
In 2021, President Joe Biden's administration [reversed the Trump rule](#).

"This is such a long-standing issue that has kind of ping-ponged over the last three or four administrations," said John Leshy, who served as Interior's solicitor under President Bill Clinton.

The memorandum revoking Biden-era legal opinions was signed by Gregory Zerzan, a senior adviser at Interior who has been exercising the authority of solicitor. It suspends 20 opinions pending a review of whether they should be "reinstated, modified or revoked." The other opinions touch on issues as varied as mining waste, wildlife refuges and Alaska Native villages.

"The Department of the Interior has temporarily suspended certain legal opinions issued under the previous administration to allow for a comprehensive review," Interior spokeswoman Elizabeth Peace said in an email. "This is a routine process that ensures alignment with President Donald J. Trump's policy priorities. We will provide further updates as the review progresses."

14 Comments

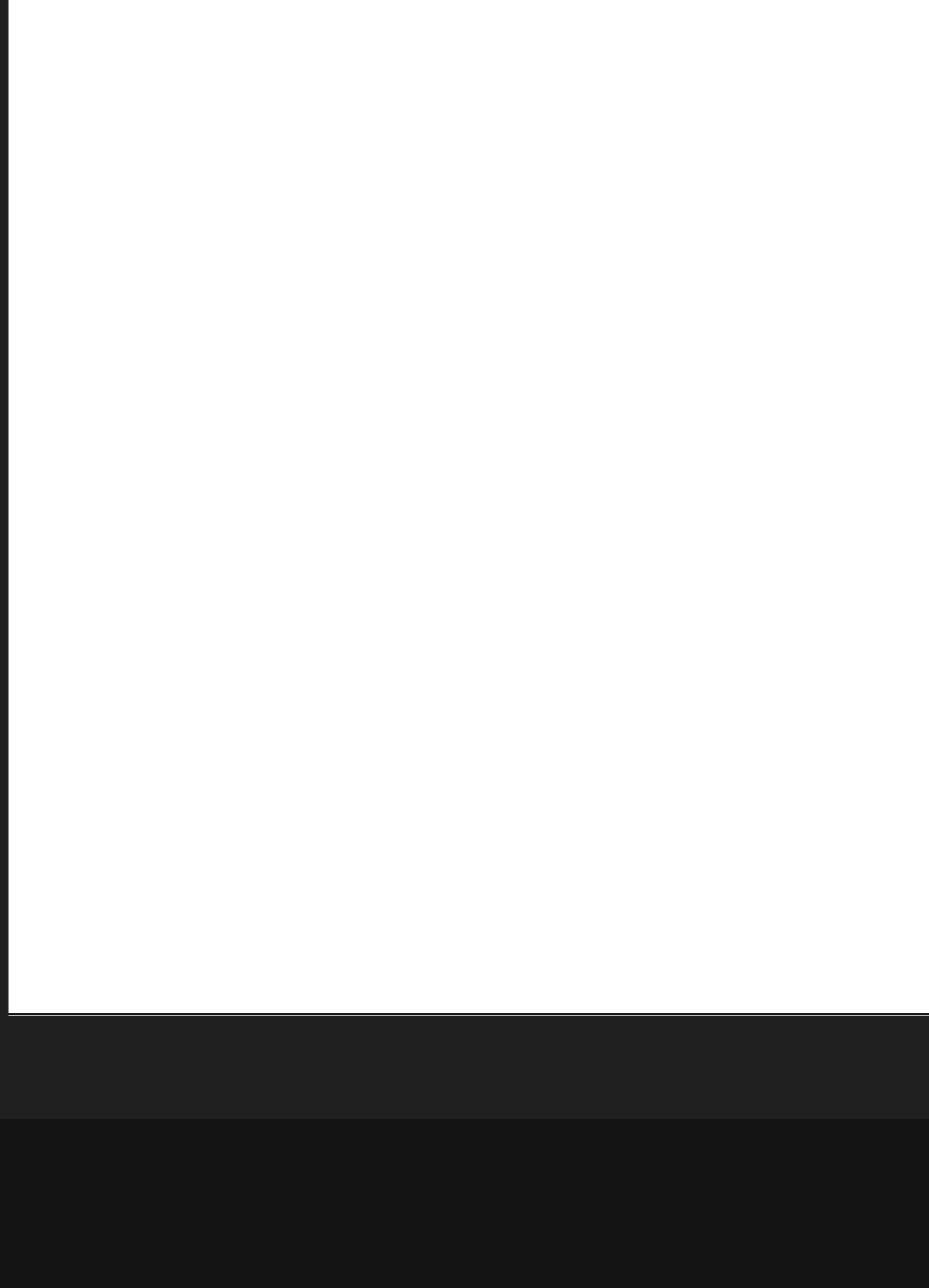


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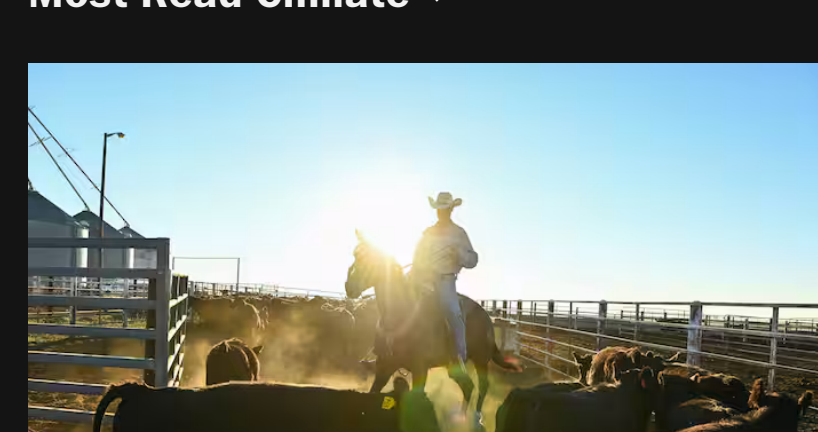
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