



June 23, 2026

Sent via U.S. Mail and Email

Jerome Ford
Assistant Director, Migratory Bird Program
U.S. Fish and Wildlife Service
1849 C Street, NW
Room 3331
Washington, DC 20240
Jerome_Ford@fws.gov

Re: Request for Enforcement of the Migratory Bird Treaty Act for Take Caused by Management, Operation, and Regulation of the Lincoln Memorial Reflecting Pool Renovations

Dear Assistant Director Ford,

On behalf of Center for Biological Diversity, we submit this letter requesting that the U.S. Fish and Wildlife Service (Service) enforce the Migratory Bird Treaty Act (MBTA) as it pertains to the death of migratory birds found near the Lincoln Memorial Reflecting Pool this month (June 2026). On June 21, a duckling was found floating in the algae-laden water and now the bodies of two more birds — a juvenile and an adult — have been recovered from a pond at Constitution Gardens, approximately 250 feet away from the Reflecting Pool.

While a definitive investigation is necessary, it is quite probable that dumping of hydrogen peroxide, peeling paint that was used as part of an effort to make the pool look more blue, or algal blooms that followed the restoration effort contributed to the deaths.

The Migratory Bird Treaty Act prohibits the “take” of protected migratory birds, including killing, capturing, selling, trading or transporting them without prior authorization from the Service. Through its law-enforcement program, the Service is charged with detecting and addressing violations of federal wildlife laws, including unlawful killing of migratory birds.

These deaths demand a full and independent investigation and, if warranted by the evidence, prosecution under the Act. No individual, corporation or government official should be above the nation's wildlife-protection laws. The Act was enacted to protect migratory birds from unlawful killing, and its protections should apply equally, regardless of who is responsible for the harm.

Without the Service’s enforcement of the MBTA, we are gravely concerned that additional actions and exposure at the Pool will continue to cause migratory bird deaths. Last year, the Service acknowledged that “[o]ver the last 50 years, the total population of North American birds has declined by an estimated 3 billion birds,” and “[m]any of the 1,093 species of birds protected under the MBTA [] are experiencing population declines due to increased threats

across the landscape.”¹ This alarming trend emphasizes the need to prevent the needless harm and death of migratory birds across the country.

Thank you for considering our request. If you have any questions, please contact Tara Zuardo at tzuardo@biologicaldiversity.org or (415) 419-4210. In any case, we respectfully request a response to this letter within thirty days so that we and other members of the interested public know whether migratory birds will be protected in the manner dictated by federal law.

Sincerely,

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¹ Migratory Bird Permits; Authorizing the Incidental Take of Migratory Birds, 86 Fed. Reg. 54,667, 54,668 (Oct. 4, 2021).