MAY 17 2010

The Honorable Barbara Boxer
Chair, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510-6175

Dear Madam Chair:

Seabird populations are in decline and are increasingly threatened at a rate faster than all other groups of birds. *The State of the Birds,* a 2009 report on the status of U.S. birds, reported nearly half of the 81 bird species regularly occurring in U.S. ocean waters, including four that are federally listed as endangered or threatened, are of conservation concern.

The Agreement for the Conservation of Albatrosses and Petrels (ACAP or the Agreement) entered into force in 2004. ACAP is an international multilateral agreement that seeks to conserve albatrosses and petrels by coordinating international activity to mitigate known threats to albatross and petrel populations. There are 13 parties to ACAP: Argentina, Australia, Brazil, Chile, Ecuador, France, New Zealand, Norway, Peru, the Republic of South Africa, Spain, United Kingdom, and Uruguay.

Joining ACAP has been a priority for the United States since 2006 due to the Nation's interest in seabird conservation. On September 26, 2008, and January 16, 2009, respectively, a request for advice and consent and then comprehensive legislation to implement ACAP was transmitted to the United States Senate in pursuit of U.S. accession to the Agreement.

In May 2009, the Department of State sent a letter to the Senate Committee on Foreign Relations that enclosed a list of the Administration's priorities for treaties pending before the Senate. ACAP is among those treaties on which the Administration supports Senate action at this time. This Administration also continues to support Congressional consideration of comprehensive ACAP implementing legislation.

Enacting comprehensive implementing legislation, coupled with ratification of ACAP, would enable the United States to proactively conserve and protect populations of albatrosses and petrels that nest, feed, or rest in the United States or in U.S. territories, including the waters over which the United States has jurisdiction. Enacting implementing legislation would also underscore U.S. commitment and support for seabird conservation more broadly.

We look forward to working with Congress to pass legislation essential to protecting albatrosses and petrels and to implementing ACAP. Thank you for your attention to this matter.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of these views for your consideration and the consideration of the Congress. For more information about ACAP and the Administration's efforts to conserve these species, please contact Christopher Salotti, Legislative Counsel, Office of Congressional and Legislative Affairs for the Department of the Interior at (202) 208-7693, or April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs for the Department of Commerce at (202) 482-3663.

Sincerely,

Thomas L. Strickland
Assistant Secretary for
Fish and Wildlife and Parks
Department of the Interior

Cameron F. Kerry
General Counsel
Department of Commerce

cc: The Honorable James M. Inhofe
The Honorable John D. Rockefeller
The Honorable Kay Bailey Hutchison