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January 6, 2026

The Honorable Brian Nesvik
Director
U.S. Fish and Wildlife Service
1849 C Street NW
Washington, DC 20240

Dear Director Nesvik:

Congratulations on your confirmation to lead the U.S. Fish and Wildlife Service (USFWS). As you review and implement policies that impact waterfowl in North America, I'd like to share my concerns regarding the decline in annual waterfowl migration in Louisiana. The widespread practice of "legal baiting" throughout the northern regions of the Mississippi Flyway has played a significant role in the decline of waterfowl migration to Louisiana.

In 1998, Congress enacted the Migratory Bird Treaty Reform Act[1] (MBTRA), which repealed the strict liability standard that previously governed federal waterfowl baiting violations. In 1999, USFWS promulgated a final rule[2] that codified the MBTRA repeal and reaffirmed broad exemptions for areas classified as "normal agricultural planting" under federal baiting regulations. This action removed the enforcement mechanism that previously restricted the growth of hunting over intentionally flooded standing crops, particularly corn. As a result, Louisiana has witnessed a significant decline in annual waterfowl migration since the late 1990s.

Indeed, hunters and biologists have observed a considerable shift in waterfowl wintering distributions over the 26-year period since the 1999 rule change took effect. Federal and state winter mallard population data supports this claim. Data collected by the Louisiana Department of Wildlife and Fisheries shows mallards in coastal Louisiana hit their 40-year peak shortly after the 1999 rule went into effect.[3] According to the USFWS' Mid-Winter Waterfowl Survey, the Louisiana mallard population in 1999 was approximately 800,000.[4] In 2016, that number dropped to around 130,000 in Louisiana, despite a year earlier marking the highest total continental breeding duck population recorded by USFWS at 49.5 million.[5]

Mallard harvest in the state of Louisiana dropped 95% from 1999-2021, more than any other state in the Mississippi Flyway.[6] In Missouri, the mallard count rose from 280,000 in 1999 to 550,000 in 2016.[7] This

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[1] U.S. Congress, *Migratory Bird Treaty Reform Act of 1998*, H.R. 2807, 105th Cong. (1998), https://www.congress.gov/bill/105th-congress/house-bill/2807.
[2] U.S. Fish and Wildlife Service, "Migratory Bird Hunting; Baiting and Baited Areas," *Federal Register* 64, no. 106 (June 3, 1999), https://www.govinfo.gov/content/pkg/FR-1999-06-03/html/99-14039.htm.
[3] Louisiana Department of Wildlife and Fisheries, *Louisiana Wildlife Insider* (Baton Rouge: Louisiana Department of Wildlife and Fisheries, 2020), https://www.wlf.louisiana.gov/assets/Resources/Publications/Wildlife_Insider/2020_Waterfowl_Wildlife_Insider.pdf.
[4] U.S. Fish and Wildlife Service, *Migratory Bird Population Status: State and Zone Data*, accessed January 2026, https://migbirdapps.fws.gov/mbdc/databases/mwi/statezone.asp.
[5] Breann Schossow, "DNR: High Continental Duck Numbers Good for Wisconsin Hunters," *Wisconsin Public Radio*, July 16, 2015, https://www.wpr.org/animals/dnr-high-continental-duck-numbers-good-wisconsin-hunters.
[6] David Fronczak and Steven Olson, *Waterfowl Harvest and Population Survey Data: Estimates of U.S. Harvest, Hunting Activity, and Success Derived from the State-Federal Cooperative Harvest Information Program* (Washington, DC: U.S. Fish and Wildlife Service, 2024), https://www.fws.gov/sites/default/files/documents/mississippi_flywaydatabook_2023.pdf.
[7] U.S. Fish and Wildlife Service, *Migratory Bird Population Status: State and Zone Data*, accessed January 2026, https://migbirdapps.fws.gov/mbdc/databases/mwi/statezone.asp.

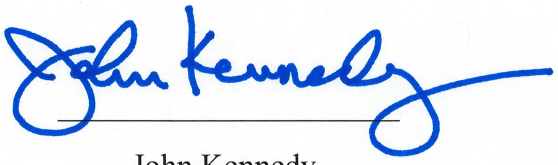
discrepancy is not the result of a growing overall population shifting away their traditional wintering grounds in the southern portions of the Mississippi Flyway. Instead, the data indicates that mallards are concentrating and stopping in regions where the manual flooding of corn has become widespread. Unlike rice, which requires flooding as part of its natural growth cycle, there is no agronomical justification for flooding corn. Put simply, the intentional flooding of standing crops has enabled an unsportsmanlike practice, weakened long-standing protections for migratory birds, and adversely impacted waterfowl populations in Louisiana.

Manually flooding corn fields for the sole purpose of attracting and shooting waterfowl undermines the foundational standards of wildlife conservation. This trend has troubling implications for the future overall health of duck populations, particularly considering the growing threat posed by avian flu, as noted by a research biologist at the U.S. Geological Survey: "The basic idea is that the more you concentrate animals into a small habitat, there's probably a greater opportunity for transmission between individuals, and then the greater chance for disease spread within waterfowl."[8] Beyond the migratory and biological consequences this rule has presented, the artificial concentration of waterfowl in more northern regions of the flyway occurs at Louisiana's expense.

Continued declines in southward waterfowl migration will only accelerate this negative trend, further reducing revenues from duck stamps, Pittman-Robertson funding, and other mechanisms vital to waterfowl habitat conservation programs partially reliant on Louisiana hunters with a vested interest in waterfowl. Duck migrations have always been based on a multitude of factors, including varying winter weather patterns, wetland health, hunting pressure, and breeding trends. Recognizing the importance of preventing further habitat degradation[9] in vital breeding grounds like the Prairie Pothole Region is essential to ensuring the future of North American waterfowl. But failing to address the evident change in migratory behavior of a waterfowl population already in serious decline[10] would fall short of the stewardship the resource desperately requires.

Therefore, I urge the USFWS to initiate a formal study to evaluate the impact of flooded corn on migratory waterfowl behavior, wintering distributions, and associated economic outcomes in the Mississippi Flyway. Ensuring fair access to waterfowl hunting for current and future generations of Americans is a shared priority, and I appreciate your attention to this important matter.

Sincerely,



John Kennedy
United States Senator

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[8] Grey Moran, "Bird Flu May Be Driven by This Overlooked Factor," *Civil Eats*, May 15, 2024, https://civileats.com/2024/05/15/bird-flu-may-be-driven-by-this-overlooked-factor/.

[9] Ducks Unlimited, *Prairie Pothole Region*, accessed January 2026, https://www.ducks.org/conservation/where-ducks-unlimited-works/prairie-pothole-region.

[10] Kenneth V. Rosenberg et al., "Decline of the North American Avifauna," *Science* 366, no. 6461 (2019): 120–24, https://doi.org/10.1126/science.aaw1313.