



ASSOCIATION of
FISH & WILDLIFE
AGENCIES

BIRD CONSERVATION COMMITTEE

Chair: Gordon Myers (NC)
Vice-Chair: Tony Wilkinson (NY)

23 September 2019

AFWA Annual Meeting
Minnesota East Ballroom, InterContinental Saint Paul Riverfront Hotel
St. Paul, MN

Chair Introduction

This is a big week for birds, with the publicity around a Science paper indicating a loss of ~3 billion birds since 1970, and the release of NABCI's 2019 State of the Birds report. Gordon Myers commends Ken Rosenberg for his work on this monumental effort. The Bird Conservation Committee is also releasing an Incidental Take report this week; this is a great report that helps us be responsive, not reactive, to the DOI M-opinion. Chairman Myers thanks Judith Scarl and Lane Kisonak for their work on this report.

US Fish & Wildlife Service Migratory Bird Program Updates

Ken Richkus, Chief, Division of Migratory Bird Management

Gary Frazer presented information on changes to the Endangered Species Act.

USFWS has revised three different rules:

- 1) In collaboration with the National Marine Fisheries Service they worked on a rule related to listing species and designating critical habitat. The change was to add a legal interpretation of phrase "foreseeable future." This has raised some concerns that this means USFWS doesn't have to consider climate change, but this is not the Service's interpretation.
- 2) New language clarified aspects of the critical habitat designation process. The current process is to first look at habitat that is occupied by the species; this raised the bar for considering designated areas.
- 3) Interagency regulation with National Marine Fisheries Service, but apply to all agencies. Prohibits act that jeopardizes continued existence of listed species.

Encourages us to go to website for more information.

Migratory Bird Program Updates- [see presentation](#) for details.

Personnel: See slides 2-5 for Personnel updates.

Migratory Bird Program [Strategic Plan](#): See slides 6-7. The USFWS MB program released its strategic plan, which lays out the vision for this program over the next 10 years. The plan follows a theme of migratory bird and habitat conservation while reducing the burden on the American public and industry, and it will be used to set priorities for all regions. The Plan's four goals are to: Provide Leadership in Migratory Bird Conservation; Conserve and Manage Sustainable Populations of Birds of Management Concern; Conserve Habitat for Migratory Birds of Management Concern; Manage Bird Data and Information for Use in Decision Making

Provide Leadership in Migratory Bird Conservation: The 50 CFR 10.13 list of birds covered by the Migratory Bird Treaty Act was updated in November 2018, but this proposal will be amended to better align with 2019 American Ornithological Society updates.

Conserve and Manage Sustainable Populations

Hunting Regulations: The final hunting regulations frameworks were published in August 2019; these are mostly unchanged from last year, except for pintail bag limits and Atlantic Flyway mallard limits. Since getting proposed rules out late puts states in a bad position, USFWS has reached out to DOI leadership to communicate these difficulties; with recent confirmed positions it may be easier to make progress on this.

Cormorants and other conflict species: See slides 11-13, and [view summary](#) from Regional Meetings focused on cormorants.

Conserve Habitat for Migratory Birds of Management Concern

Federal Duck Stamp: [See the winning design!](#) See slides 14 and 15 for Duck Stamp and e-stamp program

DOI Financial Assistance Interior Regulation- (slide 16) This supports the DOI uniform guidance on administration of grants and cooperative agreements; it establishes a process for a reporting schedule regarding land acquisition and provides methods by which properties will be appraised. This has implications for NAWCA and the Neotrop program.

Manage Bird Data and Information for Use in Decision Making

Avian Knowledge Network: The [Federal Avian Data Center](#) was launched as a national node of the AKN. Goal is to get data and tools for migratory bird management in one place, and in the future may serve as a repository for guidance documents. Let the USFWS know if you'd like to see a demo.

Harvest Survey Modernization: See slide 18, and [see here](#) for visualization of harvest data.

Budget: FY18 and FY19 were almost identical, except a bump for NAWCA in 2019.

Discussion

In response to questions, Ken indicates that USFWS will communicate with states regarding harvest surveys. Although he anticipates that it will take some time to get up to full capacity within the migratory bird program, he hopes there will not be delays. Regarding the proposed rule defining the scope of the Migratory Bird Treaty Act, OMB accepted the rule on July 1 and received significant comments from other federal agencies, including the Department of State and the Department of Justice; USFWS is working to address these comments.

Canadian Wildlife Service Update

Silke Neve, Director, Assessment and Recovery Planning Division

[See presentation](#) for more details.

Budget: \$1.3 billion over 5 years for conservation announced in 2018, which includes \$10 million over 2 years for NAWMP projects. \$500 of the funding will go towards creating a **Nature Fund** towards securing private land, supporting species protection efforts, and building Indigenous capacity to conserve land and species. See slides 2-6 for more detail on current projects and Priority Places. Note that CWS is working with federal, provincial, and territorial partners to select areas on the landscape with a high return on investment. They are also focusing on priority sectors and threats, which thus far is a less well-developed effort. The Nature Fund will also include \$2.4 million over 2 years for international work.

Transformation and Capacity: see slides 7-8; both CWS and the Migratory Bird program are growing.

North American Waterfowl Management Plan: See slide 9

[State of Canada's Birds](#) published in June 2019, and for the first time, Canada published population goals to accompany their Status of Birds in Canada summary.

See slides for MBR Modernization Amendments, Migratory Game Bird Hunting Permit information, and Biennial Hunting Regulation information.

Migratory Bird Incidental Take- Final Report from the Incidental Take Working Group

Judith Scarl, Bird Conservation Program Manager, AFWA/NABCI Coordinator

[See presentation.](#)

In 2018, AFWA's Bird and Legal Committees [analyzed state laws and regulations](#) to determine what state-level protections exist to regulate incidental take of migratory birds. 17 states have some provision to regulate incidental take, 25 states have no incidental take provisions, and the rest are indeterminate, mostly due to state codes referencing the MBTA. To help states better address incidental take issues, in September 2018 the Bird Committee formed a working group to work with USFWS on best management practices for avoiding incidental take, and to develop model language for states wishing to clarify their jurisdiction to regulate incidental take. The working group [developed a repository for Best Management Practice documents](#) for 11 types of anthropogenic threat. The group conducted a survey of states and provinces to evaluate state/provincial incidental take threats and the need for different types of guidance. 35 states and 2 provinces completed the survey. Based on these results, the top five most significant causes of incidental take respondents identify are transmission line electrocution or collision (74% of respondents indicate this is one of the most significant causes of incidental take addressed by their agency); wind energy collisions (63%); building collisions (50%); communication and instrumentation tower collisions (50%) and lead shot or ammunition in the environment (39%). 79% of respondents indicated that lack of regulatory authority or enforceability was a barrier to implementation of existing BMPs, and 63% indicate lack of support or partnership from a specific industry as a barrier. The WG [developed model language](#), or guiding principles for model legislation that could allow states to regain some of the legal protections they had under previous interpretations of the MBTA. The WG's [final report](#) discusses the BMP compilation and the full survey results, details the WG's follow up on the five threats that the most states wanted help with, lays out the regulatory analysis and recommendations, and highlights recommendations for future considerations.

Additional Considerations:

Threats: The top incidental take threats identified in the survey don't necessarily reflect the top direct anthropogenic threats to birds, since not all of the latter are unequivocally considered "incidental take".

Partnerships: Many opportunities exist for states to form strong partnerships with industry, in order to help states understand the limitations of industry and thereby better help industry to adopt BMPs.

Legal: State feedback suggests a clear need to combine legal and voluntary approaches, but approaching incidental take issues at a state level requires careful consideration and coordination.

Discussion

Suggestion: Move this to the Flyway Councils for follow-up

Identified Need: Better understand the science and monitoring behind some of these species

Suggestion: Identify next steps in distributing this to other Committees and other potential users.

The Committee voted unanimously to advance the report to the Directors for their adoption. The Incidental Take Working Group completed its charge and was disbanded by Vice-Chair Tony Wilkinson.

North American Bird Conservation Initiative (NABCI) Updates

Judith Scarl, Bird Conservation Program Manager, AFWA/NABCI Coordinator

[See presentation](#) for details.

[National Bird Conservation Priorities:](#) Released in 2018, NBCP organizes bird conservation into five major themes with associated strategies, and highlights ten Priority Actions for bird conservation. Individual partner organizations are using the Priorities document to organize, guide, or support their work (see slide 3 for examples). The NABCI Committee is working to identify barriers to implementation of the Priority Actions and identify NABCI's role in overcoming those barriers.

Relevancy Success Stories: NABCI is collecting examples of successful, non-traditional partnerships that have been built around goals broader than bird conservation, specifically focused on productive working lands, sustainable water resources, or healthy urban communities.

Human Dimensions: HD Subcommittee released a guidance document for [incorporating Human Dimensions into Joint Venture Implementation Plans](#) that may be relevant to other partnerships looking to integrate HD. Also released a report looking at [why landowners participate in the Conservation Reserve Program](#), how easy it is for landowners to re-enroll once they've participated, and the extent to which landowners keep their fields in grass after CRP contracts expire.

Private and Working Lands: NABCI will develop a 2018 Farm Bill Field Guide to help private lands biologists translate FB conservation opportunities for landowners. NABCI is developing a Private Lands Staff forum, to help private lands staff more effectively deliver conservation programs. Planning team is looking for institutional sponsors.

State of the Birds: NABCI is releasing our 2019 State of the Birds report!

Alliance for America's Fish and Wildlife/Recovering America's Wildlife Act

Sean Saville, Alliance for America's Fish and Wildlife Campaign Manager, AFWA

[See presentation.](#)

HR 3742 was reintroduced in July 2019, with a possible hearing at the end of October/early November. 122 co-sponsors as of September 2019, which is the largest contingent of co-sponsors so far (116 in the last Congress).

Major changes from the previously introduced legislation include: 1) current RAWA version includes a tribal title (just under \$100 million); 2) 10% of funding for a competitive grants program; 3) 10% carveout for threatened and endangered species work. 4) the source of revenue has been altered, now coming from the general treasury rather than from energy development. 5) 5-year reporting requirement to Congress.

The Alliance for America's Fish and Wildlife is promoting three key messages: 1) America's wildlife are at risk; 2) States are the key to successfully recovering species and preventing listings; 3) Healthy wildlife=Healthy economy.

See Prioritized Actions (slide 9)- Co-sponsors are key to advancing the bill towards passage.

NABCI State of the Birds 2019: State Agency Contributions to Bird Conservation, Bird Crisis Campaign, and the Avian Conservation Assessment Database

Ken Rosenberg, Applied Conservation Scientist, Cornell Lab of Ornithology/American Bird Conservancy/ Tammy VerCauteren, Executive Director, Bird Conservancy of the Rockies

[See presentation.](#)

Loss of ~3 Billion Birds: "Decline of the North American avifauna" was published in the journal Science, highlighting the loss of 2.9 billion birds in the US and Canada since 1970. This publication has received unprecedented media and attention, including an article on the front page of the New York Times and coverage in every major news outlet. The messaging made it in to climate march on Washington last week.

Past State of the Birds reports have presented these trends in the past, and highlight bird declines as indicators of the health of bird habitat. But what previous analyses don't show is whether there is net change in abundance of birds in North America, when you take both increasing and decreasing species into account; are we just seeing a shift towards more common, generalist species, or are there actually fewer birds? The current analyses show a net population loss of 2.9 billion birds since 1970, which is 29% loss of North American avifauna, with loss pervasive across every major habitat. Grassland birds have largest absolute loss, and the only habitat to show increase was wetland birds. Shorebirds are suffering steepest population loss at 37%. The majority of loss was in very common species.

We hold up waterfowl as a model of success; hunters noticed waterfowl declines and took action, and we want to replicate this across other habitats and groups of birds.

3BillionBirds.org is a neutral partner website with infographics available to partners.

State of the Birds Report: This report, released today, presents a version of the Science results in simplified form, and highlights our ability to achieve success. The report highlights the critical role of

state agencies in bird conservation. The report has a [one-page insert](#), produced by non-federal partners, that links the bird crisis and state wildlife action plans, to the Recovering America's Wildlife Act as one major solution.

Bird Committee Role: The BCC can join the 3 Billion Birds coalition, use RAWA to invest in all-bird conservation at the same level as waterfowl and game species, and support the Breeding Bird Survey and Avian Conservation Assessment database, two critical tools underlying the data in the report.

Avian Conservation Assessment Database (ACAD): The science behind the report comes from the Avian Conservation Assessment and Landbird Population Estimates Database. See slides 19-23 for details.

Discussion

Sara Schweitzer provides an overview of a Resolution, developed in the Partners in Flight/Shorebird/Waterbird Working Group, entitled "Promoting a Coordinated Response to the Pervasive Loss of North American Birds." Josh Avey moves to approve the Resolution and advance it to the Directors; Shaun Oldenburger seconds. The motion carries.

2020 Central Grassland Roadmap Summit

Tammy VerCauteren, Executive Director, Bird Conservancy of the Rockies

[See the flier](#) for information on Summit participation, and [see Tammy's presentation](#) for more details, including summit background and links to other grassland efforts.

The 2020 Central Grasslands Roadmap Summit will be a 3-day summit to identify the tri-national objectives needed to sustain grasslands for generations to come. Organized around the National Bird Conservation Priorities themes, the summit will engage tri-national conservation leaders. The anticipated results are to adopt consistent priorities and pledge resources that will support and sustain grasslands throughout the Central Flyway. A planning team has formed, consisting of federal, state, NGO, foundation, industry, private lands, tribal, and academic partners.

Implementation of the Pacific Americas Shorebird Conservation Strategy

Stan Senner, Vice President of Bird Conservation, National Audubon Society

[See the presentation](#), and see the [Atlantic and Pacific Shorebird Conservation Initiatives Funding Report](#).

The Pacific Americas Shorebird Conservation Strategy was published in English in 2016 and focuses on 28 populations across 21 species from the Pacific Coasts of North, Central, and South America. The Strategy identifies high-priority threats, strategies to address these threats, and effective actions to implement these strategies. The Pacific Shorebird Conservation Initiative emphasizes action rather than strategy and works to facilitate integrated projects throughout the Flyway. One example is shrimp farming on the Pacific Coast of Central America, and working with industry partners to promote best management practices for shrimp aquaculture. The partnership has also reviewed mandates of international lending institutions and conventions to identify opportunities to bring shorebirds to attention of international governments.

USFWS has had federal appropriations through US AID for shorebird conservation starting in FY2016. Future directions will include finding money to support coordination/communication on the ground. The Atlantic Flyway Shorebird Initiative has benefited from several multi-state projects related to management of predation, human disturbance, and habitat conservation. PSCI wishes to explore with states the possibility of multi-state initiatives, which could include sponsoring research to address information needs or elevating issues to prompt action at a regional scale.

Southern Wings Progress Updates

Deb Hahn, International Relations Director, AFWA

[See the program overview.](#)

Southern Wings currently focuses on 16 projects throughout Mexico, the Dominican Republic, and Central America. For example, in Guatemala, through Fundaeco, states have helped to conserve ~9000 acres of habitat used by 140 species of migratory bird. In Bahamas, 32 state agencies have contributed almost \$2.9 million to collaborate with Audubon on piping plover work, where ~20% of the Atlantic population winters. Gordon Myers is working with state directors to evaluate the challenges and opportunities of Southern Wings, and the program will survey states to evaluate future directions.

Discussion: RAWA can be used towards SWAP species so probably can support Southern Wings. The long-term vision of the program ends in 2022, and every few years Southern Wings releases a set of success stories.

Legislative Updates

Jen Mock Schaeffer, Government Affairs Director, AFWA

[See the legislative summary.](#)

Additional Items

The Bird Conservation Committee voted to adopt two Resolutions developed by BCC Working Groups and advance these Resolutions to the Directors for consideration by AFWA.

Gray Anderson moved to adopt the resolution entitled “Recognizing the 30th Anniversary of the North American Wetlands Conservation Act,” Alicia Hardin second the motion, and the Committee voted to advance the resolution.

Craig LeSchack moved to adopt the resolution entitled “Addressing the Long-Term Decline in Small Game Hunter Participation in the United States and Mitigating Its Effects on Habitat Conservation Delivery,” Alicia Hardin seconded the motion, and the Committee voted to advance the resolution.