

BIRD CONSERVATION COMMITTEE I NOTES

Chair: Judy Camuso, ME Department of Inland Fisheries & Wildlife

Vice-Chair: Tony Wilkinson, NY State Department of Environmental Conservation

9 September 2020

1-4 pm Central Time

110th AFWA Annual Meeting

Responding to the 3 Billion Bird Decline: Opportunities for Expanding Engagement

Todd Fearer, Coordinator, Appalachian Mountain Joint Venture

[See Todd's slides.](#)

NABCI identified Five Game-Changing Paradigms to help increase coordination and urgency of response to the loss of 3 Billion Birds:

- 1) Unprecedented coalition to address the bird crisis
- 2) Advanced "Road to Recovery" science to ID specific causes of bird declines
- 3) Roadmaps for population recovery and full annual cycle conservation
- 4) Bold, new legislative agenda
- 5) Unified messaging to bring back 3 billion birds

NABCI released a [white paper](#) detailing these Paradigms and providing a grasslands case study for how these paradigms are being used to advance bird conservation. Each paradigm can serve as a framework for highlighting opportunities for states to expand their engagement. These paradigms are NOT another planning framework, but rather a set of opportunities that were magnified by recognition of bird crisis. They provide opportunities to change how we do bird conservation.

Some opportunities for expanding state engagement include:

- 1) Opportunities for a coordinated state response that promotes resource sharing and accelerates science that prioritizes where to focus resources.
- 2) Road to recovery science- opportunities for states to inform, and be informed by, the prioritization process.
- 3) Road maps for population recovery. Our community can develop robust, full annual cycle conservation investment strategies, and integrate multi-level planning. This planning will need to be stepped down from national/regional to state level, and states can use State Wildlife Action Plans to inform this process.
- 4) Legislative agenda- The Recovering America's Wildlife Act (RAWA) is the core of a bold, new legislative agenda; we need to integrate SWAPs with bird conservation efforts. For example, we can plan now for how some RAWA funds could be used to augment JV science and delivery.
- 5) Unified messaging- We can continue to elevate the role of states and their importance, as we did in the last State of the Birds Report.

The challenges of 2020 have also provided some opportunities for conservation:

- the pandemic has increased interest in gardening, awareness of birds and pollinators, and community science (e.g. eBird).
- Social justice protests have increased awareness and diversity recruitment in conservation agencies, and birders are at the center of some of this change (e.g. Christian Cooper in Central Park, Drew Lanham in Appalachia)
- Increase in faith-based, grassroots "Caring for Creation" through spiritual communities

North American Bird Conservation Initiative: Unprecedented Partnership Opportunities to Address 3 Billion Bird Loss

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

[See Judith's slides.](#)

NABCI's National Bird Conservation Priorities and the Five Game-Changing Paradigms both highlight the need for broad partnerships and engagement to strengthen and expand conservation. NABCI is developing a Field Guide to Developing Partnerships, a compilation of expertise on how to identify, build, and maintain strong and diverse partnerships. This Field Guide will provide a source of ideas for how to engage a broader stakeholder base, and practical guidance for building diverse partnerships. The Guide will focus on finding common goals with a broad array of stakeholders, outreach and communication tips, guidance on relationship development, and an overview of the benefits, challenges, and communication strategies for working with private partners, including individuals, corporations, foundations, and private organizations. This Guide, which will be released in late 2020, provides information that will be useful as states implement their Relevancy Roadmaps, and will empower states and state partners to find creative sources of match for RAWA.

Over the last several years, NABCI has been expanding its focus to provide more tools to engage outdoor recreationists and the public (see the [Why Care About Birds](#) campaign as an example). However, as outdoor recreation is often not as safe for people of color, and people of color often do not have equal access to outdoor recreation opportunities. NABCI initiated a conversation to explore its niche in racial justice, diversity, equity, and inclusion as they relate to bird conservation. In a conversation at its August 2020 NABCI meeting, NABCI partners identified that more diversity in conservation helps to advance bird conservation goals because:

- We need public support for conservation
- Diversity yields improved solutions
- Our partners' constituencies are changing and becoming more diverse
- Organizational representation can facilitate community engagement

NABCI identified three primary areas that could be NABCI's niche in helping the bird conservation community address racial justice issues: provide a forum for organizations to learn from each other, provide a forum for learning from diverse perspectives, and provide resources to help expand diversity and partnership opportunities. Committee members voted unanimously to continue to explore how NABCI can address racial justice, diversity, equity, and inclusion.

Encouraging Diversity, Equity, and Inclusion in Bird Conservation and Bird-Focused Recreation: Starting a Conversation

Crystal Egli, Diversity Equity and Inclusivity Consultant, CrystalEgli.com

Crystal Egli worked at the Colorado Parks and Wildlife before becoming a full-time diversity, equity, and inclusivity consultant and trainer. [Crystal's presentation](#) talked about underrepresentation versus not being active; if you don't see Black people participating in outdoor recreation, it doesn't mean they're not engaging in those activities- it means they are not outdoor recreating in the same places you are.

The history of space is important. If you are a white person and you see the video of a white woman threatening to call the police on a Black birder in Central Park, it's horrifying, but for Black people there is also an impact on that space. This incident provides data or evidence that this is not a safe place for them, with the result that Black people are less likely to go there to birdwatch.

There are people still alive today who remember when parks and outdoor spaces were segregated. That history is meaningful and still creates barriers to people of color going to those spaces.

Engage with the community. What if the project you want to do is not the most pressing objective of that community? What are the optics of white people coming in, doing something that wasn't asked for, and leaving? Build relationships with the community's leaders, elders, and storytellers to figure out what their priorities and thoughts are. Also, look for any untapped groups of people who already care about an issue (and consider the optics of assuming people don't care). When planning an event or project, look into the history of the space. For example, what if you are planning an event in a space where a Black person was lynched? Consider the message it sends to a community if you invite them to a space without looking into and considering the stories of that space.

Re-examine your own narratives of space. Are they given more value than others? What other perspectives might people have about a space- perspectives that might not be spotlighted, as yours may be?

Useful resources include:

- Google- look at what people care about, what groups are present
- Next 100 Coalition: Historical, Spiritual, and Cultural Significance of Place
- "Dispossessing the Wilderness" by Mark David Spence (and in general, read books where authors don't look like you)
- #DiversifyOutdoors and follow hashtag
- CrystalEgli.com

Next Steps for the AFWA Bird Conservation Committee: NABCI's work on racial justice/diversity/equity/inclusion (DEIJ) and Crystal's presentation will provide a foundation for the Bird Conservation Committee to have a broader discussion on diversity, equity, inclusion, and justice in March. Over the next 6 months, a small team will collect more information on state's needs regarding DEIJ specifically as it relates to bird conservation. This information will help inform our conversation in March and guide the Bird Conservation Committee's future directions in this realm.

Mid-continental, flyway-level grassland bird conservation efforts: Responding to the 3 Billion Bird loss
Tammy VerCauteren, Executive Director, Bird Conservancy of the Rockies

[See Tammy's slides](#)

Central Grassland Roadmap Summit emphasized connection, openness, and flexibility of thought and engagement. July 2020 virtual summit engaged 26 organizations to plan the summit (Anticipate a live meeting in July/August 2021.) 150 organizations were represented at the Summit from 8 sectors and 3 countries. After panel discussions, work groups focused on Creating and Enriching Strong Partnerships, Refining Effective Funding and Policy Initiatives, and a Focus on Research to Improve Conservation.

From these efforts, they identified priorities for grassland conservation, and also established criteria for collaborative actions: science-based, respecting and honoring diverse voices, improving land health, supporting ecosystem processes, sustaining human populations and maintaining a producer way of life, keeping large tracts of native grassland habitats intact, improve biodiversity, conserve water, increase habitat and arrest population declines, and meet the needs of the 8 engaged sectors.

Create and Enrich Strong Partnerships: We need to broaden communications to increase support, identify strategies to share knowledge and resources across cultures, promote stronger public-private partnerships across sectors and scales, and support initiatives that build collective action (like the JV8 or regenerative agriculture)

Refine effective funding and policy initiatives: strengthen existing policies to support grasslands and human communities; develop major legislation supporting grassland conservation across North America (including RAWA, maybe a North American Grasslands Conservation Act); focus on funding to scale proven programs and solutions, quantify the true economic value of grasslands

Focus on research to improve conservation: addressing research needs in wildlife/ecosystems/human dimensions/limiting factors, developing a community-centered approach for grasslands research, constructing sustainability models to support scaling conservation programs in grazing/regenerative agriculture/industry, refining monitoring standards and applying the data to inform evaluation

Group is looking to send a modified roadmap to delegates in September, with subsequent endorsement by leadership, followed by a 2021 in-person summit.

How do we get a branding campaign going, similar to the one for wetlands? How do we help message connections between grasslands and other human priorities?

Draft metrics include:

- Looking for more than a billion dollars committed over the next decade
- Looking for ~100 million acres enrolled in protection, restoration, and conservation.
- Looking for bird declines cut in half in 10 years and stabilized in 30.
- Try reducing grassland conversion to 10% by 2030.
- Get national/international recognition of grasslands, with grassland economics reflecting ecosystem services

Opportunities for Collaboration with States

- What short and long term policies can AFWA Committees prioritize that support grasslands?
- Role for the HD Subcommittee of AFWA
- Private and Working Lands/Partner Biologists engagement, AFWA gap analysis. Where do we have partner biologists, and where do we need them? How can we cost-share for conservation delivery across states and provinces?
- Does anyone else want to engage in the Grassland Roadmap Summit? [Contact Tammy.](#)

Additional Grasslands Efforts include: MS Flyway Summit (October), JV8 collaborative grassland effort, AFWA Bird Committee Grassland Working Group gap analysis

US Fish & Wildlife Service Migratory Bird Program Updates

Ken Richkus, Chief, Division of Migratory Bird Management

Kari Duncan, Chief, Division of Bird Habitat Conservation

[View slides.](#)

Hiring/Personnel: Top program priorities for hiring within Migratory Birds include MS and Atlantic Flyway representatives, a Deputy Chief for the Division of Migratory Bird Management, a Joint Venture Coordinator, and 2 quantitative ecologists. See slides 3-4 for recent hires within Migratory Birds.

Budget (slide 5): In the 2020 Fiscal Year Enacted budget, there was an increase of ~6 million over 2019, which includes \$4 million increase for NAWCA and \$1.5m increase for JVs. Since this is an election year, we are likely to have a continuing resolution into 2021.

Cormorants: USFWS published a proposed rule and draft environmental impact statement (EIS) in June 2020, with a comment period that closed on July 20. Preparing final rule and final EIS, expected to be completed this fall. The final rule will likely need to clear OMB and this timeline can be unpredictable. To provide short term relief, they increased depredation permit take allocation from 51k to 74k birds.

MBTA: USFWS has made efforts to codify Solicitor’s Opinion M-37050 in regulation. USFWS published a proposed rule and draft EIS this past year to clarify that the scope of the Migratory Bird Treaty Act does not apply to incidental take, but only to purposeful actions. USFWS was litigated by 8 states and 7 NGOs, and a summary judgment issued August 11; the result was that the M-opinion was vacated. USFWS working with the Department of Justice to understand the impact of this judgment.

Hunting Regulations: See slides for process and dates. All documents are published for USFWS to legally open hunting for the 2020-2021 season. Although many surveys were canceled this year, USFWS used existing harvest strategies, management plans, and long-term datasets to inform harvest decisions.

Eagles: USFWS is working on low risk permitting process, working with companies (especially wind) that have low risk of eagle strikes. They are also using updated collision risk models. We will see those in the Federal Register soon.

Duck Stamp Regulation: A final rule was published on 8 May that the Duck Stamp will include a waterfowl hunting-related scene or accessory in every entry to “celebrate our waterfowl hunting heritage.”

GrantSolutions: an online portal for all grants and cooperative agreements that went live on May 2020. NAWCA & NMBCA: See slide 13 for numbers. Migratory Bird Conservation Commission approved 32 US Standard Grants for 2021.

USFWS Response to 3 Billion Birds: Brian Smith is on detail leading the response. Developing a short-term strategy to amplify ongoing partnership actions for grassland birds, shorebirds, forest birds, seabirds, aerial insectivores, and collisions. IDing needs to address over 10 years to stabilize/reverse bird declines over next 30 years.

Migratory Bird Treaty Act: Analysis of Court Opinion in Favor of Incidental Take Coverage

Lane Kisonak, Legal Affairs Manager, Association of Fish and Wildlife Agencies

On August 11, 2020 the U.S. District Court for the Southern District of New York [vacated](#) the December 2017 Department of the Interior (DOI) Solicitor’s Opinion excluding coverage of incidental take under the Migratory Bird Treaty Act (MBTA). The immediate effect of this opinion is to remove DOI’s interpretation of the MBTA as excluding take, and to allow for the prosecution of entities or individuals that incidentally take migratory birds.

The Court held that the Solicitor’s Opinion “runs counter to the purpose of the MBTA to protect migratory bird populations” and “freezes the MBTA in time as a hunting-regulation statute, preventing it from addressing modern threats to migrating bird populations.” The Court also drew on recent Supreme Court rulings to note that, “[e]ven if Congress did not foresee [at the time the MBTA was enacted] that modern industrial activity would one day threaten protected migratory bird populations, that does not justify disregarding the statute’s unambiguous language.” This ruling evaluated prior rulings from appellate courts around the country and generally found that conflicts over the meaning of the MBTA’s take provision were not as deep as DOI suggested, and that the plain text of the statute required a reading covering incidental take.

What impact this will have on the FWS’s rulemaking process to codify the Solicitor’s Opinion is unclear. On July 20, before the court’s opinion was issued, the comment period for a draft environmental impact statement (EIS) for the proposal came to a close. A final EIS and record of decision may be published this fall, but if so, it is likely that the final rule and EIS will be challenged both on NEPA grounds and drawing from the court’s reasoning from this opinion.

By mid-October we will know whether DOI has appealed the ruling to the U.S. Court of Appeals for the Second Circuit.

Canadian Wildlife Service Update

Ryan Zimmerling, Manager, Migratory Birds and Wildlife Health

[See Ryan's presentation](#)

The **Canada Nature Fund** is a \$1.3 billion investment in nature over 5 years; Canada is working to recover species at risk, manage critical habitat, and prevent species from listing under the Species At Risk Act. One target is to secure 25% of Canada's land mass as protected areas. They are also doing specific work in Priority Places- areas where there could be multi-species, multi-stakeholder collaborations. To date, Canada has identified 11 Priority Places. In addition, Canada has identified three Priority Sectors: Forestry, Agriculture, and Urban Development. One goal is to enhance Best Management Practices to minimize or avoid harm to wildlife and species at risk.

COVID, Fieldwork, and Risk Assessment:- All fieldwork was suspended as of mid-March, and Canada is slowly reopening areas (like national wildlife areas). But now costs for field work have gone up dramatically, because of COVID mitigation measures- for example, need more vehicles to keep people separated, employees can no longer share accommodations, etc. CWS did a qualitative assessment of risk of transmission of COVID from humans to migratory birds. Current knowledge suggests that risk is likely low for birds becoming infected with SARS-CoV-2. This analysis was performed to make sure that food safety of indigenous people was maintained and that birds being handled were not at risk.

Pan-Canadian Approach to Wildlife Health (PCAWH): Goals are to protect native fauna from harm from pollutants and pathogens and sustain ecological, economic, and subsistence services provided by wildlife. Also aim to enable Canada to meet national and international obligations for disease surveillance and reduce surprises from emerging disease threats.

Canada Nature Fund Migratory Bird Investment: CNF has invested in international efforts for migratory bird conservation, focus on helping Mexico, Central, and South America.

Modernizing the North American Breeding Bird Survey: The US Geological Survey and CWS published an updated strategic plan for the Breeding Bird Survey in August 2020 (see slide 11 for goals).

Modernization of Migratory Birds Regulations: aim to publish final regulations in July 2021.

Using Citizen (Community) Science Data to Drive Decision Making

Erica Stuber, Cornell Lab of Ornithology

[See Erica's presentation.](#)

Community science has been growing over the last several years- participation as well as uploading of data. There is some data quality variation, but a critical mass of data allows filtering for strength. This allows us to create data products that have high performance, and we can capitalize on the extent, resolution, and species coverage- elements that are hard to achieve in most projects. Mostly community (citizen) science data are used in academia, and we haven't seen them used much in applied conservation or management yet. However, citizen science can stretch limited resources and could be a valuable tool to supplement evidence-based management decisions.

This team performed a case study to evaluate community science data for use in decision-making. They used eBird data, which has publicly available observations; eBird also has teams of statisticians and ecologists developing products including range maps and weekly abundance maps that are statistically validated and expert-vetted. US Fish and Wildlife Services estimates Bald Eagle population sizes for incidental take permitting. USFWS surveys specific areas and uses that data to extrapolate to the rest of the US to make population size estimates. However, aerial surveys are costly and dangerous and only run every 5 years, and eBird has lots of data that can be relevant. Can eBird replicate FWS-based estimates? They found strong positive correlation between what eBird is predicting re: abundance of eagles, with what USFWS finds on the ground. USFWS is incorporating population size estimates at the

flyway and coterminous US scales into Federal policy regarding incidental take permitting and their integrated population models.

Additional applications for management include migratory duck monitoring across wildlife refuge complexes. The team is finding that combining the datasets (community science eBird and aerial survey data on waterfowl collected by the Forbes Biological Station) yields the best estimates, because the two survey protocols are each stronger at different times of the year.