



ASSOCIATION of  
FISH & WILDLIFE  
AGENCIES

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**BIRD CONSERVATION COMMITTEE PART I**

**Chair: Gordon Myers, NC Wildlife Resources Commission**  
**Vice-Chair: Ross Melinchuk, TX Parks and Wildlife Department**

**11 September 2017**  
**8:00 am- 12:00 pm**

**AFWA Annual Meeting**  
**Snowbird, UT**

**Draft Notes**

**US Fish & Wildlife Service Migratory Bird Program Updates**

*Brad Bortner, Division Chief, Division of Migratory Bird Management*

See [full presentation](#) for complete USFWS updates.

**Personnel and Structure:** Brad Bortner is retiring on December 29, 2017. The Department of the Interior hiring freeze in DC and Denver will slow down hiring a permanent replacement, but the Service intends to ask DOI for a waiver from the freeze. Within the Division of Migratory Bird Management, the structure of two branches is being realigned to clarify roles and responsibilities.

**Budget:** The President's Budget proposed decreases in Migratory Bird program funding, including zeroing out funding for 3 species-based JVs and reducing funding for habitat-based JVs. Currently we have a continuing resolution until December 8th. So it is uncertain what will be the final FY18 appropriation for our Program. The 2019 budget request will be based on the President's proposed 2018 budget, which proposes a transition to a smaller workforce.

**NMBCA:** In 2017, \$3.8 million awarded under this program, with \$1.74 million of this for Central and South America and Caribbean work.

**NAWCA:** The total FY17 grants were \$67,072,385. An estimated total of \$65.6 million is available for FY18 funding.

**Hunting Regulations:** 2017 reports are [available online](#).

**Double-Crested Cormorants and other conflict species:** USFWS is working on a revised Environmental Assessment to help control Double-Crested Cormorants at aquaculture facilities. USFWS expects to publish this EA this fall and hold a public comment period at that time. More broadly, USFWS is working with Flyway non-game technical sections, USDA Wildlife Services, and other partners to develop a consistent approach to manage conflict species.

**Future of Waterfowl Workshop** will be held September 26-27 to advance implementation of the 2012 NAWMP Revision and seek input about critical adjustments.

**Federal Duck Stamp** has raised \$950+ million since 1934 and has not seen a significant decrease in sales since cost was increased to \$25 in the 2015-2016 season.

## Discussion and Questions

*What are the consequences of not having an explicit incidental take enforcement?* There are no changes in the enforcement policy; the Migratory Bird Treaty Act still prohibits take that is not authorized by the government. USFWS will continue to work with people/organizations to reduce incidental take, but there is no framework to obtain permits for incidental take.

*How much of the total BP oil spill funds are available to the conservation community?* [We do not have an up-to-date answer to this question.]

*Can we better align the regulatory process through the federal register for non-game birds with the Flyway cycle?* USFWS and MBP does not always have control over the regulatory process but USFWS does try to give states a heads up when a regulatory change is occurring that does not align with the flyway schedule. *Will information regarding depredation orders go through the Flyways?* Yes, this will be a collaborative process with states through the Flyways. Laurel Barnhill notes that the intent of the stakeholder process is to come through the Flyways and states to establish management recommendations. Diane Eggeman acknowledges that a conflict species management framework is a good idea and thanks Brad.

## Letter to USFWS Leadership on Importance of Migratory Bird Program- Follow-Up

*Gordon Myers, Executive Director, NC Wildlife Resources Commission*

Due to ongoing concerns about USFWS funding for the migratory bird program, in March 2017 the Bird Conservation Committee requested that the AFWA President send a letter to USFWS Director that conveys the benefits of the migratory bird program and requests that USFWS increase resources to implement migratory bird conservation across the country. Although this action was approved at the AFWA Business Meeting, AFWA has not yet sent this letter because no Director has been appointed. A draft letter was distributed to the Bird Committee in advance of this meeting and BCC leadership asks whether the Committee would like to move forward with sending the letter to USFWS Acting Director Greg Sheehan, instead of waiting for a more permanent Director.

### Discussion:

Many Flyways have considered similar letters; the AFC focused their letter on JVs, but they realized that focusing just on JVs redistributes the harm elsewhere within the migratory bird program. The Flyway Executive Committee concluded that the BCC's letter is broader and stronger, and the AFC will likely support the BCC's letter in lieu of writing their own.

### Feedback on Letter:

- Concepts are good, but letter is a bit long
- Be careful to be clear on what numbers refer to- North America or just the United States
- Is the level of detail regarding FTEs important, or should we focus more on outcomes/work being done?

### Next Steps:

- Judith Scarl will ask Jen Mock Schaeffer and Ron Regan whether the letter should be addressed to Greg Sheehan or Ryan Zinke (update: Advice is to address letter to Sheehan)

-Judith Scarl will incorporate edits received from Committee members and send to Gordon Myers and Diane Eggeman for final revisions (update: Letter to sent to AFWA President Virgil Moore for signature on 2 October 2017)

## **Canadian Wildlife Service Update**

*Silke Neve, Director, Assessment and Recovery Planning Division*

See [full presentation](#) for complete CWS updates.

**Minister of the Environment Priorities:** Minister McKenna's priorities remain fairly constant and focus on Species at Risk, Protected Areas, Indigenous Peoples, and Climate Change/Arctic Ecosystems.

**Migratory Birds Convention Act Centennial:** Celebration efforts extended into 2017 and focus on celebration both within CWS/ECCC and outreach to the public to raise awareness of the importance of migratory birds. One Centennial partnership is Canada C3 (Coast to Coast to Coast) in which a boat travels around Canada talking about several themes, including conservation.

**NAWMP Canada:** Since inception in 1986, 20.9 million acres of wetland and associated upland habitat have been secured in Canada, with 928,000 of these acres secured in the 2016-2017 season.

**Status of Birds/State of Canada's Birds:** Canada maintains and updates every 2-4 years a [website](#) summarizing the conservation status and population trends of every bird species in Canada. The next update is planned for early 2018. Also updating analyses from State of Canada's Birds 2012 report and deciding whether they will produce a new report or update indicators on website.

**Trilateral Vision for Next 100 Years:** NABCI-Canada Council endorsed the [Vision](#) in summer 2017 and each country is working domestically and collaboratively to develop an action plan to implement the Vision.

**Migratory Bird Hunting Regulation Amendments:** CWS is amending hunting regulations to clarify and simplify labelling requirements, introduce a new concept of possession, make it easier for youth and new hunters to participate, etc. Modernized regulations should be in place in 2019.

**Proposed National Baiting Policy** will be addressed in future amendments and will consider whether to stop issuing bait authorizations and whether to prohibit the deliberate modification of an agricultural crop for the purpose of attracting migratory bird for hunting.

**Hunting Permits and Regulations:** Can purchase [online migratory game bird hunting permits](#). Hunting regulations in Canada are amended every two years and the next round of amendments will come into force in July 2018.

**Shorebird MOU:** Canada, US, and France signed a MOU for the conservation of shorebirds in the Atlantic Flyway in January 2017.

**Species at Risk Act:** 76 species currently listed (both migratory and non-migratory). 8 additional species are being considered for listing.

### Questions and Discussion

*Where is the push for changes in baiting regulations coming from?* Seems like this may be CWS staff.

*Are flooding crops and manipulating crops viewed as the same?* Manipulating crops (such as mowing, for example), may be considered baiting, but it may be challenging to differentiate between baiting and standard practice.

## **USDA-APHIS- Wildlife Services Update**

*Dionne Orr, Staff Officer/Wildlife Biologist*

Please see [handout](#) summarizing these projects.

USDA-APHIS Wildlife Services works closely with USFWS on several bird-related projects, including:

- Partnering with USFWS on work with cormorants and aquacultures as a result of a cormorant depredation order; help producers to obtain depredation permits

- With input from states, in collaboration with USFWS, developing a plan for black vulture damage

USDA-APHIS Wildlife Services also works directly with state agencies; for example, helped Michigan DNR manage predation related to a nest box project.

## **North American Bird Conservation Initiative (NABCI) Updates**

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

For full presentation, including speaker notes to explain slides, see [online file](#).

NABCI is a 28-member partnership of federal and state agencies, NGOs, and bird-focused partnerships working on national bird conservation issues. NABCI's 2017-2021 Strategic Plan has three goals: 1) Maintain a well-coordinated bird conservation community to achieve strategic conservation; 2) Facilitate science-based conservation efforts that support healthy bird populations; 3) Inform and support effective policy to advance bird conservation. NABCI's seven Subcommittees represent focal topics that our partnership has identified as critical needs within bird conservation: [communications](#), [human dimensions](#), [international](#), [monitoring](#), [private and working lands](#), [legislative and policy](#), and [State of the Birds](#).

### 2017 Project Highlights

[State of the Birds 2017 Farm Bill Special Report](#): This year's SOTB report is short, concise, and focuses on Farm Bill conservation programs and their benefits to bird conservation. The report will serve as communications and advocacy tool for groups advocating for strong conservation programs in 2018 Farm Bill.

[Human Dimensions One-Pager](#): NABCI helps the bird community understand how HD information can be used to address conservation challenges. Newly-released one-pager defines HD, explains how and why HD can be used to benefit birds, and provides an example of how using HD research dramatically increased the effectiveness of a bird conservation project in Nebraska.

[All-Bird Bulletin Blog](#): Bimonthly blog centered around six themes: monitoring, human dimensions, international/wintering grounds, working and private lands, birds as indicators, birds and public policy. Each NABCI partner writes one blog per year that highlights partner successes, communicates about new tools/lessons learned. NABCI is looking for state partners to write blogs on behalf of AFWA's Bird Committee.

[Demonstrating the Relevance of Bird Conservation](#): To demonstrate the relevance of bird conservation to clean air, clean water, economics, and human health, NABCI is compiling short, quantifiable, and sourced examples of how activities that benefit bird conservation also have positive links to other human priorities. Anticipated completion date: February 2018.

NABCI partners are also partnering with National Geographic on their 2018 Year of the Bird campaign, designed to raise the profile of birds, broaden public awareness of birds, and increase understanding of

our responsibility to protect birds and their habitats. Contact [Moriah Petty](#) if your organization would like to get involved.

### **State of the Birds 2017: Farm Bill Special Report**

*Jennifer Cipolletti, Deputy Director for Policy, American Bird Conservancy*

For more details about NABCI's State of the Birds 2017: Farm Bill Special Report, [view the presentation online](#), or [visit the report's website](#).

Since Congress is one of the primary audiences for NABCI's State of the Birds reports, this year NABCI produced a short, targeted report focused on the Farm Bill and its benefits to conservation. Outreach to Congress and other leadership is a major element of report follow-up. NABCI partners will hold a legislative briefing on October 4 to communicate about the importance of Farm Bill conservation programs. The report focuses on four key conservation priorities for the next Farm Bill: 1) Increase funding for Farm Bill conservation; 2) Improve the impact of Farm Bill conservation programs on priority wildlife species; 3) Enhance the capacity of Farm Bill public-private partnerships, and 4) Support the use of science to maximize Farm Bill conservation effectiveness.

### **Southern Wings Progress Updates**

*Deb Hahn, International Relations Director, AFWA*

Since its inception, 30 states have contributed over \$2.7 million to on the ground conservation in Mexico, Central and South America and the Caribbean through Southern Wings. Southern Wings is looking to engage more states and other partners in strategic conservation actions across the full life cycle of our shared migratory birds. State fish and wildlife agencies are one of the trustees for settlements through NRDA (National Resource Damage and Assessment Program). Southern Wings is cooperating with USFWS to support using money from a settlement in Virginia for wintering ground conservation of the species impacted in the United States. This could be a model for other settlements.

The Pacific and Atlantic Flyways have developed hemispheric shorebird strategies that identify priority species and actions. This is an opportunity to partner with Pacific and Atlantic Flyways Strategies on shorebird conservation. Southern Wings will also be using the [Partners in Flight VI conference](#) in October to meet partners and learn about potential opportunities.

For more information, see Southern Wings' [marketing brochure](#).

### **Cat Work Group Update and Discussion**

*Sara Schweitzer, Wildlife Diversity Biologist, NC Wildlife Resources Commission*

For complete information about this group's charges and progress, please see the [online presentation](#).

The cat WG originated in the Bird Conservation Committee but was formed as an interdisciplinary Work Group in March 2016 and represents multiple AFWA Committees.

Regulatory Tasks: The WG has summarized regulatory language for all 50 states that does or could apply to restrictions on release, feeding, and/or maintaining feral or free-ranging cats. The WG will follow up with a report analyzing these findings. Note that the American Bar Association recently passed a

resolution supporting TNR (Trap-Neuter-Release) and the WG suggests that AFWA may want to consider a response to this resolution.

Partnerships and Communications Tasks: The WG was tasked with providing examples of successful methods state agencies are using to remove feral and free-ranging cats from conservation lands, and providing examples of successful partnerships between wildlife advocates and cat advocates to help state agencies develop outreach strategies. No long-term successful partnerships have been identified to date. As states are hesitant to discuss removal methods openly, the WG has drafted a survey that states can answer anonymously to evaluate the extent of state challenges with cats on state lands, as well as how states are addressing these challenges. This survey can inform Best Management Practices for how states can address feral and free-ranging cat challenges. This WG has also developed a bibliography of ~300 articles related to feral and free-ranging cats.

## Discussion

Silke Neve: The Canadian Wildlife Service recognizes that they are not well-positioned to address this issue and they have provided funding to Nature Canada, which did a lot of Human Dimensions work focused on cat health. Their work primarily focuses on owned cats (see <http://catsandbirds.ca/>); the feral cat issue has been more challenging for them.

Geoff Geupel: Have you reached out to the Humane Society of the US? Yes, this Working Group does have members who have worked with HSUS. PETA (People for the Ethical Treatment of Animals) may also be a non-traditional stakeholder who is aligned with our goals on this issue.

Diane Eggeman: The American Bar Association's resolution underscores how broad our stakeholder groups are on this issue- they include people and organizations we are not thinking about. Sara: This is an opportunity for states to be proactive.

Geoff Walsh- Note the negative health implications of feral cats.

Steve Hilburger: Do we include pro-TNR articles in the bibliography? Sara- Yes, we include articles that refute and support TNR. TNR can be successful if it's implemented very stringently, with all cats vaccinated, spayed/neutered, and no additional cats coming into the population, but it is extremely difficult to meet these criteria. Also note that this issue deals with strong emotion.

Reducing the number of cats is considered success.

EJ Williams moves to extend the duration of the interdisciplinary Feral and Free Ranging Cat Work Group at least 12 months so this Work Group can build on their existing progress and:

- 1) analyze their compilation of state laws and administrative rules pertaining to feral and free-ranging cats;
- 2) Distribute a survey, which can be answered anonymously, asking states about feral cat challenges and methods of addressing feral cats on state lands; and
- 3) Develop Best Management Practices for addressing feral and free-ranging cat issues on state lands managed for wildlife

Rick Jacobson seconds, and the motion carries. This action was also approved at the 13 September AFWA Business meeting and the WG duration is formally extended.

## 10:40 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation

*John Lord, Operations Manager, AFWA*

See [full presentation](#) for complete updates.

The National Survey was created to measure participation in and the economic impact of hunting and fishing. More recently, the survey added a module to evaluate wildlife-related recreation. To reduce costs and increase precision of estimates, the most recent survey evaluated a new methodology, using both the old and new methodologies in one survey year to allow comparisons and to design “bridges” that improve data comparisons between years. A report evaluating the different methodologies will be used to inform the 2021 survey approach.

Preliminary reports from the 2017 analysis show increases in fishing and wildlife viewing and decreases in hunting.

## **Potential Threats to Migratory Bird Treaty Act**

*Davia Palmeri, AFWA*

See [full presentation](#) for complete coverage.

The USFWS has suspended efforts to create a permitting process for incidental take under the Migratory Bird Treaty Act. Note that courts are split on whether USFWS even has the authority to regulate incidental take under the MBTA. Since this process will not be moving forward in the short term, the wind industry seeks a legislative solution in place of the potential regulatory solution under USFWS. They are proposing what they refer to as a “duck stamp approach” in which they pay an up front fee to cover any potential take that may occur at their facilities. AFWA thinks this approach may be too simple, since it would be challenging to differentiate between take of rare/declining birds and common ones.

### Discussion

It is not yet clear what would happen with any funds collected through this process. States should consider where they might want that money to go. It would also be important for some differentiation based on what is taken- endangered species? Common birds? It’s often not about the number of birds taken, but rather the species impacted. There is also an international component, since birds taken in the US may impact other countries.

Several BCC members agree that this is not a “duck stamp approach.” The duck stamp is a conservation measure that is being expanded. The wind energy proposed solution is up-front payment for negative environmental consequences, more like mitigation banking. Committee encourages that this approach not be marketed as a “duck stamp approach.”

Unclear whether this approach would be proposed in lieu of or in addition to BMPs. An approach that first tries to avoid take is preferable than simply jumping to mitigation options. Note, too, that while this model looks at birds, is also important to explore bat impact. AFWA has an opportunity to shape the understanding of what this might look like, possibly using the guidance to 1) avoid; 2) minimize, and 3) mitigate.

If this process moves forward through the wind community, the Bird Committee may consider forming a working group to oversee/collaborate on this process.

## **General Legislative Updates- Jen Mock Schaeffer, AFWA**

In lieu of a presentation, [this summary](#) was provided to the Bird Committee.

## **Blue Ribbon Panel/Alliance for America's Fish and Wildlife Updates- Sean Saville, AFWA**

The Alliance for America's Fish and Wildlife is the new iteration of the Blue Ribbon Panel. The campaign has worked with a professional branding company on messaging and a website. Although the website is currently live, the campaign is waiting to drive traffic to the new site until a bill has been introduced in Congress (Sean asked that this website not be distributed or published at this time). Additional campaign products include banners, a campaign video (still in development), and a Wildlife Habitat Council white paper on the role of the private sector in conservation.

The campaign is working with Representatives Young (AK) and Dingell (MI) to reintroduce a bill to this Congress. This bill will be similar to what was introduced last year, with some revisions to the funding formula (now funding will be calculated giving equal importance to population size and land mass).

## **Harvest Information Program Task Group Update and Discussion**

*Ross Melinchuk, Director of Conservation Programs, Texas Parks and Wildlife*

The HIP Working Group has produced a report that compiles ~18 months of work to evaluate issues associated with HIP and propose a solution to addressing these challenges.

### Background:

HIP was fully implemented in 1998 to develop a national list of migratory bird hunters. However, HIP has four major issues that affect the quality of data generated and the timeliness of information reported:

- 1) People who do not hunt migratory birds are being registered for HIP
- 2) When vendors collect data from hunters, not all vendors ask hunters about hunting activity when they register for HIP
- 3) Late/inaccurate/incomplete data provided by some states to US Fish and Wildlife Service
- 4) Not all migratory bird hunters are being registered for HIP.

(See Appendix 4 in the report for a complete list of problems.)

### Proposed Solution:

The National Dove Task Force developed a proposal for a solution, which was used as the basis of the HIP WG's proposed solution and report. The group recommends a nationalized, standardized data collection system. Since much of the error originates from the point of sale vendors, the group recommends removing data collection responsibility from third-party vendors and obtaining data directly from hunters.

Note that a few states have been proactive about addressing HIP data collection challenges and provide successful models for a new national system. Kentucky applied a model similar to the one being proposed in their state, requiring hunters to enter data themselves. With an successful communications campaign and a 1-800 number to offer assistance to hunters, compliance with HIP reporting went up to 90% after one year of implementation.



### Next Steps: Pilot Project and Addressing Concerns

The Work Group acknowledges that it does not yet have answers to all questions and concerns, and proposes a pilot project, incorporating 3-4 states per Flyway, to ensure the proposed system is robust enough to accommodate all states and to address any concerns. Concerns to address include (but are not limited to):

- Ensuring the protection of data
- Identifying a third-party provider to create and maintain national HIP system
- Identify how to accommodate states that charge for HIP, and states that do not charge
- Identify how to accommodate states that wish to keep HIP registration as part of their state licensing system, and states that would accommodate a 2-step process
- Method of monitoring effectiveness of new approach

Note that all four Flyways support this concept in principle, and the AFWA Executive Committee unanimously recommended to move forward with this recommendation.

The WG recommends that AFWA approve a pilot, with the aim to launch the pilot in fall of 2019. The WG also recommends that it remain intact to oversee the development of a pilot program.

#### Discussion

- recommendation that HIP WG engages the technology and data collection committee in the next steps
- Utah recently re-did their HIP program, which can now be accessed online with an app; request that new model will be consistent with Utah's revisions.
- Consider how to do this in a single step at time of license sale (rather than having hunters access separate website afterwards)
- Appendix 4 suggests that approximately half the states are falling short, but that means that half the states may have good models. For the pilot, suggestion that we take the best of the best from states and create a single model that will appeal to everyone.
- USFWS supports the recommendation from the report.

Josh Avey moves, and Rick Jacobsen seconds this motion:

**The Bird Conservation Committee seeks acceptance of the draft report presented by the Harvest Information Program Working Group and support for the Working Group's recommendations in principle, including to establish a voluntary pilot project with the goal of encompassing states from each Flyway.**

**The motion carries and was approved at the Business Meeting.**