



ASSOCIATION of
FISH & WILDLIFE
AGENCIES

BIRD CONSERVATION COMMITTEE I

Chair: Judy Camuso (ME)

Vice-Chair:

10:00 AM-12:00 PM

Tuesday, 15 March 2022

All times are in Pacific Time

North American Wildlife and Natural Resources Conference

Introductions

Judy Camuso, Commissioner of Maine's Department of Inland Fisheries and Wildlife

We are on the precipice of change with many items like RAWA and topics of Diversity, Equity, Inclusion, and Justice. We are beginning to see change.

A hybrid meeting is a little more challenging than a fully virtual meeting.

US Fish & Wildlife Service Migratory Bird Program Updates

Ken Richkus, Chief, Division of Migratory Bird Management

Kari Duncan, Chief, Division of Bird Habitat Conservation

Eric Kershner, Chief, Division of Conservation, Permits, and Regulations

USFWS Migratory Bird Update:

The Branch of Bird Conservation Permits and Regulations which was housed in Ken's division and elevated to division status and is now led by Eric Kershner. Tom Cooper is the new Central Flyway Representative.

Survey and Monitoring Programs

2020 and 2021 were pretty challenging years due to COVID. USFWS spent 2021 learning more about COVID-19, how it was transmitted, put a lot of COVID mitigation measures in place, and by 2021 they were able to resume a lot of survey and monitoring activities. The Canadian border remained closed in 2021, which prevented surveying the prairie strata in Canada. This year (2022), USFWS received a formal invitation from the Canadian Wildlife Service to perform the May surveys. Recently received clearance for overflight. Keeping an eye on banding and the current Avian Influenza (AI) situation here in the U.S. The last thing the Service wants to do is contribute to the transmission of AI in any way, shape, or form through their activities. They

don't want to make any uninformed decisions or knee-jerk reactions and want to let science kind of guide what they do.

Status of Grant Programs

Update on North American Wetlands Conservation Act grants in the fiscal year 2021, 155 projects were approved. in the U.S., Canada, and Mexico totaling \$114.6 million in grant funds and \$217.7 million in match For Fiscal Year 2022. The Migratory Bird Conservation Commission approved 28 U.S. Standard grants last September, the North American Wetlands Conservation Council selected 30 U.S. Small Grants in March, the Council will recommend 40 proposals in the U.S., Canada, and Mexico to the Commission for approval in April. The first cycle of the U.S. Standard proposals for the Fiscal Year 2023 have been submitted. For the Neotropical Migratory Bird Conservation Act, for the fiscal year 2021, more than 4.8 million in Federal funds were matched by more than 22.5 million in partner contributions going to 30 collaborative conservation projects in 23 countries across the Americas in the fiscal year, 2,022, 41 applications received. Federal and Junior Duck Stamp, more than 1.1 billion raised since 1934, 6 million acres conserved, and 1.5 million stamps sold annually. 2022 events include the Jr. Duck Stamp virtual contest on April 22. USFWS is partnering with Prairie Pothole Joint Venture to host the Federal Art Contest in North Dakota on September 23-24th.

Migratory Bird Treaty Act (MBTA) and Eagle Regulations 2.0

Two rule makings. Reframe rule makings from an enforcement approach to a more bird conservation approach. Instead of trying to manage at an individual project level, the Service is trying to morph into a nationwide program. The vision is to sustain migratory birds and eagles populations but also to meet societal demands for sustainable energy. For the MBTA, the Service is looking at a tiered approach, a streamlined permitting approach. Streamline-regulatory authorizations for non-commercial and low impact activities. Automate-general permits for most of the projects on the landscape. Customized-specific permits for projects that benefit from FWS engagement. Working with the federal family to integrate the MBTA into compliance with the National Environmental Protection Act which all federal agencies must comply with. The MBTA, currently developing exceptions, general permits, and triggers for specific permits for the following industries: power lines, both land and offshore based wind, solar, communication towers, oiled and produced waters, transportation, and fisheries (by-catch). Methane burners are not included. Considering a conservation Fee Approach. Akin to a flat fee, funds are also used for the on-the-ground conservation of birds. These funds could be used to monitor the incidental take of migratory birds and the effectiveness of beneficial practices. Eagle permits, looking to make general permits for four identified industries: wind energy, utilities, nest removal, and nest disturbance. There would still be permits when they don't qualify for these four industries. Process steps-early May draft goes to OIRA for interagency review. Draft of the proposed rule in the summer. MBTA-end of may for OIRA then end of summer draft. The intent is to have the final rules published in the summer of 2023.

Migratory Bird Protection Act: Overview

Lane Kisonak, Chief Legal Officer, AFWA

AFWA Perspective on MBTA

AFWA has been working to address the MBTA in a holistic way in the last few years. We are on firmer ground in terms of consensus interpretation of the act to include incidental take. The Migratory Bird Protection Act has been introduced a couple of times now in the house by Representative Lowenthal (CA) would bolster the ground even further by modifying 16 USC 703 to explicitly include Incidental take. Currently, MBTA is defined as to pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect. In 2020, the opinion issued by the U.S. District Court for the Southern District of New York, the court did a thorough textual analysis of that provision and compared it with taking provisions in the ESA and other legislation and say this comprehensively includes all deliberate and not deliberate conduct that results in the harming or killing of migratory birds. There is still circuit splits at the federal appellate level that have emerged over several decades when the Department of Justice began applying the MBTA to industrial activity. In accordance with the Service's reimagined approach, conservation-focused instead of enforcement focus, AFWA is moving forward in a collaborative way. In terms of AFWA's feedback on MBTA and advanced notice of proposed rulemaking. AFWA was hesitant to support a legislative codification of a permitting structure, preferring instead to work collaboratively to work with federal partners to generate a nationwide permitting framework as we've seen discussed. AFWA submitted comments in Dec 2020 on the three tier approach. AFWA supported the creation of those exceptions, working with State Fish and Wildlife agencies to support and substantiate exceptions. Also, striking a balance between transparent reporting and not overburdening regulated entities with excessive reporting. Focused on how State Fish and Wildlife agencies would be addressed in the permitting system. Identified beneficial practices that may best be applied to certain authorization types including monitoring, data collection, and documentation to ensure that permit requirements are commensurate with the impact on specific populations and differentiation between higher and lower risk areas.

Canadian Wildlife Service Update

Ryan Zimmerling, Manager, Migratory Birds, and Wildlife Health, Canadian Wildlife Service

In the federal election in September 2021, a new minister for the ECCC (Steven Guilbeault).

Migratory Bird Regulation Modernization

The final proposed regulations will be published in spring 2022 and come into force in July 2022. Canada has a new nest protection policy that is proposed to protect the nests of birds of high conservation value, year round instead of all migratory birds. This is because some nests are not reused so there is no biological reason to protect those nests.

Enhanced Nature Legacy

2.3 billion dollars over 5 years will support work with other governments, Indigenous groups, NGOs, and others to conserve 25% of Canada's lands and 25% of coastal areas by 2025.

High Pathogenic Avian Influenza

Found in all Atlantic Provinces as well as British Columbia (a different virus from the east coast). A number of raptors and owls are testing positive and showing clinical signs. As spring migrations begin they anticipate all the flyways in Canada will have birds testing for Avian Influenza. We don't know the risk to migratory birds.

Canada's Nature Fund

International partnerships are crucial to addressing international threats to Canada's Migratory birds. 2.4 million over 5 years (2018-2023) to address threats to migratory birds. Results from 2018-to 2021 show that 42,152 hectares of land and 3,500 kilometers of coastline have been conserved. Currently, 19 projects across 22 counties and 85 partners in Mexico, Central America, and South America. Over 120,000 trees were planted.

Shorebird Harvest in the Atlantic Flyway

Working with USFWS on international issues is addressing shorebird harvest in the Atlantic Flyway. This area is a critical region for shorebirds, Guyanas. At least a hundred thousand are harvested each year. The harvest occurs in Guyanas, with 10% Caribbean, and Northern South America. Working collaboratively with colleagues south of the Canadian border on this issue. Shorebird harvest could be one of the contributing factors to the loss of shorebird declines in the last 50 years.

COVID-19 and Field Work

Canada does not anticipate major impediments to conducting fieldwork in 2022. Had limited surveys in 2021. The Breeding Bird Survey had a relatively good turnout in 2021.

North American Bird Conservation Initiative (NABCI) Updates

Susana Mateos, Bird Conservation Program Manager, AFWA/NABCI Coordinator

See Susana's Slides

NABCI's Strategic Plan 2022-2026

We are using the [5 Game Changing Paradigms](#) to inform our NABCI Strategic plan as we reimagine bird conservation and how we can extend beyond our current reach. Work together beyond the bird conservation community and create spaces where folks feel a sense of belonging and ownership to conservation to cultivate long term investment in change. We need advanced science to identify limiting factors of bird declines. This should be both natural and social science to broaden our lens on the whole suite of factors influencing bird populations and their chance of recovery. It is important to recognize there are many ways of knowing and knowledge systems. We need road maps for population recovery that reflect full life cycle needs. These have had different names over the years- conservation business plans, conservation investment strategies- but plans that look at all elements of full life cycle conservation. Many migratory

birds migrate to Latin America and the Caribbean. Making sure the relationships are genuine with the goal of co-production and not just extracting data or labor, a participatory approach. Make sure our models and research are culturally relevant to communities. We need a bold new legislative agenda. Recovering America's Wildlife Act is front and center here, but there are many other policies and packages that affect bird conservation. Lastly, tie together to ensure we are communicating effectively and that we are relevant to the broader communities. Make sure our resources are accessible to folks.

NABCI Subcommittee Updates

The Government Affairs and Partner Engagement Subcommittee, formerly the Legislative and Policy Committee, is an independent collaborative that liaises with the NABCI Committee. Where needed, NGOs of the subcommittee will develop policy without the U.S. NABCI board's involvement and outside of the auspices of the U.S. NABCI Committee. Serve as a resource for NABCI member organizations by compiling and/or developing policy-related messages that demonstrate the importance of key bird conservation programs. Inform the State of the Birds Report. Jennifer is the chair and this subcommittee revisioning was done in conjunction with several subcommittee members I want to highlight two, Tammy VerCauteren from Bird Conservation of the Rockies and Amelia Juliette Demery a Ph.D. candidate from Cornell University. View the Government Affairs and Partner Engagement Subcommittee [2022-2025 Work Plan](#).

In 2017, the Human Dimensions Subcommittee developed a [short document](#) titled Understanding People to Conserve Birds that defines human dimensions. It explains how the social sciences can benefit birds and provides an example of how social research increased the effectiveness of bird conservation. This subcommittee is updating the 1-pager to address operationalizing social science into our work. They are also working on providing a tool that addresses where to insert social science, how to get started, who to engage, how to apply the information, identify communities we impact, and how to genuinely include everyone and their perspectives. In September 2019, the Human Dimensions Subcommittee issued a call for examples in which non-traditional partnerships have been forged in order to generate benefits for both human communities and birds. They are expanding their [Human Dimensions Success Stories map](#) with new examples where social science has been used to identify limiting factors and advance bird conservation or recovery.

In 2020, NABCI created the community of practice group to: Provide a forum for organizations to learn from each other by creating a space that encourages participation and many voices within NABCI and providing additional resources to help partners expand partnership opportunities. In 2021, the community of practice hosted [four webinars](#) in conjunction with State and Federal agencies+NGOs.

Highly Pathogenic Avian Influenza Viruses in North American Wild Birds

Camille Hopkins, USGS Ecosystems Mission Area

[See Camille's Slides](#)

Camille is a wildlife veterinarian and disease ecologist at USGS Headquarters.

High Path Avian Influenza background

The traditional view of Avian Influenza (AI) viruses was that they usually don't cause disease or symptoms in wild birds. When those AI viruses get into poultry they can evolve into high pathogenic viruses. High path (high morbidity and mortality, economic impacts to industry) versus low path (don't cause disease or mild disease).

Ongoing high path AI Outbreak in North America

USGS sits on the Interagency Steering Committee for Avian Influenza Surveillance in Wild Migratory Birds. This includes reps from USDA, USFWS, AFWA, National Flyway Council. The current bird outbreak in North America is H5N1, (H5 and H7 that can be in low path form but once they get into poultry they evolve into the high path). Viruses can move bi-directionally from poultry into wild birds. This spillback can cause further geographic spread and adaptation of the virus in wild birds. One of the most recent large die offs from high path AI is in Israel with Common Cranes. Species Affected by high path AI in North America are ducks, geese, swans, gulls, and raptors.

[USDA Resource Link](#)

[USGS Wildlife Health Bulletin](#)

In January 2022, the Interagency Steering Committee disseminated a memo on Europe's increasing high path situation and here we are now. In 2021, [Wild Birds Webinar Series](#). USDA's [Implementation Plan](#) for Avian Influenza Surveillance in Waterfowl in the United States. With this outbreak, wild bird detections happened first, providing the warning to poultry to enhance their biosecurity. Pacific Flyway- migratory connectivity between East Asia and North America may lead to introductions of high path AI. The Atlantic Flyway, hypotheses for potential routes: Iceland, species that migrate from NW Europe to Canadian High Arctic and/or NW Greenland, and pelagic route directly across the Atlantic Ocean.

High Path AI Preparedness

Communicate first within, then across, agencies

Management Considerations: Decision trees, limiting/restricting activities that aggregate birds, restricting or suspending handling, limiting or restricting access to wetlands, implementing disinfection protocols for boats or gear, or possibly manipulating levels of small managed wetland. North American Managers Article: [HPAI is an emerging disease threat to wild birds in North America](#)

Grassland Birds Initiative

Tammy VerCauteren, Executive Director, Bird Conservancy of the Rockies

Catherine Wightman, Northern Great Plains Joint Venture Coordinator, Ducks Unlimited

See Catherine's Slides

Central Grasslands Roadmap Alignment

Aligns with the 5 game changing paradigms, a new strategic direction for NABCI. As well as the USFWS' 5+1 response to the loss of 3 billion birds and reimagined conservation movement- grassland birds are one of the 5. Alignment with One Health.

The Collaborative's Work

A story map that includes social layers, tribal boundaries, landowner collaboratives, and more. WWF helped pull together using JV8 boundary, Commission for Environmental Cooperation map, and Bird Conservation Region maps to help identify where we are working in the landscape and state of the land- grass, at risk of conversion, converted or invaded by trees/shrubs. NRCS Rangeland Analysis Platform. Working on a seamless process in Mexico.

Identifying the status of our grasslands is a biome scale- 600+ million acres- of intact grasslands. Every year, we are losing 4 million acres to plow or trees/shrubs. There is a huge cost of not addressing the cost of rangeland improvement \$5-\$7/acre cost for tree removal is \$550.

Momentum in Canada

Prairie Habitat JV / JV8 Collaborations and linkages, First Nations Engagement, Canada has an interest in North America Grasslands Conservation Act & other proposals in the U.S.A.

Grasslands Scorecard

Collaboratively built a [Scorecard](#) that covers birds, communities, soil and land health, birds, pollinators, and more. It is clear that grassland birds are in steep decline and in order to save birds, we need to recognize the needs and values beyond birds. Looking at soil health to rangeland health to human communities. We are all connected and part of the process and solutions. Community measures- We need to see a huge commitment from corporations to be carbon neutral and to improve their impact on the changing climate. As well as, commitment from industry to minimize fragmentation, build where there is existing infrastructure, invest and restore.

Goals for January-May 2022

Getting the word out at the Kansas Natural Resources Conference. Conducting surveys for Canada and Mexico producers- data just before the summit. Give a talk at the native American Fish and Wildlife Society meeting. The Mexican working group had a meeting in December 2021 and is working on a path forward to May Summit. The Scorecard was out for public comment for the month of February. USFWS/USFS helped draft an MOU elevating grasslands as a priority MOUs are being reviewed at leadership levels for USDA and DOI. A Trilateral Letter of Intent to elevate grasslands for the three countries is in review and a plan is to sign at the Trilateral meeting in June 2022.

Central Grasslands Summit- May 2022

Elevate priorities under the 7 scorecard goals- working group discussions (what can we prioritize for the next 1-3 years that will make measurable progress toward the scorecard metrics. An evening reception with leaders, 65,000-acre Open space with bison, ferrets, recreation, birds, tribal. Working groups on RAWA, NAGCA, Canada, Mexico, and Farm Bill. There will be virtual attendance for government personnel from Canada who can't join and other key folks but will not be a hybrid model. Jeff Raasch has communicated to all 10 states in the Central Flyway. USFWS Director Martha Williams and Principal Deputy Assistant Secretary Wizipan from Indian Affairs will be attending the Summit.

Western Forest Bird Initiative

Dave Smith, Intermountain West Joint Venture

Initiative Summary

It is a concept not an operational initiative and doesn't have any funding. Monica Iglesia and Pacific Birds Habitat Joint Venture have been working with Klamath Bird Observatory, Brian Smith (USFWS), and many more partners to put together this idea. The tenet is active forest restoration with three goals: wildlife risk reduction, water, and migratory birds. Wildlife risk reduction is a focus on the recent Infrastructure Law, significant funding for the USFS. Improving habitat to reverse the 29% western forest bird decline. Intermountain West JV and Pacific Birds JV funding over to KBO for data synthesis to select forest types for this proposed initiative. Great support from the USFS leadership. There is the potential for an interagency agreement with USFS to start bringing funding for capacity. There is a niche for the JV community and that is landscape conversation with partners. This initiative would be championed and delivered through a lens of supporting western communities in improving forest health.

U.S. Shorebird Conservation Initiative Update

Brad Andres, National Coordinator, US Shorebird Conservation Partnership

[See Brad's Slides](#)

Shorebird and Flyway Updates

Use [this link](#) to access the new website for America's Flyways. Pacific, Midcontinent, and Atlantic. East Asian Australasian Flyway is led by Birdlife International and Asia Development Bank. There's a strong commitment to the wetland conservation in that flyway that brings people to the forefront. Thinking about climate change resiliency and a human component to conservation. The hope is to replicate this in the Americas in the future.

Pacific Shorebird Conservation Initiative

Developing reporting mechanisms through story maps with a whole host of projects. In the U.S., a comprehensive survey of the Saline Lakes Ecosystem, led by Point Blue Conservation and Audubon. Utah's legislature is funding a multi year migratory bird monitoring and study program at Great Salt Lake, Utah Lake, and Fish Springs. Discussing the gap in the management

ability of state wildlife areas and national wildlife refuges to think about how to offer training to newbies in wetland management for shorebirds and other species.

Midcontinent Shorebird Conservation Initiative

In the process of compiling and the writing phase. The target release is summer 2022.

Atlantic Flyway Shorebird Initiative

First flyway Initiative of the Flyways in the Americas. Shifting focus from disturbance to predator management, working with states feds, and NGOs lands across the flyway on best management practices. On the theme of human disturbance, developed [great animations](#) to reach beachgoers to bring in the issue of shorebirds nesting on beaches. Continuing to work on the shorebird harvest in this flyway.

United States Shorebird Conservation Partnership Assessment and Strategic Future

Twenty-year assessment of what this partnership has been working on. The document is organized by NABCI priorities. Try to think of the next 20 years and how they can be more inclusive. Focus on how we can move shorebird conservation forward. They have a five-year action plan. Administrative support for this partnership is crucial. Brad Andres will be retiring at the end of June. Must maintain an active council and expand representation. There are great state partners on the council and making sure they are all ready for RAWA.

Adjourn

66 Participants total with 6 participants in person in Spokane, WA.