



Bringing back the birds

Inside Bird Conservation May 2023

[Lawsuit Aims to Protect Texas Wildlife Habitat, Beach Access from More Exploding Rockets](#)

Following a massive rocket explosion in South Texas, national and local environmental groups and the Carrizo/Comecrudo Nation of Texas, Inc. sued the Federal Aviation Administration (FAA) today for failing to fully analyze and mitigate the environmental harms resulting from the SpaceX Starship/Super Heavy launch program at Boca Chica. The launch site sits next to prime ... [Read More>>](#)

[Senate, House Committee Vote to Delist Lesser Prairie Chicken](#)

The U.S. Senate [voted](#) 50-48 with two Democratic Senators absent to delist the Lesser Prairie Chicken. The House Natural Resources Committee also [voted in favor of](#) a Congressional Review Act (CRA) resolution ([H.J. Res. 29](#)) that would restrict U.S. Fish and Wildlife Service (USFWS) from protecting the [Lesser Prairie Chicken](#) under the Endangered Species Act (ESA).

[Federal Spending and Policies for Bird Conservation](#)

American Bird Conservancy (ABC) is weighing in on this process to ensure that bird conservation programs are funded by Congress and to advance needed policy changes. ABC sent Congress [a paper](#) outlining the programs that need to be funded and the report language (language that specifies how funds are to be spent) that needs to be included to conserve birds.

NOAA announces Plan to designate the Pacific Remote Islands as a national marine sanctuary

National Oceanic and Atmospheric Administration (NOAA) is issuing a [Notice of Intent](#) to begin the public scoping process to initiate designation of a national marine sanctuary in the Pacific Remote Islands. On March 24, 2023, President Biden [directed](#) the Secretary of Commerce to initiate a sanctuary designation process for the waters surrounding the seven islands, atolls, and reef of the Pacific Remote Islands Marine National Monument, both within and outside the boundaries of the existing monument, to the full seaward limit of the U.S. Exclusive Economic Zone. NOAA is [accepting public comments on this Notice of Intent through June 2nd, 2023.](#)

Bureau of Land Management: [75-day public comment period on Conservation Rule](#)

The draft rule would clarify that restoring and protecting public lands is a use of the land within the framework of the Federal Land Policy and Management Act (FLPMA). FLPMA provides for the designation of Areas of Critical Environmental Concern (ACECs), an authority that has been underutilized since the law's passage in 1976. The proposed rule would direct BLM staff to identify priority landscapes for protection and restoration using ACEC designations and use funds from the Inflation Reduction Act and Infrastructure Investment and Jobs Act for restoration projects. The proposed rule takes other steps such as formalizing the practice of "conservation leasing" for land restoration and protection, applying consistent scientific processes to land management practices, and engaging in meaningful consultation with Tribal nations. (Center for Western Priorities)

First National Inventory on Mature and Old Growth, New Comment Period

The Interior and Agriculture Departments also [released](#) a joint [report](#) on mature and old-growth forests on lands managed by the Bureau of Land Management and the Forest Service. The Forest Service also [announced](#) a proposed rulemaking for national forest and grassland climate resilience, and U.S. Transportation Secretary Pete Buttigieg announced a [pilot program](#) to both improve habitat connectivity for wildlife and prevent wildlife-vehicle collisions. (Center for Western Priorities)

"The Biden administration is taking an important first step toward enlisting the nation's older forests as natural climate solutions. Older forests cleanse the air we breathe, help keep the planet from overheating further, and purify our drinking water, all of which will be increasingly demanded in a changing climate. Protecting these forests from logging can work alongside thinning small trees in highly flammable logged areas and would begin a process toward the President's goal of 30% of the nation's lands and waters protected by 2030."

[Protecting mature and old-growth forests as natural climate solutions](#)

The Policy Speaker Series is an effort funded through the NASA Carbon Monitoring System (CMS) Initiative and co-sponsored by the [Joint Global Carbon Cycle Center](#) (JGCCC). Mature and old-growth forests (MOG) have declined globally. In the continental USA, most MOG was logged decades ago but some regions are recovering. President Biden announced a federal inventory of MOG last Earth Day for conservation purposes. This presentation will showcase the nation's first ever MOG mapping and analysis and their importance as natural climate solutions.

[Guest Column: Celebrate Earth Day with protections for old forests](#)

By Dominick A. Dellasala, Rick Martinson and Roger Worthington

President Biden [signed](#) a new executive order, [Revitalizing Our Nation's Commitment to Environmental Justice for All](#). **The order directs all federal agencies to incorporate environmental justice into their missions, assess their environmental justice efforts, and develop and implement strategic environmental justice plans.** Agencies will now be expected to identify and address gaps in research and data, including on cumulative impacts, and to make that research and data more accessible to the public. The order also creates a new Office of Environmental Justice within the White House Council on Environmental Quality; the new office will coordinate environmental justice efforts across the federal government. (Center for Western Priorities)

California Condors Dying for Avian Influenza

[The Peregrine Fund](#) has confirmed that 10 of the 20 California Condors from the Arizona-Utah population which unexpectedly died in 2023 were positive for Highly Pathogenic Avian Influenza (HPAI). Six birds are known to have died directly from the disease, and The Peregrine Fund believes more birds are likely to suffer from the disease in coming weeks. The [Ventana Wildlife Society](#) in Monterey, California is setting up a quarantine facility in anticipation of the extremely virulent disease making its way into their resident wild population.

[House Leaders Call for More ESA Funding](#)

American Bird Conservancy Action Fund thanks the House leaders, including Rep. Don Beyer (D-VA), who support increased appropriations funding for endangered species conservation and the Endangered Species Act (ESA). Recognizing the biodiversity crisis, 124 Representatives signed [a letter](#) sent to the House Interior, Environment, and Related Agencies Subcommittee Chair and Ranking Member. This action comes as [anti-ESA bills](#) have been introduced into Congress, including legislation to limit protections for Lesser Prairie Chicken.

[Lawsuit Launched to Prohibit Pesticides in Endangered Species Critical Habitat](#)

The Center for Biological Diversity filed a [notice of intent to sue](#) the U.S. Fish and Wildlife Service for failing to respond to a January 2019 petition to prohibit nearly all uses of pesticides in areas designated as critical habitat for endangered species.

Since the petition was submitted, the Environmental Protection Agency has released more than a dozen assessments finding that various pesticides are causing grave harm to many of the nation's most endangered plants and animals. But the Service has failed to put in place any on-the-ground conservation measures to protect species from the pesticides.

“By ignoring the massive threat pesticides pose the Fish and Wildlife Service is pushing many of our most endangered plants and animals to the brink of extinction,” said Lori Ann Burd, the Center's environmental health director. “We provided a common-sense roadmap for how to protect the most imperiled species in their most important habitats, but the Service hasn't even bothered to respond.”

[The Endangered Species Act at 50: More Important Than Ever in the Pacific Region](#)

From tropical rainforests and sandy beaches on Pacific Islands to the sagebrush deserts and mountain peaks in the Pacific Northwest, we are privileged to protect some of the most varied landscapes and wildlife on Earth. Those special places and species, however, each bring their own challenge. Thankfully, we've had the Endangered Species Act to help us manage those species and landscapes over the past 50 years and into the future. [Our Pacific](#)

[Region](#) – which encompasses Idaho, Oregon, Washington, Hawaii and the Pacific Islands – has more than 35% of ESA-listed species. [With 589 plants and animals](#) listed as threatened or endangered in the region, we face this challenge on a daily basis. (USFWS)

[Recovering America's Wildlife Act Reintroduced in the Senate](#)

American Bird Conservancy Action Fund thanks Senators Martin Heinrich (D-NM) and Thom Tillis (R-NC) for reintroducing [Recovering America's Wildlife Act](#) (RAWA) which would proactively fund state and Tribal wildlife management plans, advancing local conservation and protecting biodiversity.

[More than 160 Organizations Call for Passage of Recovering Americas Wildlife Act](#)

State Bills to Protect Birds from Pesticides, Window Collisions

US Senate Bill to Prevent Wildlife Protection from Lead – [Protecting Access for Hunters and Anglers Act](#), S. 1185, a companion bill to H.R. 615 has been introduced in the Senate. The bill calls for revocation of the ability of the Secretaries of Agriculture and Interior to prohibit the use of lead on any public lands. Lead toxicity remains the number one killer of California Condors and suppresses both Bald and Golden Eagle populations. American Bird Conservancy strongly opposes this legislation while supporting continued access of lands for hunters and anglers.

NY State Assembly passes Coated Seed Restriction Bill – [A3226](#) passed the New York Assembly last week and is hoped to come to a floor vote in the Senate before June. The bill, also called the Birds and Bees Protection Act, would phase-out neonicotinoid-coated corn, soy, and wheat seeds, as well as uses on ornamental plants and lawns. The bill would be phased in over 3 years and contains exemptions for invasive species and demonstrated need by growers. If signed into law, New York would be the first state to restrict the use of some coated seeds.

New Approach to Neonicotinoid Legislation passes first CA Committee – [AB 363](#), cosponsored by American Bird Conservancy and Environment California, has successfully passed out of the Environmental Safety and Toxic Materials Committee by a 6-1 vote. The bill would give the state Department of Pesticide Regulation authority over pesticide-coated seeds, currently a massive blind spot in pesticide authority. This bill is one of many working their way through state legislatures in 2023.

Maryland Passes PFAS in Pesticides Bill – [SB 158/HB 319](#) was passed on the last day of Maryland's 2023 legislative session alongside the aforementioned bird-friendly buildings act. The bill will require the Maryland Department of Agriculture to develop a testing procedure for pesticides to detect levels of per- and polyfluoroalkyl substances (PFAS). Understanding how to detect pesticides and in what quantity they contain PFAS is the first step to curbing their use.

[A Win for Birds in Maryland](#)

At midnight on Monday, April 10, the Maryland legislature concluded its 445th legislative session. In the last half-hour of the meeting, [lawmakers passed](#) the Maryland Sustainable Buildings Act (HB6), which mandates all newly built, acquired, or renovated state-owned buildings use state funds to use bird-friendly windows and lighting.

Washington, D.C. Passes Bird-Friendly Building Act

In a unanimous vote, the nation's capital has followed New York City's lead and passed a bird-friendly building act that will help reduce the threat of window collisions and make the city safer for birds. It will go into effect for all new constructions or substantial alterations after October 1, 2024. The new act is ... [Read More>>](#)