



Bringing back the birds

Inside Bird Conservation – January 2023

[Groups Call for Added Incentive to Rest Pastures in the 2023 Farm Bill to Aid Grassland Birds](#)

Rest-Recover-Recapture is an important component of our overall 2023 Farm Bill Platform we are calling Bird Saver. As the name implies, we know that adding rest to grazing systems will afford many conservation benefits while improving productivity for ranching.

Conservation benefits that can be expected include increases in plant species diversity, ecological heterogeneity, soil health, stability, resilience and sustainability. Grassland bird recruitment rates are also higher on rested lands. Rest also expands the root system, which is a clear win in the race to capture more carbon.

One in four acres in the U.S. is grazing and pastureland. There are over 400 million acres of rangelands in our country. Because these rangelands are largely native and because they are relatively inexpensive to rent, conservation is both less expensive and less intensive. It is seldom that so many positives can be garnered from a simple act, but rest is a natural part of grassland ecosystems. Since 1970 we have lost about half of the overall population of grassland birds. Improving rangelands by incentivizing rest, especially in more arid grasslands, is vital for the recovery of grassland birds.

[Bird Saver Factsheet – Farm Bill Recommendations](#)

American Bird Conservancy (ABC) will work with Congress and the Administration to pass a 2023 Bird-Friendly Farm Bill that:

- Encourages broader conservation easements use to protect key habitats for birds.
- Incentivizes rangeland rest in grazing systems to capture carbon, conserve birds, and expand grassland-conserving policies.
- Encourages partnership-driven, incentive-based conservation.
- Increases partner technical assistance capacity.
- Reinforces that wildlife will continue to be a co-equal priority in the Farm Bill, along with soil and water conservation.
- Prioritizes diverse stands of native plants, limits the use of non-native plants, and reinforces the National Seed Strategy.

Promises and Perils of Proposed Eagle Take Rule

On September 29, 2022, the U.S. Fish and Wildlife Service (USFWS) announced [a proposed rule](#) to manage permits for incidental takes (an unintentional, but not unexpected, taking) of Bald and

Golden Eagles. The proposed rule would streamline the permitting processing, expediting the authorization for incidental takes of Eagles.

Under the proposal, there would be two types of permits, general or specific. General permits would be for four activities: wind energy, power lines, disturbance take, and nest take. In contrast, [specific permits](#) are issued for projects which exceed particular thresholds and are deemed at higher-risk to eagles. To obtain a specific permit, an applicant would have to, in collaboration with the USFWS, develop a suitable mitigation plan related to the project. The USFWS states that their goal for amending the permitting process is to [encourage project development](#) that mitigates harm to Bald and Golden Eagles.

In response to the USFWS's action, the American Bird Conservancy [released a statement](#) noting the positives of this proposed rule and warning of some potential downsides. A positive is the prioritization of power line protection, which could reduce the chance of electrocution mortality. A downside is inadequate safeguards from rapid wind energy development. The USFWS opened a 60-day public comment period on the proposed rule, which ends on November 29, 2022. Ensuring that population-level impacts are accurately accounted for in this proposal is critical. The ABC Action Fund urges all those invested in Eagle conservation to submit a comment to USFWS ahead of the deadline. [ABC comments are available here.](#)

[Gains for Birds in Congressional Spending Deal](#)

On December 19, 2022, Congress announced their omnibus spending deal for Fiscal Year (FY) 2023. The bipartisan [Consolidated Appropriations Act](#) allocates \$1.7 trillion in funding for various programs.

“Our thanks to Interior Subcommittee Chairs Maine Rep. Chellie Pingree and Oregon Sen. Jeff Merkley. Today’s agreement takes important strides to recover endangered Hawaiian birds threatened by non-native mosquitoes, and build the capacity needed to reverse the severe decline of migratory birds,” said Steve Holmer, Vice President of Policy for American Bird Conservancy Action Fund. “We also appreciate the leadership of the Hawaiian delegation including Senators Schatz and Hirono, and Representatives Case and Kahele for supporting a major expansion of forest bird recovery effort.”

Gains for birds include:

- **\$114,124,000 for recovery and delisting of threatened and endangered species**, including:
 - \$4,750,000 for the State of the Birds to respond to birds that face imminent extinction from non-native mosquitoes that carry avian malaria and other lethal pathogens
- **\$53,860,000 for Migratory Bird Management**, broken down into:
 - \$30,935,000 for Conservation and Monitoring of which \$600,000 is to manage bird-livestock conflicts
 - \$333,000 is for urban bird treaties
 - \$800,000 is for clean energy
 - \$5,513,000 is for Permits
 - \$591,000 is for the Federal Duck Stamp program
 - \$16,821,000 is for the North American Waterfowl
- **\$5,100,000 for neotropical migratory bird conservation**

- \$63,904,000 for the U.S. Geological Survey Species Management Research Program, including:
 - \$500,000 for **Hawaiian forest birds** that face imminent extinction from non-native mosquitoes that carry avian malaria and other lethal pathogens
- \$148,938,000 for **Wildlife Habitat Management**, which includes:
 - \$20,600,000 for Plant Conservation and Restoration
 - \$71,000,000 for sage-grouse habitat
 - \$34,000,000 for Threatened and Endangered Species
- \$69,029,000 for Resource Management Planning, which maintains \$10,000,000 for **sage grouse**
- 6,300,000 for Grazing Management, which includes directives for the U.S. Fish and Wildlife Service to evaluate lands for Greater sage-grouse habitat and consider modifying usage to assure achievement of sage-grouse habitat requirements

Additional funds were earmarked for **Hawaii**:

- \$1,500,000 for Avian Malaria Control
- \$1,000,000 State of Hawaii for Native Species Conservation on Maui

While this bill boosts nondefense spending compared to last year, it is an increase below the [rate of inflation](#). ABC Action Fund celebrates FY23's gains for birds, while remaining committed to working for increased funding in the future.

For more on bird conservation appropriations, read "[Migratory Bird Advocates: Sen. Merkley and Rep. Pingree.](#)"

Final Spending Bill Includes Pesticide Registration Improvement Act of 2022

"The bilingual pesticide label requirement included in the bill will help protect birds and farmworkers from pesticide misuse," said Hardy Kern, Director of ABC's Pesticides and Birds Campaign. "However, the funding outlined for the EPA and National Wildlife Refuge System is inadequate to address threats to birds from pesticides and other environmental contamination."

Factsheets on pesticides – treated seeds and birds, and effects on farmworkers

Neonics affect birds, bees, people, waterways, and basically our entire environment. But an internet search on the topic can easily leave you feeling adrift in a sea of chemical compounds and industry jargon. To address this issue and help our supporters remain informed and ready to act, ABC has produced 2 new fact sheets about neonics. The fact sheets provide clear explanations about how these neurotoxic chemicals impact birds and farm workers alike. Download our new fact sheets now to learn more about this growing threat:

[Birds and Neonic-Coated Seeds](#)
[Neonicotinoid Insecticide Effects on Farmworkers](#)

[Lawmakers Call on Administration to Complete MBTA Incidental Take Rulemaking](#)

In a letter to Secretary of the Interior Deb Haaland, House lawmakers Reps. Grijalva, Huffman, and Porter, and now-retired congressman Alan Lowenthal, states that, “Additional proactive steps are urgently needed to bend the curve of bird population declines...Now is the time for the Department of the Interior to move forward and make key improvements to the MBTA, including by establishing a permitting opportunity for incidental take. An efficient and effective permitting program will create stronger incentives to implement and develop practices that reduce preventable bird mortality, such as installing bird-safe power lines, and at the same time, it can enhance regulatory certainty and modernize the MBTA regulations for the future.”

Lesser Prairie-Chicken Population Declared ‘Endangered’ by U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service has listed the Lesser Prairie-Chicken under the Endangered Species Act. A southern subpopulation has been declared Endangered, meaning that it has been deemed in danger of extinction, while a northern subpopulation is listed as Threatened, meaning that it is likely to become Endangered in the future if circumstances do ... [Read More>>](#)

Wetlands Protection Restored Under the Clean Water Act

The EPA and Army Corps of Engineers have issued [a final rule defining Waters of the United States \(WOTUS\)](#) and restoring protections for water and waterways. “The rule restores fundamental protections so that the nation will be closer to achieving Congress’ direction in the Clean Water Act that our waters be fishable and swimmable,” the agencies say in a release. A 2015 Obama administration ruling expanded federal jurisdiction over waterways and, therein, expanded water conservation programs. This was severely cut back by the 2020 ruling by the Trump administration which curtailed the reach and jurisdiction of Federal agencies and protections over waterways and wetlands. Now, the 2022 WOTUS ruling has been put into effect and largely restores the definition to its pre-2015 state as a baseline.

Included in the ruling are strict definitions of the types of waterways which are covered (ponds, streams, territorial seas, tributaries, etc.) and those which are not (ditches, irrigated fields, ornamental and farm ponds, etc.). A very specific definition of wetlands is woven throughout the document, allowing Federal protections to cover important wildlife habitat while exempting areas which would be injurious to private landowners and companies. The definition benefits wetland-dependent birds such as Black Rails, Kirtland’s Warblers, Whooping Cranes, and migratory waterfowl. Several fact sheets and press releases on the rule can be found [here](#).

Whooping Cranes Face New Threat from Agricultural Fungicide

Whooping Cranes embody the essence of avian charisma. The tallest of North American birds, they are majestic, awe-inspiring, and world famous. But these qualities — powerful as they may be for bird lovers — proved no match for the devastating effects of habitat loss and, in years past, overhunting. Driven by these potent threats, Whooping ... [Read More>>](#)

In a First, Hawaiian Petrel Chick That Hatched at a Predator-Free Site on Kaua’i Takes Flight

For 10 years, a consortium of partners* led by Pacific Rim Conservation and the U.S. Fish and Wildlife Service and supported by American Bird Conservancy (ABC) have worked at Kilauea Point National Wildlife Refuge on Kaua’i to establish a predator-free colony of Endangered Hawaiian Petrel (‘U’au) in a bid to save the species from extinction. ... [Read More>>](#)

Habitat Protected for Iconic ‘iwi

Following a Center for Biological Diversity petition and lawsuit, the U.S. Fish and Wildlife Service just agreed to protect more than 275,000 acres of habitat for birds called ‘iwi, aka scarlet Hawaiian honeycreepers. Known for their fiery-red feathers, black wings, and long, curved bills — which they use to sip nectar from flowers — they were once among the most abundant native birds of Hawai‘i. Sadly, ‘iwi have been decimated by climate change, avian malaria, and a disease that’s killing the ‘ōhi‘a lehua trees they need for nesting and foraging. Today these extraordinary animals remain on only three islands.

“Protecting the places ‘iwi call home will give these beautiful birds their best chance at survival,” said the Center’s Maxx Phillips. “It shouldn’t have taken a lawsuit, but the Service made the right call. As our forests fall silent, federal officials must do everything possible to ensure these birds stop sliding toward extinction.”

[American Bird Conservancy Leads Expansion of Tagging Network for Migratory Birds](#)

Not long ago, scientists couldn’t seriously consider tracking a bird smaller than a Mourning Dove through its migration. The typical tags were just too big and bulky. In the last decade, however, a new research network called the Motus Wildlife Tracking System — consisting of tiny “nanotags” and a collection of stations built specifically to ... [Read More>>](#)

Mature Federal Forests Play an Outsized Role in the Nation’s Climate Strategy

A new [study](#) published in the peer-reviewed journal *Forests and Global Change* presents the nation’s first assessment of carbon stored in larger trees and mature forests on 11 national forests from the West Coast states to the Appalachian Mountains. This study is a companion to [prior work](#) to define, inventory and assess the nation’s older forests published in a special feature on “[natural forests for a safe climate](#)” in the same journal. Both studies are in response to President Biden’s [Executive Order](#) to inventory mature and old-growth forests for conservation purposes.

BLM rushing to lease public lands (for oil and gas drilling)

The Bureau of Land Management (BLM) has announced that it is considering leasing nearly 112,500 acres in oil and gas lease sales scheduled for 2023 in [Utah](#) and [Wyoming](#). The announcement follows similar announcements earlier this fall of oil and gas lease sales [in Nevada, Utah, New Mexico](#) and [Wyoming](#). (Center for Western Priorities)

The Road to 30 x 30

Robert Semple Jr., a former reporter and writer for the New York Times editorial board, published an [opinion on Biden’s progress toward reaching the 30x30 goal, stating, “Biden must rapidly accelerate conservation measures on federal, state, and private lands while keeping intact natural carbon sinks like the old-growth forests in the Pacific Northwest and the mangroves, wetlands, and timberlands in the Southeast.”](#) In order to meet the urgency of addressing the inextricably linked biodiversity and climate crises, Semple [identifies](#) “**many steps, big and small, that must be taken on the road to 30x30.**” (Center for Western Priorities)

Flat Country Timber Sale Withdrawn

The withdrawal is a reprieve for approximately 4,500 acres of forest on federally-managed public lands, including over 2,200 acres of mature (80-120 year old) and old-growth (120+ year old) forest. Conserving these lands will support the Forest Service’s climate and ecological objectives and comport with **the** Executive Order on mature and old-growth forests.

Cascadia Wildlands sees the withdraw of the Flat Country timber sale as the tip of the iceberg. "The science is clear that our region's greatest climate defense is our mature and old-growth forests - we call on the Forest Service and Bureau of Land Management to likewise cancel all planned clearcutting of these older forests for the sake of irreplaceable climate, imperiled wildlife habitat, drinking water source and recreation values," says Conservation Director, Bethany Cotton. (Cascadia Wildlands)

[A Guide to Lobbying for Bird Conservation](#)

Petitioning the Government or elected officials is embedded within the [First Amendment](#) of the United States Constitution. Today the act of lawfully seeking to influence a particular issue is known as lobbying. What distinguishes lobbying from advocacy is that you are making an ask (e.g. please vote for this bill) rather than simply educating people on an issue.

Lobbying is designed so that any American can make their voice heard. As birds across the Americas face unprecedented threats, voices around the country must speak up and urge Congress to take action. This guide will help demystify the process and share insight on how you can effectively lobby for bird conservation.