



# Bird Conservation Issues and Opportunities in the 115<sup>th</sup> Congress



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More than 60 million Americans care deeply about birds, and bird-related recreation contributes more than \$36 billion to our economy. Birds also act as the "canary in the coal mine" for our environment and provide valuable benefits to society, from pollination to pest control. But birds are in trouble, with many declining in population or facing extinction. Bird conservation is a core American value, whether inspired by the powerful flight of a Bald Eagle or the charisma of a songbird. This value is widely supported by citizens of all political persuasions.

As the 115<sup>th</sup> Congress is considering public lands and wildlife legislation, American Bird Conservancy (ABC) respectfully requests support for the following opportunities to advance bird conservation:

## Land and Water Conservation Fund

Bills have been introduced (S. 569/H.R. 502) in the 115<sup>th</sup> Congress to permanently authorize the Land and Water Conservation Fund (LWCF). Similar language was included in the Senate Energy bill not approved by the 114<sup>th</sup> Congress. LWCF a crucial law to meet the growing demand for recreational access, and to provide resources for targeted habitat conservation that promotes the recovery of declining species. ABC recommends LWCF be reauthorized with full mandatory funding and asks lawmakers to cosponsor S. 569 or H.R. 502.

## Public Lands and Wildlife Habitat Protection

Federal lands provide essential habitat for a number of endangered birds including the Northern and Mexican Spotted Owl, Marbled Murrelet, and western Yellow-billed Cuckoo. Other species of conservation concern including the Greater Sage-

Grouse and California Spotted Owl rely on public lands and may require Endangered Species Act protection. As a result, the conservation and restoration of sagebrush, mature and old growth forests, and desert riparian areas, are top bird conservation priorities.

ABC urges opposition to proposals that dispose of or transfer federal lands over to state ownership or control, or proposals that weaken existing conservation standards, or prevent protection of important wildlife habitats. ABC supports policies to protect and restore important wildlife habitats on federal lands.



Greater Sage-grouse by Tom Reichner, Shutterstock

## Sage Grouse Conservation at Critical Juncture

The 113<sup>th</sup> and 114<sup>th</sup> Congresses approved language prohibiting ESA listing for Greater Sage-Grouse populations. Another amendment in the National Defense Authorization Act that was not approved would have gone much further and prevented ESA listing for ten years, as well as overturning the federal grouse conservation plans. As a result of federal land management plans, and the Sage Grouse Initiative that provided incentives for grouse habitat conservation on private and state lands, the grouse was found to be not warranted for ESA listing in 2015.

This process and additional conservation measures are needed to ensure the grouse population, which declined in Wyoming in 2016, eventually recovers. ABC strongly supports existing regional grouse conservation plans as well as follow-up policies to the Bureau of Land Management's planning initiative, including the proposed 10-million-acre mineral withdrawal, prioritized grazing-permit renewal for sagebrush focal areas, public disclosure of soft and hard trigger reviews, and application of a no-net-loss mitigation policy.

Legislation has been introduced in the House and Senate (S. 273/H.R. 527) that would undermine Greater Sage-Grouse conservation by allowing adoption of weaker conservation measures for managing grouse habitat, exempting the grouse from Endangered Species Act (ESA) protection for ten years, and halting the proposed mineral withdrawal for the most important grouse habitats. A more detailed review is below.

**It is essential the federal conservation plans be kept in place and that Greater Sage-Grouse and other individual species such as Lesser Prairie-Chicken not be exempted from the ESA. ABC asks lawmakers to help make the sage grouse initiative a success by opposing S. 273/HR 527.**

## Endangered Species Act

The Endangered Species Act has a demonstrated track record of success and is an essential lifeline for species sliding towards extinction. In ABC's report, [\*The Endangered Species Act: A Record of Success\*](#), we found that 41 birds listed under the ESA have increasing populations, and several have grown more than tenfold since being listed.

ABC urges opposition to proposals to weaken protections of the Endangered Species Act or to exempt individual species such as Greater Sage-Grouse from its application.





Wind turbines and birds by Enrique Ramos, Shutterstock

## Migratory Bird Treaty Act

Migratory birds, federally protected by the Migratory Bird Treaty Act, contribute to the U.S. economy in many ways, including providing essential ecological services such as pest control, pollination, and seed dispersal—worth billions to U.S. farmers and consumers. Migratory birds also drive ecotourism. Their presence attracts birders, photographers, and tourists, who stay, shop, dine, and buy gear. It is well documented that millions of Americans participate in these activities, and in so doing pump billions of dollars into local economies.

Beyond their ecological and economic values, migratory birds constitute a fundamental part of our national heritage. Even with the protection offered by the MBTA, that heritage is currently at risk. As the [State of North America's Birds 2016](#) report makes starkly clear, more than one third of our migratory bird species are in steep decline and will require concerted conservation efforts to ensure their future.

They are under extreme pressure from cumulative threats—habitat loss, invasive species, window collisions, and pesticides. Taken together, these threats have created a dire situation for many species. Doing away with or weakening the MBTA would push many species closer to the brink, and likely require more frequent application of the Endangered Species Act.

ABC Recommendation: Oppose any legislation or amendment that would eliminate or weaken the Migratory Bird Treaty Act, and to help reverse the ongoing decline of migratory birds, fully fund migratory bird conservation programs such as NMBCA and the Migratory Bird Joint Ventures.

## Making Wind Energy Bird Smart

Wind energy developments are rapidly proliferating on federal, state and private lands, but there is an inadequate framework to make developments [bird smart](#), i.e. siting away from important bird areas, and preventing or mitigating unintentional mortality.

ABC recommends that incentives for bird smart wind be included in tax extensions or other policies intended to promote further development. ABC also recommends stronger state and federal permitting regulations to ensure better siting decisions, improved enforcement of our existing wildlife protection laws, and improved independence and transparency bird and bat kill data at wind and solar energy facilities and their associated infrastructure, notably power lines and towers.

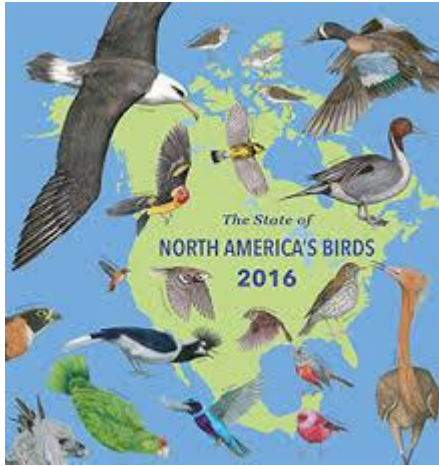
## Secure Rural Schools

Sen. Ron Wyden (OR) has proposed a budget amendment to provide for a 5-year reauthorization of the Secure Rural Schools Act. This is an important law to help support rural communities with large federal landholdings, and to ensure the forest management on federal lands remains at sustainable levels.

ABC recommends reauthorization of Secure Rural Schools.



Laysan Albatross and chick by Cameron Rutt



## Addressing Pesticide Impacts to Birds

In the 114<sup>th</sup> Congress, H.R. 1284, the Saving America's Pollinators Act of 2015, introduced by Rep. John Conyers (MI) and cosponsored by 75 Representatives, directed the Environmental Protection Agency (EPA) to suspend registration for neonicotinoid insecticides, or "neonics," which are causing serious harm to birds, bees, and aquatic life pending thorough review and field study of the adverse effects. EPA has failed to act and continues to register new neonicotinoid pesticides despite their risks.

ABC recommends passage of this legislation. Representatives, please cosponsor the Saving America's Pollinators Act when it is reintroduced in the 115<sup>th</sup> Congress.

## Reducing Bird Collisions with Government Buildings

Reps. Mike Quigley (IL) and Morgan Griffith (VA) introduced the Federal Bird-Safe Buildings Act (H.R. 2280) in the 114<sup>th</sup> Congress to prevent the deaths of millions of birds by calling for each public building constructed, acquired, or significantly altered by the GSA to incorporate, to the maximum extent possible, bird-safe building materials and design features. It also calls for monitoring to identify problem buildings/locations for collisions.

ABC recommends passage of this legislation. Representatives, please cosponsor the Federal Bird-Safe Buildings Act when it is reintroduced in the 115<sup>th</sup> Congress.

## Agreement on the Conservation of Albatrosses and Petrels

Rep. Alan Lowenthal (CA) has introduced a bill implementing the Agreement on the Conservation of Albatrosses and Petrels (ACAP), a multilateral agreement which seeks to conserve albatrosses and petrels by coordinating international activity to mitigate known threats to their populations. The U.S. is a world leader in improving bird-friendly mitigation practices to reduce accidental bycatch, and our participation in the agreement can help encourage other nations to make similar progress. The Senate Foreign Relations Committee must give its advice and consent for ACAP to move forward towards ratification.

ABC urges Congress to ratify and pass implementing legislation.

## Stamp Out Invasive Species

Rep. Elise Stefanik (NY) has introduced the Stamp Out Invasive Species Act, H.R. 1357, creating a semi-postal stamp raise additional funds for the Interior and Agriculture Departments to meet the growing threat to wildlife and ecosystems from invasive species.

ABC urges Congress to pass H.R. 1357.

