



Bringing back the birds

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Public Comments Processing

Attn: Docket No. [FWS-HQ-ES-2015-0126 and FWS-HQ-ES-2015-0165]

Division of Policy, Performance, and Management Programs

U.S. Fish and Wildlife Service; MS: BPHC

5275 Leesburg Pike, Falls Church, VA 22041-3803

Dear Sir/Madam;

American Bird Conservancy is writing to express our strong support for the U.S. Fish and Wildlife Service (Service) mitigation policy and compensatory mitigation policy to bolster conservation of species listed under the Endangered Species Act. The Service's existing mitigation policies amount to a smart, business-like approach that can help balance conservation with development of public lands, and ensure that invaluable bird populations and habitats are maintained and restored for future generations of Americans and that listed species achieve recovery.

We are disappointed that this common-sense policy is being considered for revision, and by the rescinding of the Presidential Memorandum promoting appropriate mitigation to protect our natural resources. The envisioned mitigation policy had great potential to enable federal managers to foster wildlife and habitat conservation, to avoid the loss of irreplaceable resources, and to encourage private investment in the restoration of natural resources that are affected by development.

We strongly endorse the mitigation hierarchy it proposes to avoid habitat loss on state and federal lands through smart planning, to minimize impacts by requiring best management practices, and, when needed, to compensate for any unavoidable impacts. We believe that the best way to prevent the loss of wildlife and other natural resources is the maintenance of intact ecosystems. However, when development is deemed necessary, the policies outlined in the FWS mitigation policy and compensatory mitigation policy are likely to have significant benefits for birds and their habitats.

Foremost among these is calling on federal agencies to ensure projects provide a net conservation benefit and no loss of irreplaceable resources by mitigating the impact of development projects on the environment and offsetting any impact those projects have on wildlife and their habitats. Given past and predicted habitat loss from development on public lands, it is essential the net conservation gain requirement continue.

We agree with the Service when it stated:

Incorporating a landscape-scale approach to development and conservation planning, including mitigation, that ensures a “net gain” or, at a minimum, “no net loss” in the status of affected resources, as directed by the Presidential memorandum helps address the additive impacts that lead to significant deterioration of resources over time and has the potential to foster recovery of listed species and avoid listing of additional species.

<https://www.federalregister.gov/documents/2016/12/27/2016-30929/endangered-and-threatened-wildlife-and-plants-endangered-species-act-compensatory-mitigation-policy>

A net conservation gain policy is timely and urgently needed because we are losing irreplaceable resources to development of all kinds on public and private lands at an alarming rate, including endangered species habitat. Rare and endangered habitats such as sagebrush, desert riparian areas, grasslands, and mature forests are all being lost without effective mitigation taking place. As a result, many bird species are now endangered or losing ground, including Northern Spotted Owls, Marbled Murrelets, California Spotted Owls, Greater Sage-Grouse, Western Yellow-billed Cuckoos, and Golden Eagles.

This concern and the need for added conservation due to multiple threats is again consistent with the Service’s own findings in support of the compensatory mitigation policy:

...the projected increase in human population growth, increasing demand on our natural resources associated with this projected population growth, accelerated climate change, continued introductions of invasive species, and other stressors are putting even more species at risk and compromising the essential functions of ecosystems necessary to improve the status and recover these species. We cannot expect to change the status trajectories of these species without a commitment to responsible and implementable standards for accomplishing effective, sustainable compensatory mitigation that fully offsets the adverse impacts of actions to species and other resources of concern.

<https://www.federalregister.gov/documents/2016/12/27/2016-30929/endangered-and-threatened-wildlife-and-plants-endangered-species-act-compensatory-mitigation-policy>

A review of the final Greater Sage-Grouse conservation plans finds that the plans identify the most important sagebrush habitat “the irreplaceable resource”, but fall short on avoiding future impacts by not designating reserve areas where no further disturbance to grouse habitat would be allowed. Development and use of priority Sage Grouse habitat is allowed to continue with some important exceptions and limitations, provided that any unavoidable impacts will be mitigated. As a result, this mitigation policy is critically important to ensuring that the Sage Grouse conservation initiative is a success. Moreover, in its absence, all projects that threaten priority sagebrush habitat are now more likely to face stringent opposition.

American Bird Conservancy agrees with the Department of the Interior Landscape-Scale Mitigation Policy’s direction regarding compensatory mitigation, which says, “measures should not be considered until after all appropriate and practicable avoidance and minimization measures have been applied.” We further believe that through the creation of a fair and transparent compensation system, significant private resources can be directed to conserving and restoring important bird habitats.

Lastly, we applaud the Landscape-Scale Mitigation Policy's consideration of greenhouse emissions and carbon storage. America's forests play a critically important role in sequestering carbon emissions, and providing habitat for a vast array of bird species. It is essential that we keep forests as forests, and ensure that federal forests are managed sustainably by accounting for carbon emissions and recognizing the benefits of protecting and restoring habitats and ecosystems that store carbon.

Thank you again for this opportunity to comment to advance conservation by protecting irreplaceable resources and better balancing development by mitigating impacts. American Bird Conservancy offers our support for this approach and are concerned about and opposed to proposals and policies that would forgo mitigation and likely result in increased habitat loss on public lands and species declines of birds of conservation concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Holmer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steve Holmer
Vice President of Policy
American Bird Conservancy