



Bringing back the birds

July 5, 2023

U.S. Department of the Interior
Director (630)
Bureau of Land Management,
1849 C St. NW, Room 5646,
Washington, DC 20240

Attention: 1004-AE92
Stephanie Miller
Deputy Division Chief for Wildlife Conservation

Dear Deputy Division Chief Miller:

Thank you for this opportunity to comment on the proposed conservation rule. American Bird Conservancy works to conserve birds and their habitats throughout the Americas, and we strongly endorse the proposed rule and appreciate the leadership and conservation vision it embraces. We have a number of recommendations that we believe could strengthen the proposed rule and address findings regarding the status of bird populations.

Our comments are informed by a growing body of analysis indicating that much stronger conservation measures are needed to address the dual biodiversity and climate crisis. Enclosed with our comment are the Three Billion Bird Loss report finding that since 1970 the total number of birds has greatly declined, our Endangered Species Act 50th Anniversary update, and associated recovery chart detailing the progress listed bird populations are making towards recovery.

Overall, the Endangered Species Act is working well to recover listed populations, particularly for mainland birds. One notable exception are wide-ranging species inhabiting federal public lands including the Northern Spotted Owl (endangered), California Spotted Owl (proposed for listing), Mexican Spotted Owl, Marbled Murrelet, Gunnison Sage-Grouse (nearing extinction), and Greater Sage-Grouse (in decline but not eligible for listing).

A long-term projection of the conservation status of the Greater Sage-Grouse produced by the U.S. Geological Survey indicates that stronger habitat protections are needed to assure the viability of the species. We appreciate that the Bureau is updating the land management plans within the range of the grouse, and recommend that this rule reinforce needed conservation measures including designation of Areas of Critical Environmental Concern, and an effective mitigation policy providing a strong mechanism for avoidance, and requiring use of available best management practices to minimize impacts.

Another critical area the rule could help address climate change is through the conservation of old growth and mature forests within the range of the Northern Spotted Owl which was recently determined to be Endangered by the US Fish and Wildlife Service. We appreciate the President's Executive Order to protect mature and old growth forests for their climate value, and urge that mature forests 80 years and older be protected within the owl's range. This reflects the best available science for owl, Marbled Murrelet, and salmon recovery, and would help sustain the significant carbon stores and sequestration found in large trees.

Since protections were put in place for Spotted Owls and salmon under the Northwest Forest Plan, the region's forests have gone from a source of polluting emissions into a carbon sink according to EPA data. This is a rare climate change success story that needs to be maintained and built upon. Attached is a letter from scientists on the importance of conserving large trees to address both climate and biodiversity.

The growth of renewable energy on public lands points to an urgent need for the smart planning and effective mitigation policies this rule envisions to ensure that important conservation areas are not lost or diminished. This is particularly true for Priority Greater Sage Grouse Habitat which continues to be impacted by new oil and gas development despite restrictions in the management plans prohibiting it.

Please Include O & C Lands, and Public Domain

We recommend the rule include all public lands under the Bureau's jurisdiction including the Public Domain and O & C Lands. These areas are particularly important for Northern Spotted Owl and Marbled Murrelet recovery. The proposed 3.4 million-acre Northern Spotted Owl critical habitat exemption proposed by the US Fish and Wildlife Service in 2021 included this important portion of the owl's range. Scientists assessing the rule concluded loss of critical habitat in this area would jeopardize the continued existence of Northern Spotted Owl population.

Mitigation and Conservation Leasing

We appreciate the Bureau exploring new mechanisms to carry out needed restoration on public lands. The proposed mitigation policy provides for a clear compensation mechanism, and through conservation leasing, there is an added means to implement the needed work.

To bolster the proposed mitigation rule, which appears to mainly focus on compensation, we recommend that additional provisions be added to require that an avoidance alternative be developed and analyzed as part of all plans and projects. The avoidance alternative should include comparative analysis and consideration of the replacement cost of public values and benefits that would need to be mitigated for. If mitigation costs are going to be extremely high, an avoidance alternative may be the best choice.

Avoidance can be provided for in part by designating Areas of Critical Environmental Concern to ensure that key values are maintained, and through those designations maintain a full array of ecosystem benefits. For example, protecting the Sagebrush Sea with a regional network of Areas of Critical Environmental Concern matters not only for sage-grouse, but also for other birds native to the region. These include migratory and resident birds such as Sagebrush Sparrow, Brewer's Sparrow, Sage Thrasher, Gray Flycatcher, Golden Eagles and Ferruginous Hawk.

Similarly, minimization can be bolstered by requiring application of available best management practices. For example, powerlines applying the available best practices developed by the Avian Powerline Interaction Committee can greatly reduce bird electrocutions, currently estimated at 5 million birds per year. These standards would also improve line reliability by preventing outages, and reduce fire risks.

Thank you for this opportunity to comment. Please let us know how we can be of assistance.

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