

Conserving Migratory Birds



Migratory birds are declining

- ❑ Recent reports¹ document substantial declines of many species of migratory birds
- ❑ Causes of these declines
 - habitat loss (breeding, wintering, staging, and stopover habitats)
 - encounters with structures (e.g., towers, powerlines, buildings, posts, etc.)
 - pesticides and other toxins (e.g., metals)
 - introduced predators
 - climate change

¹ American Bird Conservancy, Audubon, U.S. Fish and Wildlife Service





Uncapped pipes used as mining claim markers caused these deaths of migratory birds. American Bird Conservancy estimates about 1 million birds are killed each year from this one source. (Photograph from Nevada Department of Wildlife, Spring 2012)

Purpose of this Presentation:

A primer (for some), a refresher (for most), and a reminder (for all) of a renewed effort by the Ventura Fish and Wildlife Office to conserve migratory birds (one of three public trust resources – other two are endangered species and anadromous fish)

Mojave desert tortoise



Silver salmon



Outline of this Presentation

1. To provide a definition of a migratory bird
2. To summarize the authorities that direct the conservation of birds on the Migratory Bird List
3. To identify methods to conserve them



Lawrence's goldfinch



Mountain plover

1. What is a migratory bird?

Common definition:

- A bird that travels or migrates from one place to another at regular times of the year, often over long distances

Swainson's hawk migrates 14,000 mi to Argentina



Regulatory Definition

Any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in 50 Code of Federal Regulations 10.13, including any part, nest, or egg thereof.

Generally speaking, in the U.S. this means all birds seen in the wild except English sparrows, European starlings, common pigeons, and non-migratory (upland) game birds.

Migratory birds are:

- a public resource that many agencies are charged with conserving
- protected by various Federal and State laws and regulations



Burrowing owl

2. Legal Authorities

Migratory Bird Treaty Act (MBTA)

Protects migratory birds, their parts, nests, and eggs.
The treaty is with Canada, Mexico, Japan, and Russia.



2. Legal Authorities (cont'd)

MBTA makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations.

Reference: 16 U.S. 703 Code.



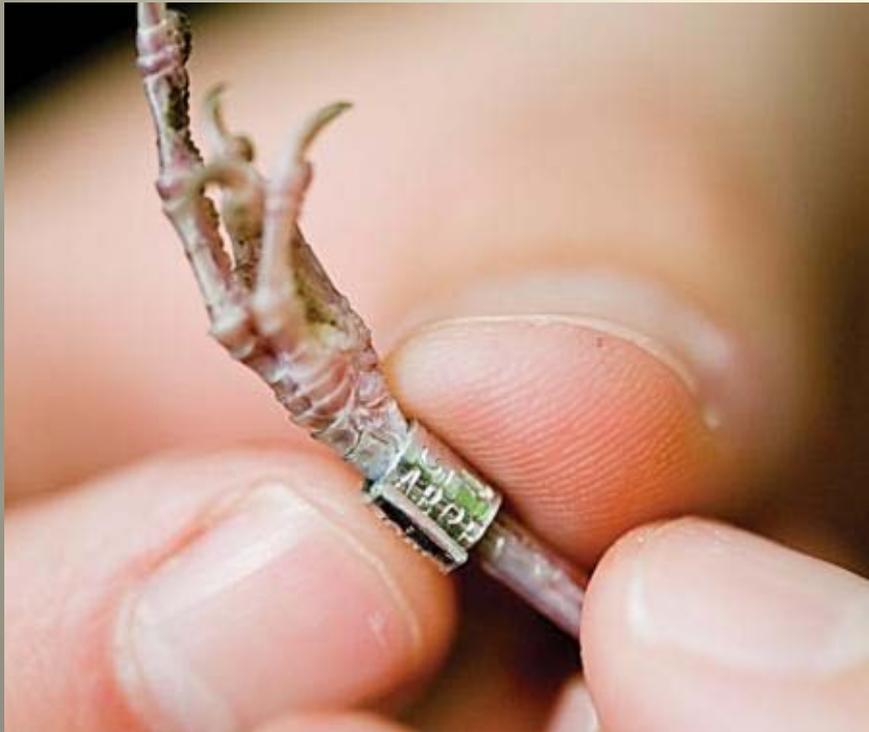
2. Legal Authorities (cont'd.)

- The list of migratory bird species is in 50 CFR 10.13
- There are more than 1,040 birds species on the list
- <http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtandx.html>



Types of Migratory Bird Permits

- Types of migratory bird permits authorized under 50 CFR 21 include : import and export, banding or marking, scientific collecting, falconry, and depredation



2. Legal Authorities (cont'd.) Endangered Species Act (ESA)

- ❑ The purposes of the ESA are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species
- ❑ Reference: 16 U.S. Code 1531
- ❑ Many migratory bird species are also listed under the ESA

Bald and Golden Eagle Protection Act (BGEPA)

- ❑ BGEPA was established to protect bald and golden eagles, their nests, eggs, and parts.
- ❑ Reference: 16 U.S. Code 668
- ❑ Both eagle species are also protected under the MBTA

Executive Order 13186

- (issued January 2001)
- created a more comprehensive strategy for the conservation of migratory birds by the Federal government, thereby fulfilling the government's duty to lead in the protection of migratory birds, an international resource
- requires all Federal agencies to:
 - incorporate migratory bird conservation measures into their agency planning and activities
 - develop and implement a Memorandum of Understanding with the U.S. Fish and Wildlife Service by January 2003 outlining how the agency will promote the conservation of migratory birds
 - support various conservation planning efforts already underway, such as the Partners in Flight initiative, North American Waterfowl Management Plan, and Joint Ventures
 - report annually on the level of take of migratory birds, and
 - promote the conservation of migratory birds without compromising the agency's mission
- <http://ceq.hss.doe.gov/nepa/regs/eos/eo13186.html>

Fish and Wildlife Conservation Act

- ❑ mandates the USFWS to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing” under the ESA
- ❑ *Birds of Conservation Concern 2008 (BCC 2008)* is the most recent effort to carry out this mandate. Our goal is to prevent or remove the need for additional **ESA** bird listings by implementing proactive management and conservation actions. Federal agencies should consult these lists when complying with E.O. 13186 including the development of research, monitoring, and management initiatives to ensure long-term conservation of these species

<http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/BCC2008/BCC2008.pdf>

From: Birds of Conservation Concern for the Mojave and Colorado Desert Region

- Least Bittern
 - Bald Eagle
 - Peregrine Falcon
 - Prairie Falcon
 - Black Rail
 - Snowy Plover
 - Mountain Plover
 - Whimbrel
 - Long-billed Curlew
 - Marbled Godwit
 - Red Knot (*roseaari* ssp.)
 - Gull-billed Tern
 - Black Skimmer
 - Yellow-billed Cuckoo (w. US DPS)
 - Elf Owl
 - Burrowing Owl
 - Costa's Hummingbird
 - Gila Woodpecker
 - Gilded Flicker
 - Bell's Vireo (declined 66% in last 40 years)¹
 - Gray Vireo
 - Bendire's Thrasher
 - LeConte's Thrasher
 - Lucy's Warbler
 - Yellow Warbler (*sonorana* ssp.)
 - Rufous-winged Sparrow
 - Black-chinned Sparrow (declined 89 percent in last 40 years)¹
 - Lawrence's Goldfinch
- and
- Species from adjacent regions overlap (e.g., Tricolored blackbird and others)

¹ from American Bird Conservancy report 2007
Saving migratory birds for future generations



Black-chinned sparrow



Least Bell's vireo

California Endangered Species Act (CESA)

- ❑ Similar to ESA

California Fish and Game Code (CFGC)

- ❑ There are several complementary authorities to the MBTA at the State level

In summary

- Several authorities direct Federal and California agencies to conserve migratory birds and their habitats

3. Methods to Conserve Migratory Birds

Benefits of Conserving Now (being Proactive) versus Later (being Reactive)

- Of the 71 species of vertebrates currently (January 31, 2013) listed under the ESA in California, 14 are birds. Another 3 bird species are candidates
- Conserving now means that the likelihood of needing to list migratory bird species in the future is greatly reduced or eliminated (prelisting recovery)
- We have more flexibility in our choices for conservation and fewer regulatory requirements when a species is not listed under the ESA (saves us time, effort, money)

What can you do to help migratory birds?

For new or revised projects:

- ❑ Design a proposed project that avoids adverse effects to migratory birds and their habitats
- ❑ If not possible, design a proposed project that has the least adverse effects on migratory birds and their habitats
- ❑ In the NEPA or CEQA document, include an evaluation of the direct, indirect, and cumulative effects on migratory bird populations and the loss/ degradation of their habitats from all aspects of the proposed action

What can you do to help migratory birds (cont'd)?

- ❑ Identify and implement measures to mitigate (NEPA definition = avoid, reduce, rectify, minimize, and /or compensate) these adverse effects
- ❑ Typically residual impacts remain including the cumulative effects on migratory bird habitat and populations. To mitigate for residual/cumulative effects,
 - identify the causal factors for declining migratory bird populations
 - investigate the regional and cumulative effects of this loss/degradation
 - identify and reduce existing sources of mortality
 - and/or enhance migratory bird habitats.

What can you do to help migratory birds (cont'd)?

For land management plans:

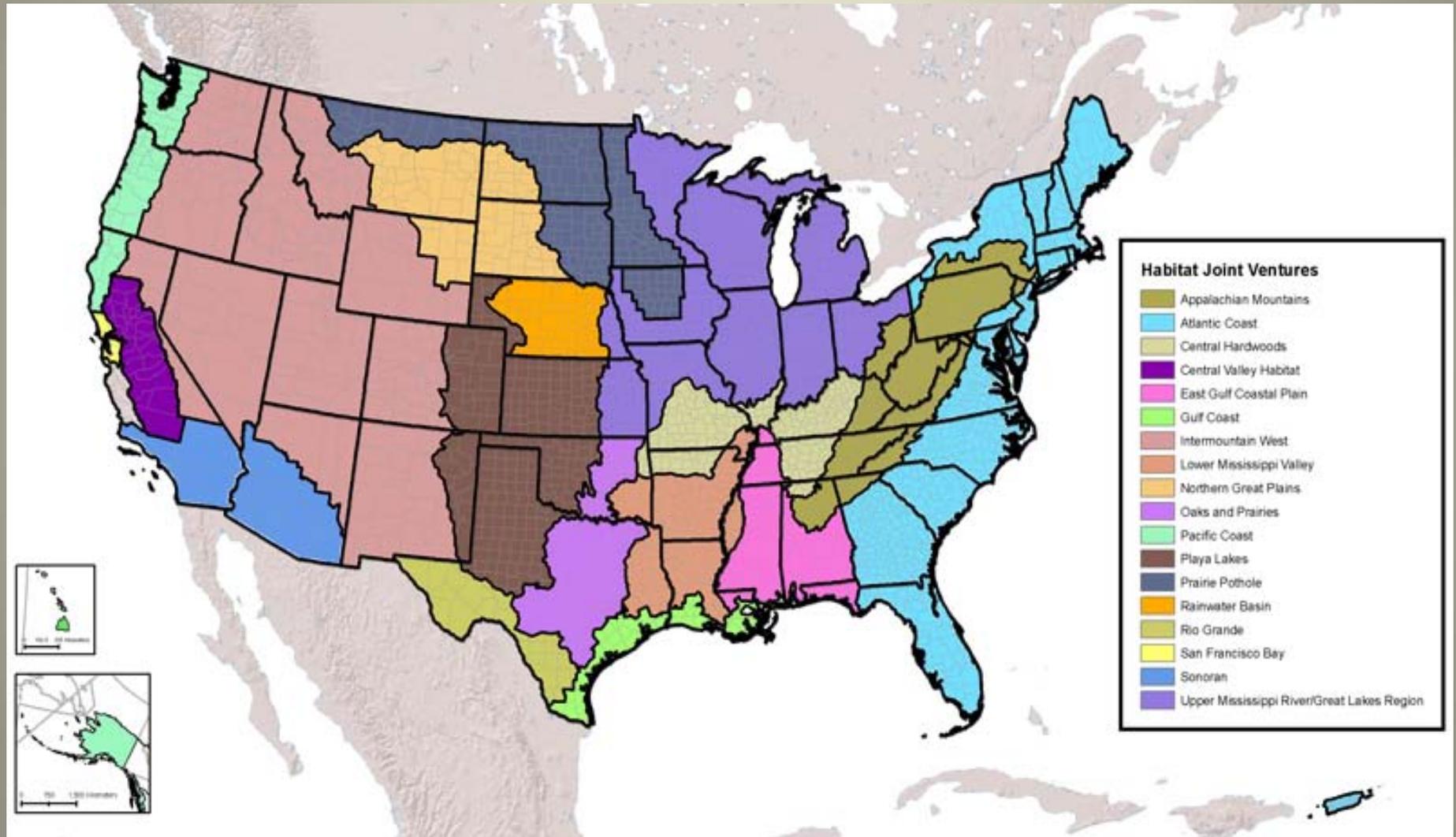
- ❑ Include actions to monitor the status of migratory bird species and habitats
- ❑ For declining migratory bird species/habitats, identify and implement actions to improve these migratory bird populations and create or enhance these habitats
- ❑ Monitor the effectiveness of these actions
- ❑ If monitoring indicates the actions are not effective, modify the management actions to halt declines and work to improve the species' status/habitats

What can you do to help migratory birds (cont'd)?

Existing partnerships and mechanisms to help migratory birds (e.g., joint venture and partners in flight)

- **Joint Venture Program** – established for the conservation of migratory birds
 - A joint venture is a collaborative, regional partnership of government agencies, non-profit organizations, corporations, tribes, and individuals that conserves habitat for priority migratory bird species, other wildlife, and people
 - Joint ventures have programs and/or tools that facilitate the implementation of such mitigation (<http://www.fws.gov/birdhabitat/JointVentures/index.shtm>)

There are 18 joint Ventures that cover the United States



For proposed projects in the Mojave Desert

- Sonoran Joint Venture can assist individuals and agencies with their migratory bird conservation plans and funding opportunities

- <http://sonoranjv.org/>



What can you do to help migratory birds (cont'd)?

Partners in Flight Program

- Partnerships among federal, state, and local government agencies; philanthropic foundations; professional organizations; conservation groups; industry; academia; and private individuals
- Focus is declining populations of land bird species in western hemisphere

<http://www.prbo.org/calpif/>



California Partners in Flight (cont'd.)

- Produced in 2009:
 - “Desert Bird Conservation Plan: A Strategy for Protecting and Managing Desert Habitats and Associated Birds in the Mojave and Colorado Deserts”

<http://www.prbo.org/calpif/pdfs/desert.v-1.pdf>