

Trump administration scales back wild bird protections

By **MATTHEW BROWN**
Associated Press

BILLINGS, Mont. — The Trump administration on Tuesday finalized changes that weaken the government’s enforcement powers under a century-old law protecting most American wild bird species, brushing aside warnings that billions of birds could die as a result.

Federal wildlife officials have acknowledged the move could result in more deaths of birds such as those that land in oil pits or collide with power lines or other structures.

A U.S. District Court judge in August had blocked the administration’s prior attempt to change how the Migratory Bird Treaty Act is enforced.

But urged on by industry groups, the Trump administration has remained adamant that the act has been wielded inappropriately for decades, to penalize companies and other entities that kill birds accidentally.

More than 1,000 species are covered under the migratory bird law, and the move to lessen enforcement standards have drawn a sharp backlash from organizations that advocate on behalf of an estimated 46 million U.S. birdwatchers.

Conservationists said Tuesday they would push President-elect Joe Biden to reverse the Interior Department rule, which blocks officials from bringing criminal charges unless birds are specifically targeted for death or injury.

Former U.S. Fish and Wildlife Service Director Dan Ashe and independent scientists have said the change could cause a huge spike in bird deaths — potentially billions of birds in coming decades — at a time when species across North America already are in steep decline.

A Trump administration analysis of the rule change did not put a number on how many more birds could die. But it said some vulnerable species could decline to the point where they would require protection under the Endangered Species Act.

Industry sources and other human activities — from oil pits and wind turbines, to vehicle strikes and glass building collisions —



Gerald Herbert/AP Photo

A heavily oiled bird is rescued from the waters of Barataria Bay in Louisiana in 2016.

CONSERVATIONISTS SAID TUESDAY THEY WOULD PUSH PRESIDENT-ELECT JOE BIDEN TO REVERSE THE INTERIOR DEPARTMENT RULE, WHICH BLOCKS OFFICIALS FROM BRINGING CRIMINAL CHARGES UNLESS BIRDS ARE SPECIFICALLY TARGETED FOR DEATH OR INJURY.

now kill an estimated 460 million to 1.4 billion birds annually, out of an overall 7.2 billion birds in North America, according to the U.S. Fish and Wildlife Service and recent studies. Researchers say cats are the biggest single source of deaths, killing more than 2 billion birds a year.

Many companies have sought to reduce bird deaths in recent decades by working in cooperation with wildlife officials, but the incentive to participate in such efforts drops absent the threat of criminal liability.

The 1918 migratory bird law came after many U.S. bird populations had been decimated by hunting and poaching — much of it for feathers for women’s hats.

The highest-profile enforcement case bought under the law resulted in a \$100 million settlement by energy company BP, after the 2010 Gulf of Mexico oil spill killed approximately 100,000 birds.

Administration officials said the new rule was meant to match up with a 2017 legal opinion from within the Interior Department that

effectively ended criminal enforcement under the act during most of Trump’s presidency. In the August court ruling that struck down that legal opinion, U.S. District Judge Valerie Caproni in New York said the law applies to all bird deaths, not just those that were intentional.

But over the decades, federal courts have been split on whether companies can be prosecuted under the migratory bird law, with appeals courts ruling in favor of industry three times and siding against compa-

nies twice.

Noah Greenwald with the Center for Biological Diversity said Trump officials were giving oil companies and other industries “a license to kill birds.”

Interior Secretary David Bernhardt said in a statement that the change, which goes into effect next month, “simply reaffirms the original meaning and intent of the Migratory Bird Treaty Act.”

“The U.S. Fish and Wildlife Service will not prosecute landowners, industry and other individuals for accidentally killing a migratory bird,” Bernhardt said.

An electric industry trade group said it expected its members would continue to take steps to reduce bird deaths. More than 30 million birds are killed annu-

ally in collisions with electric lines and from electrocution by power poles, according to government estimates.

“We live and work in the communities that we serve, and have a strong track record of voluntarily working to protect wildlife and their habitats,” said Brian Reil with the Edison Electric Institute.

But companies taking voluntary steps won’t protect against cases like the BP oil spill, said Defenders of Wildlife senior counsel Jason Rylander.

“Those types of egregious situations should not be beyond the enforcement power of the Fish and Wildlife Service,” Rylander said. “There are good actors and bad actors in every industry.”

Idaho group recommends ways to bolster salmon

By **KEITH RIDLER**
Associated Press

BOISE, Idaho — A group brought together by Idaho Gov. Brad Little to find ways to bolster faltering salmon and steelhead populations has agreed to encourage habitat restoration but avoided making a decision about breaching dams.

The report released over the weekend by the Republican governor’s workgroup flatly states it’s not a recovery plan. Rather, it’s a list of recommendations approved by a group that includes conservationists, power companies, farmers, tribes, irrigators and ranchers.

At the group’s first meeting in June 2019, Little tasked members with finding achievable goals to improve struggling salmon and steelhead populations. They met an additional 15 times through December to hash out recommendations, including creating a state-wide inventory of habitat in all river basins and collaborating with property owners and water users to improve habitat.

“I am proud of what the workgroup has accomplished over the last eighteen months,” Little said in a statement to The Associated Press. “This is the first time a broad group of stakeholders has worked collaboratively to help shape Idaho’s policy on salmon and steelhead. Over the next few weeks, I will review the recommendations provided by



Pete Zimowsky/AP Photo

A wild Idaho Salmon River steelhead is netted and quickly released in the Salmon River north of Riggins in 2013.

the workgroup. While a lot remains to be done, I am confident we are moving in the right direction.”

Thirteen species of Columbia River Basin salmon and steelhead are listed for protection under the Endangered Species Act, including all salmon and steelhead that return to Idaho.

The Idaho populations once numbered more than 2.3 million fish combined, the report said. Now, they number about 45,000.

The group adopted Columbia Basin Partnership goals for Idaho runs that call for a low goal of 75,000 fish and a high goal of 385,000. The partnership is a task force that NOAA Fisheries’ Marine Fisheries Advisory Committee put together in 2017.

The Idaho Conservation League, which took part in Little’s panel, “believes the workgroup’s recommendations, if adopted and implemented, will be useful ways for the state of Idaho and all

Idahoans to help our fish,” executive director Justin Hayes said in a statement. “This is a meaningful accomplishment, one that likely would not have happened without this workgroup.”

The league was among the members that support breaching four dams on the lower Snake River in eastern Washington state that are blamed for killing many salmon and steelhead. Others oppose that move.

“Limiting our recommendations to only those that would enjoy consensus support meant that there were many policy ideas discussed but not advanced,” the report said. “Consensus on dam breach/retirement could not be reached.”

But the group did support

operating dams to maximize benefits to fish and minimize effects on power generation.

Idaho Power, a public utility with about 570,000 customers in Idaho and Eastern Oregon, took part in the workgroup. The company has 17 dams to generate electricity and operates four hatcheries to produce salmon and steelhead.

“Given the objective of creating consensus-based recommendations, the scope and depth of the measures are quite impressive, especially given the large size and diverse nature of the group,” Brett Dumas, the company’s environmental affairs director, said in an email.

The group agreed that restoring sustainable salmon and steelhead runs would provide jobs and tourism benefits.

It also said state officials should get more involved in regional forums that regulate the harvest of Columbia basin salmon and steelhead.

Members agreed to continue coordinating with federal authorities to ensure fishing seasons can occur for salmon and steelhead and that Idaho should promote federal programs that protect fish from predators like sea lions that feed at the base of dams.

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