

Feds Fire Salvo at Endangered Species Act

The conservation community has reacted with alarm to a proposal by the federal government that would allow the Environmental Protection Agency (EPA) to grant itself exemption from Section 7 of the Endangered Species Act (ESA). Currently, under Section 7, the EPA must consult with FWS or NMFS (collectively "the services") on pesticide registrations that may impact endangered species. The decision to consult is currently made by the services, but the proposal would instead enable EPA to make that decision.

Over the past 10 years, EPA has failed to complete a single Section 7 consultation on a pesticide it has registered or re-registered, despite repeated formal requests from FWS. For example, FWS sent a letter from Director Steve Williams requesting consultation on the pesticide, fenthion, that is known to have killed an Endangered Species (Piping Plover) in Florida (*Bird Calls* Vol. 6, No. 1). This, and similar requests for consultation on diazinon, chlorpyrifos, and chlorfenapyr, were all ignored.

"Pesticides kill millions of birds and other animals each year," said ABC spokesperson, Gavin Shire. "By circumventing the Section 7 requirements, the EPA will be free to make decisions affecting America's rarest species without input from the very people charged with their protection."

The failure of the EPA to consult with FWS on fenthion led to the current law suit by Defenders of Wildlife, ABC, and the Florida Wildlife Federation (see article P. 4).

ABC and other wildlife organizations are worried that, if passed, the proposal could be the first step in a wider erosion of the ESA, the bedrock of endangered species conservation in the U.S. since its enactment in 1973. Other federal agencies may subsequently request similar exemptions, which could be followed by demands from states and private corporations to strike regulations governing their ESA compliance.

"It is disturbing that these proposed rules were written after months of discussion with industry, but no input from the conservation community," said Dr. Patti Bright, Director of ABC's Pesticides and Birds Campaign and a representative of the newly-formed National Pesticides Coalition. "It is appalling to think that essentially industry is controlling pesticide regulation and endangered species protection at the EPA. The fox is in charge of the hen house."

The coalition is comprised of 15 nationally-recognized groups, in consultation with many others, all concerned with the detrimental effects of pesticides on wildlife, the environment, and public health. Members convened an emergency session in January, to discuss their opposition to the proposal. A 45-day public comment period has been opened, during which time the coalition will organize a coordinated effort to have the proposal struck down. *Contact:* Dr. Patti Bright, ABC, <pbright@abcbirds.org>.

Victory for Crab and Shorebird Conservation



Red Knot. Photo: John Cassidy

At the end of February, Delaware and New Jersey officials announced a landmark decision to close all horseshoe crab harvesting in the Delaware Bay between May 1 and June 7. This relatively short period is crucial to both the crabs and shorebirds, as it is the peak time when the crabs come ashore to spawn. Migrating shorebirds stop off on their long journey north to gorge on the crab eggs that will sustain them through the remainder of their trip. It has also historically been the time of greatest harvest of crabs used as bait in conch and eel pots, as the crabs are easily picked off the beaches, interrupting their spawning and shorebird feeding.

The reason cited for the closure was concern over shorebird declines, particularly Red Knots, linked to decreased crab egg availability. About 90% of the New World's Red Knot population flies from Southern Argentina each spring to feed voraciously on horseshoe crab eggs in the Delaware Bay. Recent crab declines, confirmed by the 2002

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Abbreviations

ABC: American Bird Conservancy
 FWS: U.S. Fish and Wildlife Service
 NMFS: National Marine Fisheries Service
 EPA: Environmental Protection Agency
 FCC: Federal Communications Commission
 USDA: U.S. Department of Agriculture

**Bird Calls is the Newsletter of
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Albatrosses and The United Nations



The Short-tailed Albatross is at continued risk from longline fishing despite viable solutions. International cooperation on this global problem remains poor. Photo: FWS.

At the American Association for the Advancement of Science meeting in Denver this February, 400 scientists and 100 marine conservation groups called on the United Nations (UN) to establish a moratorium on longline fishing, in part because of bycatch issues.

Meanwhile, more than 100 nations from the UN's Food and Agriculture Committee on Fisheries met in Rome in late February, and discussed

progress in implementation of the International Plan of Action to Reduce the Incidental Bycatch of Seabirds in Longline Fisheries. In February 1999, the UN Food and Agriculture Organization, and the Committee on Fisheries approved the protocol requiring each longline nation to assess its fisheries for seabird mortality, and then adopt national plans for minimizing the killing. These plans were due in February 2001, but only the U.S. presented a complete plan in time. Now only two more nations, Egypt and Brazil, have completed their plans, with just three others, the EU, Spain, and Sweden, conducting preliminary assessments of their fisheries for seabird bycatch.

Global seabird populations continue to be decimated by this problem, with 16 of 21 species of albatrosses globally listed as facing extinction, mainly due to longlining. ABC is intervening with the State Department and other federal agencies to elevate compliance with the international agreement. For the full report on compliance with the International Plans of Action, go to: <http://www.fao.org/docrep/meeting/005/y8370E.htm>.

Tower Declarations Filed - FCC Stays Silent

In February, two leading U.S. ornithologists filed declarations in support of the lawsuit brought by ABC, Forest Conservation Council, and Friends of the Earth, against the Federal Communications Commission (FCC) on the licensing towers in the Gulf Coast region (*Bird Calls* Vol. 6, No. 3). Both declarants are researchers, teachers and published authors. Dr. Thomas Sherry, Professor at Tulane

University, and Dr. Philip C. Stouffer, at Southeastern Louisiana University, filed the declarations that demonstrate standing (show they are being personally affected) in the case of bird deaths at towers throughout the region.

FCC failed to respond to the original petition submitted by the conservation groups in August 2002, requesting the agency re-assess its licensing procedures for Gulf Coast towers as they relate to migratory songbirds. FCC continued to issue permits for hundreds of towers in the region, resulting in the lawsuit. FCC has also failed to respond to individual appeals against the construction of more than ten towers in five states. *Contact:* Gerald Winegrad, ABC, <gww@abcbirds.org>.

Conservation, from Page 1.

Delaware Bay trawl survey, have meant that many of these shorebirds are not gaining sufficient weight to migrate to the arctic and successfully breed (*Bird Calls* Vol. 6, No. 3). Dunlins, Semipalmated Sandpipers, Ruddy Turnstones, and Sanderlings are also dependent on crab eggs.

ABC and other U.S. conservation groups, including National Audubon, New Jersey Audubon, and Defenders of Wildlife, along with leading international scientists from Canada, Argentina, Brazil, and Europe, had urged New Jersey and Delaware to put a halt to the harvest to protect Red Knot populations.

Delaware and New Jersey will now require all conch potters to use bait-saving devices such as bait bags (already required in Virginia). These bags, advocated by ABC, can reduce crab use by 50% (*Bird Calls* Vol. 5, No. 3). Restrictions will also be imposed on access to state and federal beaches during the peak spawning time. This will apply to bird watchers, beach goers, local residents, and researchers alike.

Despite past actions by the states and the Atlantic States Marine Fisheries Commission to reduce crab harvest for bait, reported harvests went up in 2002 by 25% to 1.257 million crabs. Much of this increase occurred in Delaware and New Jersey. Maryland exceeded its voluntary quota by 67,000 crabs before closing its harvest. Now, Delaware and New Jersey have agreed to cap their harvest at 150,000 crabs each, nearly one-half of 2002 levels. Maryland has also agreed to maintain a voluntary cap of 211,000 crabs while saying it will endeavor to keep landings even lower, at the 2001 level of 170,000.

Contact: Gerald Winegrad, ABC, <gww@abcbirds.org>.

Fishing Nets Continue to Threaten Birds

From mid-November 2002 through January 2003, hundreds of dead and dying seabirds washed up along the North Carolina shore, believed by biologists to be victims of shallow-set fishing nets. More than 300 birds, including Brown Pelicans, Double-crested Cormorants, and Northern Gannets, were found on a number of beaches, including Cape Lookout National Seashore, an ABC-designated Globally Important Bird Area. This latest incident is thought to be one more in the ongoing problem of waterbird bycatch from gill and other fishing nets, such as those used in the Mid-Atlantic for shad and in the Pacific for salmon. Birds dive down to catch fish trapped in the nets, become entangled in the nylon mesh and drown.

Gill nets account for less than 0.5% of fish caught nationally. Yet the fishery is responsible for the annual deaths of thousands of Red-throated Loons off the Atlantic Coast, tens of thousands of Marbled Murrelets off the shores of Alaska and British Columbia, and thousands of other birds.

The problem of avian gill net bycatch has been well known for years, yet little has been done to rectify the situation. Since a February 1999 FWS study, which revealed the extent of the gill net problem, conservationists have been frustrated by the slow pace of action by federal authorities to prevent these continuing violations of the Migratory Bird Treaty Act. FWS assembled a Waterbird Bycatch Working Group in 1999 to develop a national plan of action to reduce the threat, but other than the production of a short policy statement, little has been



Brown Pelicans are frequent victims of shallow set fishing nets. They are killed along with other species such as cormorants and gannets when diving for fish trapped in the nets. Progress remains slow in preventing the on-going slaughter. Photo: FWS.

done. A draft action plan has languished in FWS subcommittee for more than a year and a half, and no timeline has been forthcoming to bring it to completion. Conservationists fear that the plan will be as weak as the policy statement and will only present voluntary guidelines and best-practice suggestions, without mandating measures to ensure bycatch is eliminated. No prosecutions for violations of the MBTA have been brought even within the FWS's three mile zone of enforcement. FWS officials cite a lack of resources to pursue cases.

Recent studies by the Washington Sea Grant Program have shown some simple measures can reduce avian mortality without drastically impacting fishing efficiency. Ed Melvin and colleagues found that by replacing the top six feet of the normally hard-to-see green nylon mesh gill nets with a more visible white mesh, bycatch of Common Murre in salmon nets could be decreased by 45% without significantly reducing fish catches. Further research is necessary to test the effectiveness of this and other possible solutions in other fisheries.

Contact: Gerald Winegrad, ABC, <gww@abcbirds.org>.

EPA Maintains Fenthion Status Quo - Law Suit Proceeds

Dates have been set for court briefs to be filed in the federal law suit brought by conservation groups against the EPA over fenthion use in Florida. ABC, Defenders of Wildlife, and the Florida Wildlife Federation filed the suit in October 2002 (*Bird Calls* Vol. 6, No. 3), alleging violations of the Endangered Species Act and Migratory Bird Treaty Act in the death of an Endangered Piping Plover and hundreds of other migratory birds on Marco Island in Collier County, Florida.

In addition to the bird deaths, the law

suit alleges that the EPA failed to comply with a consultation request from FWS required under Section 7 of the Endangered Species Act. Since the suit was filed, the EPA and Department of Interior, at the political-appointee level, in consultation with industry representatives, have worked together to attempt to change the language of Section 7. If successful, FWS would no longer be able to demand consultation with EPA. Instead EPA would be able to make the decision whether to consult or not (see article P. 1). However, given that the fenthion suit has already been filed, and that the proposed Section 7 changes are only at the "advanced notice" stage, it is unlikely that the court case will be impacted.

Despite the law suit and a letter from FWS requesting cancellation of fenthion, the EPA has not changed its position, and has made no move to

cancel or restrict fenthion use in certain Florida counties where it is regularly used to kill adult mosquitos. ABC has repeatedly met with top EPA officials and urged them to act, but even with the known dangers and the existence of safer, equally effective alternatives, EPA has failed to properly address the issue. Meanwhile, Collier, Lee, and other Florida counties are permitted by the EPA to continue to spray thousands of acres with fenthion. ABC has long held the position that fenthion should be cancelled or only used in emergency human health situations and will fight for such restrictions in court. *Contact:* Dr. Patti Bright, ABC, <pbright@abcbirds.org>.

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Reintroduction of Endangered Falcon Proposed in SW States

FWS has announced its intention to re-establish the Northern Aplomado Falcon in New Mexico and Arizona. This small falcon is relatively common throughout most of its range in Central and South America, but historically was also found in lower numbers in southern Texas, New Mexico, and Arizona. However, it has not been sighted in Arizona since the 1940s and has only been seen irregularly in New Mexico since the 1970s (the hatching of young in New Mexico in spring 2002 was the first successful breeding in the state in 49 years). It is now protected under the Endangered



FWS plans to reintroduce the Endangered Northern Aplomado Falcon to New Mexico and Arizona. Photo: The Peregrine Fund.

Species Act. The reasons for its decline in the U.S. are uncertain, but biologists believe that DDT served as the final blow on top of years of unregulated shooting and egg collection in the early part of the Twentieth Century.

A Texas reintroduction program, begun in 1993, has seen more than 800 captive-raised birds released in the southern and western parts of the state, now resulting in 37 wild pairs. The Peregrine Fund has entered into agreements with FWS and numerous private landowners under the Safe Harbor provision of the Endangered Species Act, enabling over one million acres of land to be used for release of the birds reared at their facility in Boise, Idaho.

There is no timeline for the reintroductions to begin in Arizona and New Mexico, but FWS held a series of meetings in February to receive public input that can be included in the service's Environmental Assessment. Any reintroduction would require federal and state agreement that the new populations would be classified as "Experimental, Non-essential." *Contact:* The Peregrine Fund, <bheinrich@peregrinefund.org>.

New Grassland Habitat Project Uses CEC Funds

The Nature Conservancy's Prairie Wings program has undertaken a new project to conserve grassland birds and their habitats in the short and mixed-grass prairies of Canada, the U.S., and Mexico. With funding provided by the North American Commission for Environmental Cooperation (CEC), this venture will bring together more than 25 organizations working collaboratively to protect critical grassland birds across their ranges, from the prairies of Saskatchewan, Alberta, and Montana, to the arid grasslands of northern Mexico.

Agricultural encroachment and lack of native grazing buffalo have led to huge losses of grassland habitat. Recent Breeding Bird Survey data from the plains of Canada and the U.S. have revealed that the populations of the



Destruction of grassland habitats have led to precipitous declines in many grassland species, such as the Long-billed Curlew. Photo: FWS.

majority of grassland-dependent birds are declining at an alarming rate. In fact, as an ecological group, the grassland birds of the western Great Plains are the most threatened in North America. Of particular concern are the Ferruginous Hawk, Mountain Plover (see article below), Long-billed Curlew, Scaled Quail, Greater Prairie-Chicken, Lesser Prairie-Chicken, Burrowing Owl, Sprague's Pipit, Cassin's Sparrow, Lark Bunting, Chestnut-collared Longspur, and McCown's Longspur.

The project is developing three

geographically distinct efforts that will collectively contribute to stabilizing the population declines of these threatened birds. The first brings together more than ten Canadian organizations in an effort to select and protect the most critical habitat for prairie birds in the mixed grass prairies of Alberta, Saskatchewan, and Montana. The second is a project that is working with 14 landowners in north central Montana with the goal of using high rotation cattle grazing as a tool to improve the habitat conditions for grassland birds such as the Mountain Plover, Sprague's Pipit, and McCown's Longspur. Lastly, in conjunction with several Mexican organizations, including Pronatura Noreste and Profaua Chihuahua, work is being undertaken to initiate the first grassland bird monitoring program in northern Mexico – a critical effort in order to identify and address the most serious threats impacting these birds on their wintering grounds. *Contact:* Bob McCready, The Nature Conservancy, <bmccready@tnc.org>.

Mountain Plover Listing Debate Continues

On December 5, 2002, FWS reopened the public comment period on a proposed rule to list the Mountain Plover as a threatened species under the Endangered Species Act. The comment period closed again February 3, 2003, but was subsequently reopened a third time to accommodate public input following a meeting in Elkhart City, Kansas on February 5. The comment period will now close March 21.

FWS is also proposing a special rule under Section 4(d) of the Act, allowing ongoing agricultural practices to continue through December 31, 2004

in parts of Colorado, Wyoming, Nebraska, Kansas, and Oklahoma, so that plover nesting success on cultivated land can be analyzed. It is hoped that this will encourage voluntary conservation practices on private lands on which the vast majority of individuals of this species depend.

Mountain Plovers prefer areas that are heavily grazed for nesting, especially areas close to prairie dog colonies. The decline in prairie lands, and loss of bison and extensive prairie dog habitat, is likely a leading cause of the species' downward trend (see above article). Potential future threats include coal-bed methane extraction and other activities adversely affecting the plover's breeding habitat. The plover was first proposed for listing in 1999 due to long-term declines on

its breeding and wintering grounds. The current population is estimated at between 8,000 and 10,000 birds.

On January 14, ABC wrote to the Forest Service urging that the Pawnee National Grasslands, a Globally Important Bird Area, be managed to maximize habitat for Mountain Plovers through a package of measures, including the encouragement of prairie dog colonies and moderate to heavy grazing. The letter was sent in response to data indicating a 90% reduction in Mountain Plover habitat in the Pawnee during the last decade, and supports objectives of the Partners in Flight plan for the region. The Forest Service responded that nearly all the management measures were being or are about to be implemented. *Contact:* Gerald Winegrad, ABC, <gww@abcbirds.org>.

Pesticide Coalition Calls for Rodenticide Restrictions

ABC and other members of the newly-formed National Pesticides Coalition are submitting official comment to the Environmental Protection Agency (EPA) on the forthcoming re-registration of several rodenticide poisons. Of the nine chemicals being assessed, two are of particular concern for birds - brodifacoum and difethialone. Brodifacoum is the active ingredient in D-Con, Talon, and Havoc, common household rodent poisons available over the counter. Difethialone is a nearly identical poison.

Both chemicals are extremely dangerous to birds, especially raptors that are poisoned by feeding on rats and mice that have consumed the bait. Among the birds known to have been killed are Red-tailed Hawk, Great Horned Owl, Golden Eagle, Barn Owl, Eastern Screech Owl, Red-shouldered Hawk, Cooper's Hawk, Sharp-shinned Hawk, Common Raven, and American Crow. Additionally, mammals such as the Endangered San Joaquin kit fox, coyote, red fox, gray fox, mountain lion, bobcat, white-tailed deer, and many species of small mammal have been killed by brodifacoum. These losses are startling given that most mortality undoubtedly goes undiscovered due to the quick scavenging of carcasses and a lack of resources for groups to systematically locate dead birds.

Brodifacoum incidents recorded in the EPA's Environmental Incident Information System database from 1994-98 were surpassed in number by only one other pesticide, diazinon,



The new National Pesticide coalition is working to protect species such as the Sharp-shinned Hawk from dangerous chemicals. Photo: Michael D. Stubblefield.

which has since been restricted by the EPA. Brodifacoum accounted for 67% of all wildlife losses involving pesticides in California in 1997 and is responsible for the vast majority of the more than 48,000 recent rodenticide poisoning cases of children under six years old reported to poison control centers across the nation.

ABC feels strongly that brodifacoum should be a restricted-use pesticide, only made available to licensed applicators, and limited to situations where it is critical to protecting federally listed or declining species of migratory birds. ABC supported such restricted use in the recent case of Anacapa Island, off the coast of California (*Bird Calls* Vol. 6, No. 2). After completing an extensive Environmental Impact Statement and taking a broad range of precautions, the National Park Service used brodifacoum (at one-half its permitted dosage) to rid the chain of islets of introduced black rats that were preying on Xantus's Murrelets, their chicks, and their eggs.

ABC and other groups will be submitting formal comment to the public docket. To do the same, send an email before March 31 to <op-docket@epa.gov>. The subject line must include the docket number OPP-2003-001. *Contact:* Dr. Patti Bright, (540)253-5780, <pbright@abcbirds.org>.

Birds and Budgets - Federal Funding for FYs '03 & '04

In February, Congress approved the Omnibus Funding Bill for Fiscal Year 2003 that began on October 1, 2002. Until now, many federal agencies had been working under last year's funding levels. Almost simultaneously, the President submitted his proposed FY '04 budget. Critics have reacted harshly to some of the figures, particularly to cuts in land acquisitions across a range of agencies under the Land and Water Conservation Fund.

While the proposed FY '04 Bush budget gives the Interior Department an increase of \$500 million over FY '03 to \$10.7 billion, money allocated for land acquisition programs has been slashed to less than half 2002 funding levels to pay for administrative and non-traditional expenses. The Land and Water Conservation Fund FY '03 allocation is just \$414 million, \$285 million below the amount provided in 2002, and the Administration has requested only \$348 million for '04, a further drop of \$66 million. Full funding of the Land and Water Conservation Fund was a campaign promise made by Bush.

This loss of funds for acquisitions by FWS, National Park Service, Bureau of Land Management, and U.S. Forest Service means that many critical bird and other wildlife habitat acquisition projects will have to be dropped. For example, FWS acquisition funding (used to purchase national wildlife refuge and other lands) would go from \$98 million in 2002 to \$41 million in FY '04.

More bad news was evident in the cutting of the Conservation Security Program to zero in 2003. This initiative from the 2002 Farm Bill provided

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payments to farmers who reduce pollution, conserve resources, and practice other forms of environmental stewardship on their lands. The program was cut to pay for a \$3.1 billion farm drought relief package. Leaders of the full Senate and Senate Agriculture Committee subsequently agreed to restore funding for CSP at a later date.

The President's proposed FY '04 budget also reduces most of USDA's voluntary farmland conservation programs by about 15% of the authorized farm bill levels. For the Wetlands Reserve Program, however, the reduction is steeper still, amounting to about 29%. This effectively will drop enrollment from 250,000 acres to 178,000 acres.

Funding in FY '03 for the Neotropical Migratory Bird Conservation Act remained the same as for FY '02 at \$3 million, but for FY '04, the Administration has cut funding altogether. Funding for "CARA-Lite," state wildlife grants, drops from \$85 million in 2002 to \$65 million for FY '03, with a proposed further decrease to \$60 million for FY 2004. North American Wetlands Conservation grants were cut to \$39 million from the FY '02 level of \$44 million but the FY '04 Bush budget has proposed a notable increase to \$50 million.

Also due for increased funding is the North American Wetlands Joint Venture program, which was allotted a raise of \$3 million. Increased funding was also allotted to combat invasive species such as nutria, tamarisk cedar, and the giant, aquatic salina fern on refuges.

Overall, the FWS budget would rise marginally from \$1.276 billion in FY '02 to \$1.285 billion in FY '04, while the U.S. Geological Survey will see a gradual decrease in available funding from 2002 levels of \$917 million to \$896 million for FY '04. *Contact:* Gerald Winegrad, <gww@abcbirds.org>.

FWS Releases Listing Decisions

Recent months have seen a series of decisions by FWS on Endangered Species Act (ESA) listings, all of which have gone against the petitions from conservation groups.

A petition to list the western subspecies of Sage-Grouse was denied due to a lack of evidence that it is distinct from other Sage Grouse populations. FWS cited a soon-to-be published review that they claim will show no genetic distinction between the western and eastern populations. In May 2001, FWS did, however, conclude that the Columbia Basin distinct population segment of the species warranted listing, though action is currently stalled due to higher listing priorities.

Similarly rejected was a petition to seek ESA protection for the "tri-state population" of the Trumpeter Swan. The service stated that the population, which breeds and winters in and around Yellowstone National Park and is the only original, remnant population of Trumpeters in the U.S., is not significantly different from, and interacts with, reintroduced populations around the Rocky Mountains and Canada. This decision clears the way for FWS to implement an incidental take of Trumpeters for the Tundra Swan hunt in Utah, Montana, and Nevada, which conservation groups sought to block in 2000 (*Bird Calls* Vol. 4, No. 3).

FWS also concluded that the California race of the Spotted Owl does not currently require protection under the ESA, stating that it still occurs at 2,200 sites or territories in the state with no range-wide decline. The decision comes at the termination of a twelve-month review, conducted in response to a 2000 petition filed by the Center for Biological Diversity and



FWS denied ESA protection for several species including the western subspecies of the Sage Grouse (above). Photo: FWS.

Sierra Nevada Protection Campaign, and a subsequent court order. FWS contrasts the California Spotted Owl's habitat, that has been selectively logged, with that of the northern race of Spotted Owl, which occurs in forests that have frequently been clear-cut. The determination does not take into account future Forest Service plans under the Sierra Nevada Framework Agreement, the potential impact of which is not clear at this time. Environmentalists say they will go back to court to challenge the ruling.

Lastly, FWS announced its finding that the Mountain Quail in the northern and western Great Basin and interior Columbia River Basin of Nevada, Oregon, Washington, and Idaho fails to meet biological criteria for a distinct population segment. The species in these states cannot therefore be considered for protection under the ESA, separate from other Mountain Quail populations. The finding is in response to a court settlement provoked by a 2000 citizen suit filed by Spokane Audubon Society and other regional conservation groups. *Contact:* Mike Parr, ABC, <mparr@abcbirds.org>.

Pet Spix's Macaw Found in Colorado

The last wild Spix's Macaw disappeared from Bahia, Brazil in October, 2000. The only hope for the species' survival now rests with the remaining sixty or so captive birds held in Brazil and by collectors around the world. Last December, a surprising turn in the Spix's saga occurred when a male bird was located alive and well in a family home in Colorado. The bird had been kept as a pet for years, paired with a female Yellow-naped Amazon, which recently died, prompting the owner to seek help in returning the Spix's Macaw to Brazil. The owner stated that the bird, named "Presley," had been given to them by a friend more than 20 years ago after a bird smuggler had abandoned it.



Presley, the Spix's Macaw, spent 20 years as a pet in a Colorado home. The bird has now been returned to Brazil to join the effort to save the species from extinction. Photo: Alain Breyer, World Parrot Trust.

A cooperative effort between the World Parrot Trust, FWS, and its Brazilian equivalent, Instituto Brasileiro do Meio Ambiente (IBAMA), has facilitated the repatriation of the bird to Brazil. The San Diego Zoo's Center for the

Reproduction of Endangered Species cultured fibroblast tissues from a growing feather that could one day be used to clone a Spix's Macaw, though no bird version of "Dolly" the cloned sheep has yet been produced.

The fate of the species in the wild continues to rest in the hands of the owners and breeders of the captive birds, and the potential for their cooperation with the Brazilian government. In July 2002, IBAMA dissolved the Spix's Macaw Recovery Committee because of a lack of cooperation by some owners, and despite recent breeding success among captive birds in Brazil, much work remains if the species is to be restored to its former habitat. A new book: *Spix's Macaw: the race to save the world's rarest bird*, by Tony Juniper, details the history and conservation of the species, including problems with the development of a cooperative reintroduction program. *Contact:* Mike Parr, <mparr@abcbirds.org>.

FWS To Certify "Green" Parrots?

Wild-caught parrots may soon be available in U.S. pet stores for the first time in a decade. Under a proposed FWS rule now being developed, an experimental program could be created to allow Argentina to export Blue-fronted Amazon parrots into America.

In 1990, the sale of Blue-fronted Amazons represented more than 5% of all global parrot trade, but in 1992 Argentina halted exports in response to worldwide concern for the species. At about the same time, the 1992 Wild Bird Conservation Act was passed, prohibiting the commercial import of all wild birds into the U.S. Current penalties for violation of the Act may include a two-year prison term and up to \$500,000 in fines.

The new proposal uses a loophole in the Act that allows birds to be imported from so-called "sustainable" programs, but this is the first time such an application has been considered. Under the new scheme, as many as 1,000 parrots a year, costing approximately \$600 each, could be brought into the country. Proponents of the plan suggest that it will help to generate funds for conservation in Argentina, but while the potential for a well managed program exists, several concerns have been raised.

This program is perceived as a precedent-setting model that could open the door for other purported sustainable sources of parrots. "If FWS does allow these imports, it will be telling the world that some wild-caught parrots are environment-friendly," said Mike Parr, Vice President for Program Development at

ABC and co-author of the book *Parrots - a guide to the parrots of the world*. "This opens up the possibility that illegal trappers will try to pass their birds off as "green" parrots.

Concerns also exist over the biological rationale for the suggested harvest quotas and the financial viability of the program given that an export tax of only \$40-\$80 per bird will be levied.

While attention continues to be focused on the commercial exploitation of wild-caught birds, another aspect of the Wild Bird Conservation Act languishes without action. The law provides for an Exotic Bird Conservation Fund to help protect wild birds in their countries of origin, but this has gone a decade without appropriations (*Bird Calls* Vol. 4, No. 3). *Contact:* Mike Parr, ABC, <mparr@abcbirds.org>.

Last Chance For World's Rarest Bird?

A last-ditch effort to capture the remaining wild Po'ouli on the Hawaiian Island of Maui began on February 3, 2003. The species is now considered to be the world's rarest bird with just three known wild individuals remaining and none in captivity. A recent attempt to pair a female with the lone remaining male failed when the female returned to her isolated territory (*Bird Calls* Vol. 6, No. 3). All three birds live in separate parts of the forest on the remote slopes of Haleakala Volcano. They remained undiscovered until 1973, when a group from the University of Hawaii first found the small, black-



Biologists in Hawaii are now engaged in a final effort to save the Po'ouli, the world's rarest bird. Photo: Paul Baker, Maui Forest Bird Recovery Project.

masked honeycreepers that were so different from any other known species they were placed in their own genus.

The species' rapid population decline from approximately 200 birds in the early 1970s to just three today mirrors that of many other native Hawaiian species, some of which have been lost forever in recent times. Many more native Hawaiian birds vanished as first

Polynesian, then European settlers cleared land and introduced non-native, invasive species and diseases such as avian malaria to the islands. If the effort to capture the Po'ouli (meaning "black-head" in Hawaiian) is successful, they will be transferred to a breeding facility where it is hoped they will nest. Whether successful or not, this is truly the last chance for the species, as the remaining birds appear unlikely to ever meet in the wild, let alone breed.

At the time of going to print, no Po'ouli have been caught and the recovery effort into the inhospitable area where the birds live, led by the Maui Forest Bird Recovery Project, has been hampered by bad weather. The Project is a cooperative effort involving San Diego Zoo, FWS, and the Hawaii Department of Land and Natural Resources. *Contact:* Barbara Maxfield, FWS, (808) 541-2749.

New Initiative for Wild Birds on Corporate Lands

The Wildlife Habitat Council (WHC) has begun a new, corporate-led initiative aimed at enhancing and restoring migratory bird habitat, and increasing the involvement of companies and their employees as "shareholders" in migratory bird conservation.

This international habitat program will be known as the Corporate Campaign for Migratory Bird Conservation, and is designed to protect and enhance the remaining nesting, resting and migration habitat on lands owned by businesses in the Western Hemisphere and beyond.

Corporations and their landholdings offer unique opportunities for bird conservation. Such lands provide

critical habitat for migratory birds, but have often been overlooked by conservationists. This campaign will bring awareness and provide habitat enhancement expertise to assist corporations in their genuine interest to improve habitat for birds that migrate through their holdings. The specific role of WHC in this endeavor will be to facilitate partnerships between corporations, conservation groups, and state/federal government agencies to achieve defined habitat goals and associated benefits for migratory birds.

The program will be guided biologically by a Technical Advisory Committee, composed of biologists representing a cross-section of conservation partners, with at least one representative from each of the four recognized groups of migratory birds (shorebirds, colonial waterbirds, waterfowl, and landbirds). A Steering Committee, made up of corporate representatives and members of vested

conservation organizations, will guide the overall direction of the program. ABC serves on both of these committees.

The program will operate largely within the framework of existing joint ventures and Bird Conservation Regions, and in close alignment with the North American Bird Conservation Initiative. Corporations interested in participating should contact WHC: (301) 588-8994, or David Wesley: (406) 728-3316, <dwesley@montana.com>. Visit: www.wildlifehc.org for further information.

WHC is a non-profit, non-lobbying organization dedicated to increasing the quality and amount of wildlife habitat on corporate, private and public lands. WHC has nearly 120 corporate members, and a 15-year history of providing corporations with technical assistance in establishing and maintaining wildlife management practices for diverse ecosystems on their lands.

Red Tide Suspected as Cause of Falkland Penguin Deaths

A spate of recent penguin and other seabird deaths is worrying scientists in the Falkland Islands. The group, Falklands Conservation, reports that hundreds of dead Gentoo and Magellanic Penguins and other seabirds have been washed ashore, sparking concerns of a massive "red tide" toxic event around the islands.

The majority of the deaths have been reported in West Falkland, with many more birds coming ashore in a crippled state, whereupon they are attacked by gulls and skuas. The large Gentoo colony on New Island that normally numbers 5,500 pairs has been reduced to just a few hundred, and deaths have been reported close to many other breeding areas. The total Falkland population of Gentoo Penguins, representing 40% of the species' global population, had been increasing dramatically in recent years. A 2001-2 census revealed a population of more than 113,000 birds, up from 65,000 in the previous (1995-6) census. It will take until the next census, due in 2005, to assess the long-term effects of the recent die-offs.

"Red tides" are caused by microscopic marine algae that "bloom" under various sea conditions. They may actually be red, green, or brown in color according to the type of algae involved. Although predictors for these blooms include sunlight and nutrient levels, the precise conditions necessary to cause a bloom are poorly understood. Ongoing studies and necropsies will hopefully reveal the precise cause of these seabird deaths.

A steep decline among Falkland



Gentoo Penguins have been dying in large numbers on the Falkland Islands. The long term effects of this die-off, suspected to have been caused by red tide event will not be known until the 2005 census. Photo: John Chardine, USGS.

Rockhopper Penguins has also been recently observed. Though a reduction in food supply appears to be to blame, whether the root cause is over-fishing, climate change, or some other reason may ultimately be impossible to prove. Some other penguin species do already appear to be changing their distributions due to climate change, however (*Bird Calls* Vol. 6, No. 3). Because they are vulnerable to a variety of threats, such as oil spills and entanglement with fishing gear, it is important that efforts to monitor penguin populations continue to provide an early warning for potential catastrophic declines. For more information see: <<http://www.falklandsconservation.com/index2.html>>.

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Chile Aims to Export Rhea Products

Last November, Chile succeeded in gaining support for its proposal to down-list the south Chilean population of the Lesser Rhea from CITES Appendix I to Appendix II, clearing the way for commercial export of Chilean rhea products such as meat and hide.

Chilean rhea farmers have long ago traded the bolas for the microchip in developing a high-tech, sustainable industry that ensures against illegal exploitation of wild populations. Each farmed rhea chick that survives to four months of age is microchipped and included in a national register to combat theft and poaching of wild birds.

Today, some 50,000 wild Lesser Rheas are found in southern Chile, with around 500 farmed birds in captivity. The two northern or "puna" races of Lesser Rhea are considered endangered, and these birds are found only in the high Andean plains of southern Peru, Bolivia, Argentina, and northern Chile. The Chilean Agriculture and Livestock Service is hopeful that by providing a legal, commercial alternative, pressure on these endangered populations will be reduced. All wild rheas are also provided with legal protection in Chile.

Although it is not known how many rheas are currently farmed in the U.S., there are some 50,000 ostriches being raised for meat, which sells at a premium because it is low in cholesterol. Rhea chicks sell for around \$700 each, and a female can produce up to 60 eggs per year, making them a potentially profitable business venture for U.S. farmers. For more information see <www.cites.org/eng/cop/12/prop/E12_P15.pdf>.

Development Threatens Important Sea- bird Site in Chile

The National Humboldt Penguin Reserve in Chile is being threatened by potential development. In 2001, to promote regional ecotourism, the Chilean government offered private investment opportunities on Isla Gaviota, which neighbors Islas Damas and Isla Choros, two of the Reserve's three protected islands. A local group proposed a \$600,000 project, limited to Isla Gaviota, which would have had no impact on the Reserve, but a private company, Genera Inversiones,

proposed an \$80 million development on both Isla Gaviota and the protected Isla Damas, including a 200-room hotel, apartment buildings, and a wharf. In June 2002, the Concession Committee of Coquimbo came out in favor of the Genera Inversiones proposal, but also ruled that Isla Damas would not be open to development. However, a new commission has been appointed to re-examine this decision. A move by the Chilean government to undermine the island's protected status is widely perceived as being against Chilean law and in violation of international agreements to which Chile is a signatory.

The Reserve contains a significant breeding colony of 1,500 breeding pairs of the globally Endangered and declining Peruvian Diving-Petrel. The

Reserve also hosts more than 300 breeding pairs of the globally Vulnerable and locally Endangered Humboldt Penguin, and a population of the globally Endangered Marine Otter.

Any proposed project is required to be compatible with the Reserve, but there is concern that, regardless of whether it extends onto Isla Damas, the Genera Inversiones project will not meet that criterion. Recent research on the impact of human disturbance on reproduction of Humboldt Penguins suggests that the species is more sensitive than other penguins, and its breeding success is severely affected by human disturbance. See http://arenaph.penguinpage.net/index_eng.htm for more information and an online petition. *Contact:* George Wallace, <gwallace@abcbirds.org>.

Parasites Threaten Darwin's Finches

The birds that played a leading role in helping Charles Darwin formulate the theory of evolution are now facing a new and potentially serious threat from fly larvae introduced to their native Galápagos Islands. The threat was revealed in a paper published last July in *Ibis*, the journal of the British Ornithologists' Union.

There are thirteen species of so-called "Darwin's finches" recognized in the islands (their only home), though none actually bears the name of the famous biologist himself. Of these, seven species have already been affected with parasitic larvae, found in 97% of the nests studied. The flies, which were likely brought ashore with food imports from Ecuador, were first discovered in 1997. Ominously, the same flies have recently appeared on Isabella Island, home to the most



The Warbler Finch is one of 13 species recognized as "Darwin's Finches." Many of these species are being impacted by a parasitic fly larva. Photo: Dr. Robert Rothman, Dept. of Biological Sciences, Rochester Institute of Technology.

threatened of the finches, the Critically Endangered Mangrove Finch, which numbers only 110 birds.

The larvae infest the nestlings, apparently weakening them. A nestling mortality of 27% was observed in infected nests, and injuries such as holes in the skin of nestlings were reported.

"Darwin's finches" exemplify "adaptive" radiation, whereby a number of closely-related forms

descend from a common ancestor, changing to meet the ecological challenges and opportunities provided by the various micro-habitats they encounter. The finches vary dramatically in their bill shapes. The extremes of this adaptation are represented by the Vegetarian Finch, a seed-eater with a thick grosbeak-like bill, and the Sharp-beaked Ground-Finch (or "Vampire Finch"), that has adapted to feed on the blood of living Masked and Red-footed Boobies lapped from open sores on their bodies. The Woodpecker Finch has adapted more than just its bill. It has learned to use tools such as cactus spines to pry grubs free from beneath bark. *Contact:* Mike Parr, ABC, <mparr@abcbirds.org>.

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Mountaintop Mining Threatens Cerulean Warblers

ABC submitted formal comments in opposition to the Tennessee Valley Authority's proposal to mine coal from Braden Mountain in the Koppers Coal Reserve, Tennessee. Conservationists are concerned with the effect that this type of mining, known as "mountaintop removal/valley fill", will have on Cerulean Warbler habitat, as well as the overall ecological effects on biodiversity from permanently

altering large landforms. The Royal Blue Wildlife Management Area, of which Braden Mountain is a part, was designated by ABC as a Globally Important Bird Area, in large part because of the high densities of Cerulean Warblers that breed there.

Data from the Breeding Bird Survey indicate that the global population of Cerulean Warblers has been reduced to half or less of its former abundance and the species has been petitioned for Endangered Species Act protection. It has been estimated that the existing global population could be further decreased by 10-20% due to the habitat loss and degradation associated with mountain top removal mining operations, such as those proposed for Braden Mountain. Credible data to this

effect was presented at the recent "Cerulean Warbler Summit" in Shepherdstown, West Virginia in December 2002, attended by ABC staff. ABC has also formally commented on the effects mountaintop mining will have on the species (*Bird Calls* Vol. 6, No. 3).

Tennessee Valley Authority estimates a potential loss of over 100 breeding pairs of Cerulean Warblers at the Braden Mountain mine alone. ABC requested an Environmental Impact Statement (EIS) on the project rather than the less stringent Environmental Assessment that is currently being completed. *Contact:* Gerald Winegrad, ABC, <gww@abcbirds.org>.

Wildlife Services Step Up Vulture Slaughter

Despite the continued protests of conservationists, USDA's Wildlife Services has issued a final Environmental Assessment and a "Finding of No Significant Impact" on the killing of vultures in Virginia. They have subsequently applied for a FWS permit to kill 2,500 Black Vultures and 1,500 Turkey Vultures per year in the state. In 2002, the original FWS permit allowed the take of just 400 vultures, though this was later increased to 700. ABC, Raptor Research Foundation, National Audubon Society, Virginia Society of Ornithology, American Birding Association, and the Humane Society of the United States have all written to FWS opposing the issuance of the increased take permit.

Last October, ABC and others submitted comments on the draft



FWS is permitting increased killing of Vultures in Virginia by USDA's Division of Wildlife Services. Photo: Allen Matheson @photohome.com

Assessment opposing the escalated take based on the lack of sound science (*Bird Calls* Vol. 6, No. 3). The groups contend that no proper scientific analyses can be made of the impact of taking thousands of vultures because population size and recruitment rates are unknown. ABC had urged Wildlife Services to complete a more stringent Environmental Impact Statement before seeking the increased take, but that request has been ignored. So far this year, Wildlife Services has killed 250 Black Vultures at Richmond and

intends to eradicate 300 Black Vultures at Radford, half of one of the largest Black Vulture roost sites in Virginia.

Pursuant to Wildlife Services' recommendations, the number of individually-issued FWS permits for lethal vulture take in Virginia more than doubled from 1999 to 2001. Raptor Research Foundation scientists are considering a nationwide review of vulture control. *Contact:* Gerald Winegrad, <gww@abcbirds.org>.

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Tower-kill Research Advances

FWS has announced that \$51,000 in settlement funding from the South Florida Water Management District will be made available this spring to initiate a study in New York to determine how different lighting systems on tall towers affect avian mortality. FWS guidelines currently advocate the use of white strobes of the shortest flash duration and longest off-time allowed under Federal Aviation Administration regulations. The study will help in assessing whether these or other lighting scenarios can help prevent bird deaths.



The Prairie Warbler is on both the PIF watchlist and the new FWS Species of Management Concern list and is frequently killed at towers. Photo: FWS.

Progress is also being made in obtaining funding for avian mortality research in Michigan at some of the 181 State Police communication towers that were illegally constructed without proper environmental review.

Meanwhile, the U.S. Coast Guard and FWS are advancing a

Memorandum of Understanding in conjunction with a new National Distress Response System that will lead to the construction of 100 new tower structures (plus a further 230 antennae co-located on existing towers). General Dynamics was recently awarded the tower contract and has just begun construction. The Coast Guard will use FWS guidelines to minimize avian impacts, and will fund research at several towers.

In less positive news, after the U.S. Senate attached language to the FY '03 funding bill requiring FWS to issue a report on avian mortality at communication towers, the telecommunication industry and Federal Communications Commission succeeded in having it removed in Conference. *Contact:* Gerald Winegrad, <gww@abcbirds.org>.

What Future for West Nile?

West Nile Virus first appeared in the U.S. in 1999, but was first identified in Uganda in 1937, and was subsequently found in the Middle East and Eurasia. However, inability to identify or detect the virus means it could have existed unrecorded in these regions long before that. The longer history of the virus on other continents may give us a yard-stick by which to predict the future for the disease in the Americas.

In Europe, numerous bird species carry West Nile antibodies, although immunity still varies between species, and between adults and juveniles within some species. During recent, sporadic outbreaks in Europe, bird die-offs similar to the large numbers killed in the U.S. have not been reported. But scientists working for the Smithsonian Institution have suggested that birds

migrating to Europe could be building up high enough viral loads, due to the stress of their long journey, to enable mosquitoes to continue to spread the disease to people, and in some cases, horses (see: www.cdc.gov/ncidod/eid/vol6no4/rappole.htm#Figure%202).

The principal vector for the virus is the *Culex* mosquito, which feeds on animals, including birds and humans, principally at night. Various species of *Culex* are found on every continent except Antarctica. West Nile Virus has now been reported in 44 U.S. states, but fortunately in most species, including humans, infection with West Nile normally results in little or no sign of disease. Severe symptoms are generally limited to individuals with weakened or stressed immune systems.

At least 110 different New World species of birds have been recorded killed by West Nile so far. Some species, such as American Crow, are extremely sensitive to the disease, and can suffer high mortality rates even in individuals with healthy immune

systems. Most infected birds of other species do survive however, and over time, bird populations in the Americas will likely develop natural immunity to the virus as European birds have done.

If the European pattern is to be repeated here, the long-term future of the disease may be restricted to sporadic outbreaks. In the short-term, however, we can expect to see more large-scale die-offs among bird populations. ABC is working with a range of partners on the development of a vaccine for the disease (*Bird Calls* Vol. 5, No. 2, and Vol. 6, No. 2) to help protect populations of the most endangered bird species as an emergency measure. *Contact:* Dr. Patti Bright, <pbright@abcbirds.org>.

Abbreviations

ABC: American Bird Conservancy
FWS: U.S. Fish and Wildlife Service
NMFS: National Marine Fisheries Service
EPA: Environmental Protection Agency
FCC: Federal Communications Commission
USDA: U.S. Department of Agriculture

Alaska Longlines Kill More Than 10,000 Seabirds - New Regulations Proposed

In February, NMFS proposed new regulations on the use of mitigation measures to prevent seabird deaths on longlines by Alaskan fishing vessels. Tragically, these regulations exempt more than 90% of all Alaskan longline vessels from the mandatory use of paired streamer lines, shown in research to virtually eliminate seabird bycatch. Only certain vessels over 55 ft. in length must use the paired streamer lines, and then only when winds are under 30 knots. NMFS had

delayed new mitigation measures for several years pending completion of a two-year research project on board Alaskan longliners. The research report strongly recommended use of paired streamer lines on all Alaskan vessels.

The number of hooks set by longline vessels has reached record levels of 260.4 million annually, but seabird deaths have declined from 18,896 in 2000, due in part to voluntary use of these bird-scaring lines and other devices. Mortality could be virtually eliminated if all vessels used such measures. ABC has urged wider use of these paired streamer lines that do not affect fishing efficiency or crew safety. FWS has been funding free giveaways of paired streamer lines to all Alaskan longliners, 42% of which have been handed out to vessels under 55 ft. These vessels would not be

required to use such paired lines under the new rules.

NMFS data on seabird mortality in the Alaskan longline fishery for 2001 indicates a total of 10,504 seabirds were known to have been killed on longlines in Alaskan waters. Numbers exclude mortality from the Pacific halibut fishery because data is still not collected there despite the U.S. Plan of Action for Seabirds requiring such data collection. The mortality included 76 Black-footed and 492 Laysan Albatrosses. Twenty other albatrosses were killed but listed as unidentified. Northern Fulmars accounted for 55% of all mortality.

ABC continues to press for better regulations. To help, visit www.albatrossaction.org and send a message to regulators that you believe better protection for seabirds is required.

Botulism Kills Thousands of Birds at Lake Erie

In the fall of 2002, for the fourth year in a row, large numbers of birds were found dead on the New York shores and waters of Lake Erie. The vast majority of the 6,683 birds picked up so far were found by the New York Department of Environmental Conservation to have died of Type E botulism. The leading mortalities are Long-tailed Duck (4,862 dead), Common Loon (474), and Red-breasted Merganser (451), but there are believed to be several thousand more carcasses buried under this winter's ice and snow. When the weather breaks, retrieval of the birds will continue in order to more fully document this



The Long-Tailed Duck leads the number of bird mortalities in Lake Erie caused by Type E botulism. Due to winter ice and snow, the final numbers will not be available until the weather breaks. Photo: Arthur Grosset.

significant mortality.

The birds seem to have acquired the botulinum toxin primarily from eating an introduced fish, the round goby, and/or the introduced quagga mussel. Both of these invasive species were introduced from their native Ukraine

into the Great Lakes from the ballast of ships. Both species have now reached prodigious populations in Lake Erie. The quagga mussels appear to concentrate the deadly botulinum toxin and the gobies become poisoned by feeding on the mussels. Piscivorous birds and predatory fish that eat the botulinum-containing gobies are in turn poisoned. Gulls, Bald Eagles, raccoons, and opossums scavenging the contaminated fish and birds have also succumbed.

The natural population controls that normally regulate the mussel and goby in their native environment seem not to be evident in Lake Erie, keeping the botulism levels high. Type E botulism has been documented well into the fall in Lake Erie, meaning that migratory birds arrive from their journey north when there is abundant amounts of toxin in the food-chain. *Contact:* Ward Stone, Department of Environmental Conservation, <wbstone@gw.dec.state.ny.us>.

Birds in Brief

Houston Signs FWS's Urban Bird Treaty: In the fall of 2002, Houston joined New Orleans, Chicago and Philadelphia in becoming the fourth U.S. city to sign the FWS's Urban Conservation Treaty for Migratory Birds. Under the two-year pact, local groups will match \$160,000 in federal and corporate money to provide more bird-friendly habitat and better monitor annual migrations. Proposed projects include: installation of microphones on schools and buildings to count populations; invasive plant species eradication in city parks, construction of a birding trail, and development of educational materials. *Contact:* FWS Office of Migratory Bird Management, (703) 385-1714.

Cuba Preserves Wetlands: Cuba has set aside five wetlands sites for protection from development under the Ramsar Convention's List of Wetlands of International Importance. The sites vary in size from 85 to 1,210 square miles and include unique coastal water reservoirs, beaches and dune systems, marshland, and inlets. Cuban authorities were assisted by World Wildlife Fund's Living Waters Program. Designation of wetlands under the Ramsar Convention are intended to bring increased publicity and prestige for the lands, and the increased possibility of support for conservation and wise-use measures. *Contact:* George Wallace, ABC, <gwallace@abcbirds.org>.

Prime Hook Refuge Decontaminates Lead Site: Lead shot cleanup activities have begun at Prime Hook National Wildlife Refuge, an ABC-designated Globally Important Bird Area. The site was contaminated by 40 years of shooting activities from a private gun

club adjacent to the refuge in Milton, Delaware. An initial proposal called for the removal of six inches of topsoil, but subsequent sampling revealed that in several areas pellets were present to a depth of a further eight inches, requiring additional soil removal. On completion of soil removal, the area will later be backfilled and re-planted. *Contact:* Prime Hook NWR, (302) 684-8419.

New Lead-Free Shot Alternative: FWS has given temporary approval to a new non-toxic shot for waterfowl hunting. The shot uses tungsten, iron, nickel, and tin, and is produced by the company ENVIRON-Metal. Hunters now have a choice of eight types of non-toxic shot for waterfowl hunting. Lead was banned for waterfowl hunting in 1991 due to its toxicity to waterfowl, but it is still allowed for upland gamebird and other hunting away from wetlands. A scientific study in the Mississippi flyway conducted in 1996-7 concluded that the ban had prevented the lead-poisoning deaths of 1.4 million birds in the fall flight of 90 million ducks. *Contact:* FWS Office of Migratory Bird Management, (703) 385-1714.

Condor Shot - Reward Offered: The last wild-born California Condor has been found dead, shot in Kern County, California. The female, AC8 (*Bird Calls* Vol. 6, No. 3), had been caught in 1986 for the captive breeding program, where she raised a dozen offspring. She was the first wild-caught condor to be released in 2000 and was thought to be over 30 years old. FWS and state officials are searching for the person responsible, who, if caught, could face up to a year in prison and \$100,000 in fines. Conservation groups are putting forward a reward as an incentive for the public to help. A second condor

was found dead in California, suspected of having been electrocuted on a power line. *Contact:* Bronwyn Davey, FWS, (805) 644-5185.

Lucky Escape for Albatrosses from Fuel Spill Catastrophe: One hundred thousand gallons of jet fuel leaked from an underground pipeline at Midway Atoll's Sand Island in January. The island provides valuable nesting habitat for some two million seabirds, and is one of the most important Black-footed and Laysan Albatross breeding islands. The spill occurred at the peak of Albatross chick-rearing, but a quickly-executed containment and cleanup effort resulted in only one seabird chick being contaminated. The spill is the largest in recent history in the Hawaiian archipelago. The jet fuel appeared to be mixing with a previously undiscovered underground spill of a thick, black oil that had not been identified during the Navy's hazardous materials assessment and cleanup of the island before the Navy turned Midway over to FWS as a National Wildlife Refuge in 1996. *Contact:* Gerald Winegrad, ABC, <gww@abcbirds.org>.

Paper Studies Climate Change Impacts: ABC's Jeff Price was second author on the paper "Fingerprints of global warming on wild animals and plants" *Nature* 421: 57-60. This paper studied 694 species of birds, mammals, reptiles, amphibians, fish, invertebrates (terrestrial and aquatic), trees, and shrubs, and found that more than 80% of the species examined are shifting in the direction expected by their physiology: e.g., Common Murre is breeding 24 days earlier each decade. *Contact:* jprice@mho.net for a reprint of this paper or a CD-ROM of *The Birdwatcher's Guide to Global Warming*.

New Birds of Conservation Concern List Released

In February 2003, FWS published its new Species of Management Concern List, detailing 131 bird species that merit prompt conservation attention. The new list marks a net increase of eight species from the previous (1995) list and is over four times the 30 species included on the first list back in 1987. The included birds are all nongame species not listed under the Endangered Species Act, which currently numbers 90 birds. Combined, this means that over 25% of all U.S. birds are determined by the federal government to be in need of priority focus.

The purpose of the Management Concern List is to identify declining species long before they require the protection of the Endangered Species Act. The development of such an



The Bobolink is one of 131 bird species listed by FWS as being in need of conservation attention. Photo: FWS.

“early warning system” was mandated by a 1988 amendment to the Fish and Wildlife Conservation Act of 1980. Congress required that a report be made at least every five years - this latest report was due in 2000. The list includes declining or uncommon species, species with small ranges, and species facing significant threats to their future survival. Species are prioritized within the list based on the threats they face and their rate of decline.

Conservationists hope that the new report will lead to heightened efforts to improve habitat conditions, conduct

monitoring, and initiate status assessments for some of the highest priority species. David Pashley, Vice President for Conservation at ABC, said “Release of this list, based on the most solid criteria available, is an encouraging development. We hope that the Service actively uses the list as a valuable tool towards bird conservation.”

The report and list were developed in consultation with the leaders of ongoing bird conservation initiatives such as Partners in Flight, the North American Waterbird Conservation Plan, and the U.S. Shorebird Conservation Plan. As well as the national list, the report, for the first time, lists species according to the North American Bird Conservation Initiative’s Bird Conservation Regions and by FWS region. These changes were cited by FWS officials as being part of the reason behind the delay in the report’s release. The report and list are available on-line at: <http://migratorybirds.fws.gov/reports/BCC2002.pdf>. *Contact:* FWS Division of Migratory Bird Management, (703) 358-1714.

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