

MARCH, 2001

Horseshoe Crab Sanctuary Established

ABC, working with its partners, including National Audubon, has succeeded in gaining significant protection for the horseshoe crab and shorebirds dependent on crab eggs for food. Action was taken on February 5, 2001 by the National Marine Fisheries Service to finalize a 1,500 sq. mile horseshoe crab sanctuary at the mouth of the Delaware Bay, where all harvest would be prohibited, year-round. The closure, effective March 7, 2001, will provide added protection for the critical spawning population of Delaware Bay crabs.

The second greatest concentration of shorebirds in North America occurs each spring on the Bay's shores as hundreds of thousands of Knot, Turnstones, Sanderlings, Semi-palmated Sandpipers and other shorebirds gorge themselves on crab eggs before flying to their Canadian nesting areas. It is hoped that this closure, coupled with a more than 35% reduction in state horseshoe crab harvests, will prevent a serious population decline caused by an increase in crab demand for bait in conch and eel fisheries. Facing a federal closure and a ban on possession of horseshoe crabs on Virginia's waters that would have stopped conch fishing altogether, Virginia has now capped its fishery at

Condors Soar Again



California Condor. Photo: GO Solar Co.

The release program for the California Condor has now produced 22 free-flying birds at the Arizona site, and the Southern California and Central California populations now number 10 and 14 respectively. There are plans to release five more birds at each site in coming weeks. The oldest birds are now over six years old and some are beginning to exhibit the first signs of courtship behavior. Biologists are hoping that this year may be the first that some pairs lay eggs in the wild, but this will not be

known for several months to come. "One pair is going in and out of a cave, which is very encouraging" said Bill Heinrich of the World Center for Birds of Prey in Boise Idaho, which is captive-rearing birds for release in Arizona. The approach with any birds that lay will be 'hands-off', letting them try to hatch eggs on their own, knowing that first attempts of wild birds of prey are often unsuccessful. Many of the captive birds at the Center are also becoming sexually mature, which means next year may yield as many as twelve new birds for release in Arizona alone. This productivity is essential to keep pace with the losses in the wild. In 2000, two birds were killed by Coyotes, one from suspected eagle predation, and three from ingestion of lead shot. The continued recovery is all the more remarkable as the birds were down to 6 in the wild before all were moved into captive breeding.

Contact: Bill Heinrich
<bheinrich@peregrinefund.org>.

152,495 horseshoe crabs as ordered by the Atlantic States Marine Fisheries Commission. Virginia had openly defied the quota, part of a coast-wide 25% reduction ordered by the Commission. Virginia has now acted responsibly to greatly restrict its fishery and to closely monitor the take of crabs, limiting daily landings to 4,000 crabs a vessel and limiting entry to existing crabbers.

Virginia is unique in requiring the use of nylon mesh bait bags that have reduced demand for horseshoe crabs in the conch fishery by one-half, as only half a female crab now needs to be used. ABC will be working with the largest Virginia conch and horseshoe crab dealer to promote the use of bait bags in other states. Contact: Gerald Winegrad, ABC, <gww@abcbirds.org>.

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Abbreviations

ABC: American Bird Conservancy
 FWS: U.S. Fish and Wildlife Service
 NMFS: National Marine Fisheries Service
 EIS: Environmental Impact Statement

**Bird Calls is the Newsletter of
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 and the ABC Policy Council.**

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**The next meeting of the
 ABC Policy Council is: March 8**
1250 24th Street, Washington, D.C.

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New Executive Order Issued on Migratory Birds

On January 11, President Clinton issued an Executive Order directing federal agencies' actions affecting migratory birds. Changes had been sought by the conservation community since 1997, when the Administration reversed policy and adopted the position that the Migratory Bird Treaty Act did not apply to federal agencies and their actions in killing birds. ABC, National Audubon, Pacific Seabird Group and other conservationists had sought a much broader Executive Order that would have had clear requirements for federal agencies to adhere to Partners in Flight conservation plans and better practices for bird conservation, especially in habitat management on federal lands.

In December 2000, the FWS Director issued a Directive that the MBTA does apply to all federal agencies, reiterating that any agency activities that may take migratory birds without a permit are prohibited. This Directive was based on the Federal Court decision in *HSUS v. Glickman*, 217 F.3d 882 (D.C. Cir. 2000), decided on July 18, 2000. Under the new Executive Order, each federal agency taking actions that are having, or likely to have, a measurable negative impact on migratory bird populations must develop, within two years, and implement a memorandum of understanding with the Service for the conservation of migratory bird populations. In addition to avoiding or mini-



Scarlet Tanagers are among the birds affected by the Executive Order on Migratory Birds. Photo: Peter LaTourrette.

mizing impacts on migratory bird populations, agencies will be expected to take reasonable steps that include restoring and enhancing habitat, preventing or abating pollution affecting birds, and incorporating migratory bird conservation into agency planning processes whenever possible, and to the extent that funds are available. The Order also directs agencies to ensure that environmental analyses required under the National Environmental Policy Act for proposed federal actions evaluate the effects of those actions on migratory birds; requires agencies, within the scope of their regular activities, to control the spread and establishment in the wild of exotic animals and plants that may harm migratory birds and their habitats; and requires agencies to provide advance notice of any action that may result in the take of migratory birds or to report annually to the Service on the numbers of each species taken during the conduct of any agency action. FWS is moving forward to accomplish the goals of the Order. For a copy of the Order and other information, contact: Gerald Winegrad, ABC, <gww@abcbirds.org>.

FWS Halts New Endangered Listings

On November 17, 2000, FWS director Jamie Clark issued a memorandum halting all further listing action under the Endangered Species Act for the rest of the fiscal year, ending September 30. Clark said that the agency's funds have been used up fighting law suits, mostly for Critical Habitat designations. Ironically, this order has itself prompted some environmental groups to sue the Service for violating the Endangered Species Act, which requires species to be listed on the basis of scientific merit, not budgetary constraints. The Southwest Center for Biological Diversity (CBD), Defenders of Wildlife and the Biodiversity Legal Foundation sent a notice of intent to file suit in Washington D.C. to FWS in mid-December. A 60 day waiting period must elapse before the plain-

tiffs can proceed. "What's really crazy is that the Service is just inviting more law suits by their action" said Mike Senatore, legal counsel for Defenders of Wildlife. "The Service has created a situation whereby the only way to get species listed now is by a law suit - the very thing they are saying is causing them to halt listings," he said. Among the bird species immediately affected are the Cerulean Warbler, California Spotted Owl, Mountain Plover and the Cape Sable Seaside Sparrow.



Listing status for the Mountain Plover is now on hold due to the FWS memorandum. Photo: Peter LaTourrette.

In the past, Critical Habitat designation (CH) was not generally deemed essential by FWS because they thought it to be duplicative of other parts of the Endangered Species Act. Since it was seen to provide no additional protection for endangered species, and is so time-consuming and costly (requiring in-depth habitat surveys), it was given low priority. The Service elected to pursue listing actions in a 'triage' of most essential cases first, resulting in very few CH designations. However, in 1997 a suit was filed by CBD, National Audubon and an individual to provide CH for the California Gnatcatcher. FWS lost the suit which set a precedent and sparked a flood of similar suits, some with very short court-ordered deadlines that had to be met. CH then took precedence over all other listing activity, eating up all of the Service's \$6.3million listing budget. Continued on p.4.

Spix's Gone From the Wild but Recovery Still Possible

The sole remaining wild Spix's Macaw has not been seen since October 5, 2000 and the species is now almost certainly extinct in the wild. The disappearance came shortly before five young Spix's were to be released nearby in hopes of forming a core population from which the species could recover. The single wild bird had been reliably seen in the same area for ten years since its discovery in 1990, and the chances that it may have relocated to another area seem slim. Although 60 birds are kept in captivity around the world, many are closely related, and none has the benefit of know-

ing its way around the species' natural habitat. This type of knowledge, which includes the location of safe roosting and feeding areas, and how to avoid predators has been lost with the last wild bird. The Brazilian run committee for the recovery of the species now faces a desperate situation. Should the young birds be released anyway, or should captive Spix's eggs be placed in the nests of Blue-winged Macaws indigenous to the same area? In the first case, the risk of all the birds being killed by predators presents a potential concern. In the second, the young would either be raised as Blue-winged Macaws, and may be taught inappropriate vocalizations and behaviors, or may be rejected by the parents. Only time

and a continued effort will tell whether Spix's can be saved. Spix's joins two other Latin American species that now only exist in captivity: Alagoas Curassow, and Socorro Dove. There is a slight hope that wild populations of all three species may eventually be restored. Mauritius' Echo Parakeet population was restored from approximately ten individuals, although the species never became extinct in the wild (see California Condor article p.1) *Contact:* Mike Parr, ABC, <mparr@abcbirds.org>.

The Next Policy Council Meeting is March 9, at ABC's Washington Office. For Information Call: (202) 452-1535

Extinction Likely for Guadalupe Storm-Petrel

In June, 2000, the San Diego Natural History Museum, in partnership with the Endangered Species Recovery Council and the Mexican Government, launched an expedition to Isla Guadalupe, located 150 miles off the west coast of Baja California. With funding from the National Science Foundation, the first comprehensive zoological survey of the island since 1908 was conducted. Guadalupe is notorious for the fact that no area of equal size (approximately 100 sq. miles) in North or South America has experienced more extinctions of endemic plants and birds during the last 200 years. European explorers, whalers, and sealers arrived in the early 1800s and released goats, rats, and cats onto the island. By the time the first scientists visited Guadalupe in the 1870s, much of the unique flora and fauna had already been driven to near extinction by habitat destruction or predation. Many species barely survive, such as huge, ancient trees that cannot reproduce because the goats eat the young sprouts, or birds that depend on the dying forests of palm, cypress, and pine for habitat. Although the 2000 expedition sought to determine the status of all the island's plants and animals, special attention was paid to searching for the Guadalupe Storm-Petrel, in hopes that it had somehow survived the many decades of predation and habitat destruction. The breeding colonies are located high atop the rugged, 4,200 foot high island, among the roots of the towering pine and cy-



The denuded landscape of Guadalupe results from nearly 200 years of habitat destruction and introduced species. Photo: Brad Hollingsworth., San Diego Natural History Museum.

press trees. The 2000 expedition arrived at Guadalupe at exactly the time when Storm-Petrels should have been attending their nesting burrows. Researchers scoured the small, abandoned nesting colonies for three days and nights. Not only were no birds detected, but the massive habitat destruction caused by goats had completely eliminated all suitable burrowing habitat for the species making it unlikely that any survive. On a more positive note, several Guadalupe Juncos were found and the population of this Critically Endangered species is now estimated to be in excess of 1,000. Plans are now underway to remove the goats and protect the remaining remnants of the island's ecosystems. The expedition also discovered two, small, new colonies of nesting Laysan Albatross (about 50 pairs total) on small islets off the south end of Guadalupe. The results of the expedition will be published later this year, with full details on the search for the Storm-Petrel and the other species that still exist on this remote desert island. *Contact:* Bill Everett, <everett@esrc.org>.

Listings Halted

From p.3.

Concurrently, dealing with a Congress hostile to the Endangered Species Act, (at one point Congress ordered a moratorium on all new listings for one year), FWS was repeatedly denied requested budget increases. However, the CBD finds this argument spurious. "Knowing that Congress only ever funds an average of 80% of any agency budget, FWS should be asking for much, much more money, by several orders of magnitude," said Kieran Suckling, CBD's Executive Director. "What we have here is a political action [by the Service] to prevent listings and citizen action to get them," he said.

FWS spokesman Hugh Vickery said that there are currently 350 pending CH designations for this fiscal year that must be completed. In addition there are 39 active CH lawsuits that have been filed covering 360 species and another 37 active notices of intent to sue covering 313 species. "I don't believe endangered species conservation is being well served by these actions," he said. Yet CBD maintains that without the actions of groups such as themselves, most listings would never occur. According to their figures, 75% of all listings since 1975 were done in the last eight years, 84% of which were due to court orders. *Contact:* Hugh Vickery, FWS, (202) 208-1456, or Kieran Suckling, CBD, (520) 623-5252 x 304.

Visit ABC on the Web at:
www.abcbirds.org

Ecuadorian Pipeline Threat Continues

A final decision on the Oleoducto de Crudos Pesados (OCP) or heavy crude oil pipeline, designed to connect Ecuador's oil rich Amazonian lowlands with Pacific coast oil terminals, is expected this month from the Ecuadorian Government. The consortium expected to be given the contract includes U.S. oil company Occidental, Alberta Energy from Canada, a Spanish corporation, and two Argentinean companies. The bid includes a controversial plan to run the pipeline through the Mindo Important Bird Area (*Bird Calls*; Vol 4, No 2), the first IBA to be declared in South America. A competing bid to run the pipeline along a more southerly route adjacent to the existing, lower capacity Southwest Trans-Ecuadorian pipeline which principally runs through agricultural and developed areas, now looks increasingly unlikely. However, according to a spokesman for Occidental it has not been ruled out completely. Occidental also stated that the full Environmental Impact Statement for both routes has yet to

be completed and will be reviewed with Ecuadorian environmental groups.



Ecotourism lodges like this one at BellaVista may be impacted as a result of the Mindo pipeline. Photo: Mike Parr.

The Ecuadorian Andes are subject to seismic activity, and the existing southern pipeline has spilled million gallons of oil during its 30 year life-span, principally due to landslides causing breaks in the pipe. It is likely that the new pipeline, if constructed as expected along the northern route, will cause significant habitat destruction in the biodiversity-rich cloud forests of the Pichincha region and may also lead to major contamination of the Pichincha watershed. The area provides key habitat for the globally threatened Giant Antpitta, Mous-

tached Antpitta, Tanager Finch, and many other endemic and declining species. The pipeline is also reportedly expected to cut directly through habitat for the Critically Endangered Black-breasted Puffleg, a hummingbird with a tiny known range. Mindo is also well-known to international birders as a favorite ecotourism location. Increased oil exports from the Ecuadorian coast will also undoubtedly raise the risk of oil spills, which could affect some of the world's most sensitive marine ecosystems such as the Galapagos Islands. In light of the recent fuel spill in Galapagos, it is clearly important that the Ecuadorian government is ready with a rapid response should a catastrophic spill occur. A local group has been formed to oppose the northern route: the Comité Pro Ruta Menor Impacto (Committee for the Route of Least Impact). The group's web site (www.leastimpact.org) provides contact details for the corporations involved in the project. You are encouraged to write to express your concern over the project. *Contact:* Mike Parr, ABC, <mparr@abcbirds.org>.

Keeping Birds Safe at Feeders

Disease and poisoning problems continue to be a concern for backyard bird feeders in the U. S. In one incident, an estimated 150 Pine Siskins are suspected to have died during spring 1999 after contracting salmonella at feeders in South Lake Tahoe, California. The eye disease *Mycoplasma gallisepticum*, which primarily affects House Finches (though not always with fatal consequences), has now spread from

the mid-Atlantic States, where it was first observed in 1994, to Canada, Texas, and the Midwest. The presence of aflatoxins which are produced by soil fungus can also be fatal to birds in even minute quantities (legal maximum is 20 parts-per-billion for commercial seed). These are most likely to be detected in old or improperly stored seed, especially seed kept under excessively damp conditions. The vast majority of bird feeders are free from problems, but people are reminded to maintain hygiene standards properly storing seed, cleaning feeders

in a bleach solution at least once a week, and removing spilled seeds from the ground below to prevent build up. If an outbreak of disease is noticed, the feeder should be temporarily removed to reduce the likelihood that disease will spread to more birds. There is a range of excellent information resources on line to help make bird feeding an enjoyable, and rewarding past-time that is safe for birds. See for example: www.birdfeeding.org, www.bcpl.net/~tross/by/feed.html, and www.wildbirdcenters.com.

Colombian Drug Control Impacts Birds

Colombia is recognized worldwide for having more species of wild birds than any other country. Unfortunately, a growing proportion of these 1,850 species are vulnerable to habitat destruction, and 75 are considered threatened at the global scale. Since 1992, the area of deforestation in Southern Colombia attributable to the spread of illegal crops such as coca has doubled. The reduction in forest and its increased habitat fragmentation severely impact the long-term survival of threatened and endemic forest dependent birds, such as the Endangered Santa Marta Conure. In an effort to eradicate coca growing in Colombia, the U.S. government is proposing to spend billions of dollars to fund, 'Operation Colombia'. Fundamental to this plan, is the aerial spraying of large areas with the non-selective herbicide, glyphosate. Manufactured by the

chemical company Monsanto, glyphosate is the active ingredient of the herbicide *Roundup*, commonly used in the U.S.



Brown Incas are among the birds threatened by glyphosate spraying in Colombia. Photo: Paul Salaman.

Spraying began in December, 2000 in the Puta Mayo region, using aircraft flying at high altitude and speed to avoid ground attack. This application method increases aerial drift of the chemical, and it has been estimated that for every acre of coca sprayed, two acres of forest are affected. Any vegetation exposed to the chemical during the

Colombian fumigations dies, meaning the reduction of plant cover and food supply for many forest dependent birds. After the fumigation, rural communities which rely on the illegal crops as a means of subsistence migrate ever deeper into the forests to clear new patches of land to farm, further degrading primary forest. Areas 'recovered' after the fumigations are incorporated into already extensive pastures for livestock production. Past efforts to eradicate drug crops through aerial eradication in Colombia have proven unsuccessful as coca production continues to rise. ABC is currently providing information to two U.S. Senators who oppose Operation Colombia. By increasing awareness of the environmental destruction wrought by a massive herbicide campaign, it is hoped that Congress might reconsider the wisdom of such a plan, which can only add to deforestation and its resultant economic and biological losses. *Contact:* Luis Naranjo, ABC, <lnaranjo@abcbirds.org>.

Two Whooping Cranes Shot

A man has been charged with killing an endangered species in the shooting deaths of two Whooping Cranes in St. John's County Florida on December 1, 2000. The misdemeanor charges initially brought against the suspect (18 year-old William Bush Jr., of St. Augustine, Florida) were dropped in favor of a felony charge when several people called the State Attorney's Office complaining that the state was being too lenient. The new charge carries a maximum penalty of five years in jail. No federal charges



Whooping Crane. Photo: Marcus Martin.

have been filed because investigators said they were not well enough informed of the state's investigation nor notified when Bush was arrested. Bush is due to appear in court on March 5. The two birds were both young males, hatched and released in 1999. "If there is an

upside to all this it's that they were not established breeding birds," said Florida Fish and Wildlife Conservation Commission Biologist, Marty Folk. But the deaths were of even greater significance in the face of the drought which has been drying up the breeding marshes in the Crane's habitat since 1998. The introduced, experimental Florida population currently numbers 85 Whooping Cranes and is not expected to yield any successful breeding attempts in 2001 for the second year in a row. *Contact:* Steve Nesbitt at Florida Fish and Wildlife Conservation Commission, (352) 955-2230.

Service Investigates Fenthion-related Deaths

FWS officials in Florida have released information from an investigation documenting the killing of hundreds of birds in Florida by the organophosphate pesticide, fenthion. Among the sixteen species of birds killed was an Endangered Piping Plover. The bird had been banded in Michigan, home to one of the most vulnerable populations of this species. Other birds killed included Black Skimmers, Endangered Least Terns, Snowy Plovers, and Little Blue Herons; all listed as Species of Concern in Florida. Ted Below of Florida Audubon has conducted year-round shorebird surveys on Marco Island, on the Gulf side of southern Florida, just west of Everglades National Park for 27 years. Mr. Below first notified FWS of dead birds on the



Bandette, the oldest known Piping Plover has been migrating from the Upper Peninsular of Michigan to Marco Island, Florida for 13 years. Photo: Ted Below.

beach after mosquito control activities in 1998. The investigation continued for another year with twelve separate instances of large numbers of birds dying on the beach after it was sprayed with fenthion. Lab tests positively identified fenthion residues on dead birds.

At a January, EPA sponsored meeting in Orlando, to discuss the risks and benefits of continued use of fenthion in Florida, ABC's Pesticides and Bird Campaign presented

published studies on fenthion from independent scientists, countering industry figures on fenthion's persistence, toxicity, and environmental effects. A new scientific model, designed to predict inhalation exposure to pesticides by birds based on body weight, metabolism, and climatic factors, was presented at the meeting. The results of this model, developed by Warren Porter of Wisconsin University, may explain the bird deaths, even when fenthion is used according to label instructions. A special investigation team of reporters from NBC television in Miami filmed the day-long meeting and were later treated to a tour of Marco Island with Mr. Below and ABC staff. A five-minute television story featuring ABC and its campaign against fenthion aired in Miami on 7 February, 2001. ABC continues to pursue the discontinuation of all use of fenthion. *Contact:* Linda Farley, ABC, <lfarley@abcbirds.org>.

Birds and the Bay Curriculum Available

A workshop and curriculum linking birds and ecosystems has been developed for Middle School and Elementary teachers. Dr. Don Messersmith, in cooperation with ABC, developed the curriculum and has trained hundreds of teachers in its use. It can be adapted to school systems anywhere in the Middle Atlantic states region. The core of the workshop is a notebook called *One Bird - Two Habitats*, which is full of multi-disciplinary activities that address the problems of interior forest nesting neotropical migratory birds and the Chesapeake

Bay. These activities center around an 'ambassador' bird, the Baltimore Oriole, which nests in the temperate north and winters as far south as Venezuela. Activities related to birds include habitat and nesting studies, geographical migration activities as well as mathematics, science, poetry, art, and some activities in Spanish. Several sections are about Venezuela and even offer the opportunity to have classroom exchanges between American classes and their counterparts in Venezuela. During a typical six-hour workshop, a multimedia approach is used with maps, slides, videos, recorded bird sounds, participatory activities, a

short outdoor bird walk with binoculars and field guides, and discussions. The objectives include learning about the forest nesting birds around the Chesapeake Bay, the birds, habitats and cultures of Venezuela, how to schedule outings to observe birds and the Chesapeake Bay, and learning about activities that involve students in restoration of forest bird habitats which ultimately help protect the Bay. All participants receive written curriculum guides called and a packet of handouts with additional activities. *Contact:* Dr. Donald H. Messersmith, University of Maryland, (301) 405-3924, <dm88@umail.umd.edu>.

ABC Launches National Keep Your Cat Indoors Day

ABC and Wild Bird Centers of America are once again sponsoring a nationwide children's poster competition to promote the third *National Keep Your Cat Indoors Day* on May 12, 2001. The event, held in conjunction with International Migratory Bird Day, aims to educate cat owners that cats and birds benefit when cats are kept indoors. The winning entry for the competition will become the official poster for *National Keep Your Cat Indoors Day* 2001. In addition, Wild Bird Centers of America is donating more than \$500 in gift certificates as prizes, redeemable at any local franchise store or on their Web site at: www.wildbirdcenters.com. Last



year's competition, the first ever, attracted more than 300 entries from 28 states.

Please publicize the poster competition in your own organization's newsletter or magazine and notify your local press.

Contact: Linda Winter, ABC, for a copy of the press release and announcement, (202) 452-1535, <lwinter@abcbirds.org> or Kari Hurlbut, Wild Bird Centers of America, (301) 229-9585, <khurlbut@wildbirdcenter.com>.

Competition Rules

- The poster should depict a happy, safe, indoor cat.
- The deadline for competition entries is May 1, 2001.
- Entries should be mailed to ABC, 1834 Jefferson Place, Washington, DC 20036.
- Entries cannot be returned.
- Age categories are: 6-7, 8-9, 10-12.
- Artwork must be on heavy white paper no larger than 18" x 24".
- Each poster must have the name, age, address and phone number of the entrant **ON THE BACK**, as well as the name, address and phone number of the associated school or other institution.
- Winners will be announced by May 12 on ABC's Web site (www.abcbirds.org) where the winning posters will also be featured. Winners will also be publicized through a national press announcement.

New Funding for Wildlife

For bird and wildlife advocates, two wildlife funding byproducts of the fight for the Conservation and Reinvestment Act (CARA) emerged at the end of the 106th Congress last year. Both are for this fiscal year and funds will remain available until expended. A sum of \$50 million was designated for "State Wildlife Grants" under Interior Appropriations (sometimes called CARA-lite). These grants will be competitively awarded and project-based for state wildlife programs aimed at working with states to develop wildlife conservation plans. At the time of writing, the Department of the Interior has yet to determine how the funds will be administered. A further \$50 million was appropri-

ated in the Commerce-Justice-State Appropriations Bill for "State Wildlife Conservation and Restoration Programs" (deemed a "mini-CARA" by many supporters). FWS is now ready to release the grant requirements to the states. The state-by-state apportionment of funds can be found at: www.teaming.com, and a side-by-side comparison of both appropriations, their requirements and details, can be found at: www.teaming.com/fy2001appropriations.htm. Both plans may be appropriately directed to wildlife species most in need, with approval from the Department of Interior. Bird conservation advocates would contact their respective state Teaming With Wildlife (TWW) coalitions to find out how this money may be spent in their states. It is vital that this be spent appropriately,

since it will have a bearing on the future of CARA-type legislation and appropriations. In particular, the bird conservation community should work to assure that state-oriented bird work is on the top of states' project lists. CARA-type legislation will be re-introduced early in the 107th Congress. The measure would recycle \$3 billion of offshore oil revenue annually for key environmental, land conservation, wildlife and other projects. There is activity in both the House and the Senate to resubmit the entire CARA bill very soon. Senate CARA supporters believe their prospects have improved this year. For more information, and to be placed on a list-serve for regular breaking news, **contact:** Paul J. Baicich, American Birding Association, <baicich@aba.org>.

Arctic Oil Drilling Puts Birds at Risk

The Arctic National Wildlife Refuge (ANWR) is the only area on Alaska's North Slope where oil exploration and development is prohibited by law. The remaining 95% of the North Slope's Arctic coastal and foothills tundra is legally available to the oil industry for exploration or development. Unfortunately, the Refuge's coastal plain is outside the wilderness and no-drill boundaries of the rest of ANWR, but legislation must still be passed to authorize oil drilling. For years, legislation to give the coastal plain protection as official wilderness or, alternatively, to open up the Refuge to oil drilling have been beaten back in Congress. Despite calls from the conservation community, President Clinton chose not to establish the coastal plain as a National Monument prior to leaving office. Now, President Bush and his Administration are pushing ANWR oil drilling as part of their energy package, and Democrats plan to in-



Snowy Owls are among the many species that breed in ANWR. Photo: Smithsonian National Zoological Society.

roduce a bill which would not call for drilling in ANWR.

The Natural Resources Defense Council recently proposed a series of measures designed to increase energy efficiency in cars, asserting that raising vehicle fuel economy in cars and light trucks to 39 miles per gallon will free-up 16 times more oil than drilling in ANWR. Opponents also believe that there is likely only 200 days supply of oil in the Refuge. According to a February 7 TIME/CNN poll, 52% of Americans oppose drilling in ANWR, while 41% support it. Despite the President's support for drilling, votes in the Senate are still extremely close. ANWR's 1.5 million acre coastal plain is home to the largest concentrations of wildlife in the 19-million acre refuge. The Department of Interior has estimated that drilling would directly impact 12,500 acres through a web of roads, drill pads, pipelines, power plants, processing facilities, and airports extending over hundreds of square miles. Infrastructure from Prudhoe Bay and 18 other oil-producing fields including the Trans-Alaska Pipeline has already directly affected about 22,000 acres of tundra wetlands, with the overall industrial complex extending across more than 1,000 square miles of the North Slope. In Prudhoe Bay, decreased nesting populations of eight species of shorebirds were found along oil field roads.

Much of the adverse publicity surrounding ANWR drilling focuses on the significant populations of polar bear, musk ox, and caribou that will be affected, but the Refuge and surrounding coast also have extremely significant bird populations that could be seriously affected by development and oil spills. A total



The Beaufort Sea, off the coast of ANWR. Photo: NOAA

of 180 bird species have been recorded in the Refuge with some 130 species breeding or "staging" in the Refuge coastal plain during migration. These include up to 325,000 Snow Geese and large numbers of shorebirds such as Stilt, Pectoral, Semipalmated, Baird's and Buff-breasted Sandpipers, American Golden and Black-bellied Plovers, Dunlin, Red and Red-necked Phalaropes, Long-billed Dowitchers and Bar-tailed Godwits. Other species found in the area under threat of oil drilling are Arctic Peregrine Falcon, Greater White-fronted Goose, Northern Pintail, Pacific Brant, Red Throated Loon, Rough-legged Hawk, and Tundra Swan.

Oil development on land will affect bird populations, but the constant threat of a marine spill also poses a risk to the rare Yellow-billed Loons and Spectacled and Steller's Eiders, which nest in the Prudhoe Bay area to the west of ANWR. *Contact:* Gerald Winegrad, ABC, <gww@abcbirds.org> and visit: www.alaskawild.org/energy and www.wilderness.org/arctic/action. Citizens may want to contact their Congresspersons and the President (<president@whitehouse.gov>) on this issue, especially since it may be a very close vote.

Seabird Efforts Advance

Efforts to prevent the needless mortality of albatrosses and other seabirds from longlines are advancing. ABC and its partners have pressed for avoidance measures in U.S. fisheries and for better observer programs, as well as for the adoption by longlining nations of National Plans of Action (NPOA) under a United Nation's Food and Agriculture Organization (FAO) agreement.

Hawaii: FWS has released its Biological Opinion (BO) on the Short-tailed Albatross in the Hawaiian longline fishery. It requires all longliners based in Hawaii to use thawed, blue-dyed bait and to discharge offal to attract seabirds away from baited lines. Swordfish vessels must set at night and tuna vessels must use a line setting machine plus weights of 45 grams attached within one meter of each hook. Observer coverage for seabird and turtle interactions must rise to 5% by 2003. In addition, a Draft Environmental Impact Statement (EIS) for these fisheries favors the elimination of the shallow setting swordfish fishery by requiring lines to be sunk below 100 meters to avoid turtle and seabird bycatch. Much of



Laysan Albatross. Photo: Chan Robbins.

the longline fishery has been closed under a Federal Judge's order pending the finalization of the EIS, set for April 1, 2001.

Alaska: NMFS recently announced the extension of the FWS BO, which sets an incidental take limit for the endangered Short-tailed Albatross of four birds in two years. A new BO was due by January 1, but this is apparently awaiting the release of new data on effective seabird avoidance measures based on the results of a two-year study aboard Alaskan longline vessels. Recommended changes to the existing regulations based on the findings of this research are expected. The current Alaskan regulations have not changed since 1997 and have not proven effective in substantially reducing bycatch. NMFS has also just released a draft EIS on

the Alaskan longline fisheries, including their impact on seabirds. ABC will be submitting comments as it did on the Hawaiian draft EIS. To view and comment on the EIS through April 26, see: www.fakr.noaa.gov/sustainablefisheries/seis/intro.htm. An evaluation has been completed of methods for ascertaining seabird bycatch data in the longline halibut fishery and notes the lack of any reliable data. The fishery currently has no observers on board any of the 1,802 vessels which set 28 million hooks.

International: Under the UN FAO's International Plan of Action for Seabirds, the U.S. and each longlining nation was to develop and begin implementing a National Plan of Action (NPOA) for the Reduction of Incidental Catch of Seabirds in Longline Fisheries. The U.S. and the other nations are due to present their Plans at the next Rome meeting of the fishing nations at the end of February. To date, the weak original U.S. NPOA has not been finalized. ABC is encouraging a strong U.S. Plan and the adoption of Plans by the other longlining nations to deal with the seabird bycatch problem globally. *Contact:* Gerald Winegrad, ABC, <gww@abcbirds.org>.

NABCI Meets in Mexico

The North American Bird Conservation Initiative (NABCI) is a cooperative effort between dozens of conservation organizations, federal and state agencies, private corporations and academics dedicated to the long-term health of all bird populations and habitats. NABCI is the key to implementing bird conservation plans such as Partners In

Flight, the North American Waterfowl Management Plan, and shorebird and colonial waterbird plans through regional 'Joint Ventures'. These enable stakeholders to set common priorities and direct funds and conservation actions where they are most needed. NABCI took another significant step towards becoming a truly continent-wide strategy when over a hundred bird conservationists and representatives of

governments and funding agencies from Canada, Mexico and the U.S. met in Querétaro, Mexico in February, 2001. At the heart of NABCI is the recognition that saving birds in any one country in North America requires cooperation between all three countries and a pooling of the talent and resources available throughout the continent. *Contact:* David Pashley <dpashley@abcbirds.org>.

Fishing Nets Kill Thousands of Waterbirds: FWS Acts

Each year, tens of thousands of migratory seabirds and waterfowl are believed to die as a result of entanglement and drowning in commercial fishing nets along the U.S. coastline. A FWS study documented an estimated 2,387 diving birds, including Red-throated and Common Loons (listed by FWS as a Species of Management Concern) mergansers and scaup, drowned in anchored gill nets in the near-shore waters of the mid-Atlantic coast between February and April, 1998 (*Bird Calls*; Vol 3, No 3). Loons were the most vulnerable to gill nets, comprising over 80% of the dead birds found on the beaches. In lieu of prosecuting these seemingly obvious violations of the Migratory

Bird Treaty Act, FWS assembled a Waterbird Bycatch Working Group to develop a National Plan of Action to reduce these deaths in U.S. coastal fisheries. The Group first met in October 1999 to review and discuss the situation and develop a draft policy statement. Two representatives from the National Marine Fisheries Service participated, with a broad based representation of FWS personnel.



Common Loons are among the birds most frequently caught in fishing nets.
Photo: Don Baccus.

On October 30, 2000, FWS issued a Waterbird Bycatch Policy, noting that substantial numbers of waterbirds are killed annually in coastal fisheries, making waterbird bycatch a serious conservation issue and a violation of the underlying tenets of the MBTA. FWS plans to actively expand partnerships with regional, national, and international organizations, states, industry, and environmental groups in an effort to eliminate all waterbird bycatch. The Service, in cooperation with interested parties, will also aggressively promote public awareness of the issues and gather scientific information to develop and provide guidelines for management, regulation, and compliance. The Bycatch Group was to develop an action plan to implement this policy but has not met since the October 30 announcement. *Contact*: Gerald Winegrad, ABC, <gww@abcbirds.org>.

Albatross Populations Decline - Longlines Blamed

Concerns are increasing over continuing declines in albatross populations, including the three species taken in Northern Hemisphere longline fisheries. The largest colonies of Black-footed Albatrosses (now listed as Vulnerable by the IUCN - *Bird Calls*; Vol 4, No 3) are on Midway, Laysan, and French Frigate Shoals, and represent approximately 75% of the total world population. Data indicate a population decrease of approximately 10 percent, with nesting pairs down from 48,413 pairs in 1992 to 43,781 pairs in 2001. Laysan Albatrosses declined at Laysan Island, their sec-

ond largest breeding colony, by 62% from 1992-2001. At French Frigate Shoals, breeding pairs of Laysans declined by nearly 12% from 1980-2001. Longline mortality is seen as the major cause of these declines. In Hawaiian waters, NMFS estimates about 8,300 Black-footed Albatrosses and 7,050 Laysan Albatrosses were killed as a result of interaction with Hawaiian longline fishing gear between 1994-1999. NMFS conservatively estimates that Alaskan longliners (excluding the halibut fishery for which there is no data) killed 2,425 Black-footed and 6,721 Laysan Albatrosses from 1993-1999. This data is only from U.S. ships and does not include mortality from the hundreds of million of hooks set by foreign flagged vessels in the Northern and Western Pacific.

The other species taken on U.S. longlines is the globally endangered Short-tailed Albatross, whose world population is only about 1,200 birds. NMFS estimates that 13 of these birds were killed in Alaskan waters between 1996-1999. In Hawaii, the Short-tailed Albatross is known to follow longline vessels but no observed mortalities have yet occurred. However, observer coverage has been only 4% on the Hawaiian fleet, and on average, observers are only looking at 10% of sets laid by those vessels. FWS, in its newly released Biological Opinion, estimates that 15 Short-tailed Albatross may be taken (killed or injured) from 2000 through 2006 as a result of Hawaiian longline fishing. *Contact*: Gerald Winegrad, ABC, <gww@abcbirds.org>.

Mute Swan Panel Advocates Lethal Measures

Maryland's Mute Swan Advisory Task Force, appointed by Governor Paris Glendening to look into alternative management practices to killing swans because of objections from some Bay-area residents, has returned its initial findings. It determined that egg addling and chasing birds out of sensitive nesting areas would be insufficient in solving the problem, and that lethal measures should be considered. As evidence for this, the report cited efforts towards Mute Swan reduction in Rhode Island by egg addling alone. Despite rendering 79% of all nests in the state non-viable, the swan population has continued to grow steadily. The current Chesapeake Bay Mute Swan population exceeds 4,500 birds (having grown



Mute Swan. Photo: Gavin G. Shire

from five escaped birds in 1962), and has been shown to be responsible for reduction of the Bay's submerged aquatic vegetation and threatening nesting populations of native birds such as the State endangered Black Skimmer and Least Tern (*Bird Calls*; Vol 4, No 3). Mutes Swans are currently afforded *defacto* protected status under Maryland Law because the state does not differentiate between the alien Mute Swan and the native Tundra Swan (the only state in the

Atlantic Flyway not to do so). The panel dismissed the idea of eradicating Mutes altogether from the state, recommending maintaining a "managed population in selected areas for public enjoyment." However it also suggested the designation of "Swan Free Zones" to protect sensitive habitats and Bay resources from disruptive Mute Swan activity, either seasonally or year-round. Lethal methods may be required in these zones as a means of management, but only as a last resort after other non-lethal options have been exhausted. The task force further recommended an effort to educate residents to the problem and for the Maryland Department of Natural Resources (DNR) to conduct a survey on public perception to assist in outreach efforts. To view the complete report and submit your comments visit Maryland DNR's web site at: www.dnr.state.md.us/wildlife/mstfpc.html.

Deer Drive Out Breeding Birds

A study published in the journal *Conservation Biology* illustrates the effects overgrazing by white-tailed deer may be having on the abundance of forest dwelling, migratory bird species. For nine years, eight Virginia forest plots were studied for species diversity and abundance, four of which were fenced to exclude deer. Bird populations as a whole increased following enclosure of deer, particularly among ground and intermediate canopy species and most notably for 'at risk' migratory species such as Cerulean Warbler, Worm-eating Warbler, and Wood Thrush (all FWS Species of Management Concern and Partners In Flight Watch



Photo: John Oberheu - USFWS.

List species), Hooded Warbler, Acadian Flycatcher, Scarlet Tanager, and Veery. The overall diversity of species remained relatively constant but there was a decline in the abundance of common resident species such as Tufted Titmouse, Blue Jay and Northern Cardinal, with a comparable increase in more 'at risk' migratory species such as Ovenbird and Hooded Warbler. The study echoes the results of a

1994 Pennsylvania U.S. Forest Service study, which showed that populations of birds such as Least Flycatcher, Cerulean Warbler, Yellow-billed Cuckoo and Indigo Bunting vanished at deer densities exceeding 7.9 deer per km². Most U.S. states currently report record deer densities, resulting from a lack of predators such as the wolf, and earlier efforts to increase the number of deer for hunting. On March 16, 1999, William McShea, author of the new study, and Cindy Dunn (Pennsylvania Audubon Society) spoke at the Policy Council in Washington, D.C. There followed a panel discussion: Deer Overpopulation - A Threat to Avian Species? *Contact:* William J. McShea, National Zoological Park, Front Royal, VA, <wmcshea@crc.si.edu>.

New Florida Trap/Neuter/Release Study Contradicts Cat Feeders' Claims

Preliminary findings of a 'managed' cat colony study by masters student Dan Castillo of the Department of Environmental Studies at Florida International University, contradicts beliefs held by cat colony feeders that: 1) cats are territorial and will prevent additional cats from joining the colony, 2) cat colonies decline in size over time through natural processes; and 3) well-fed cats do not kill wildlife. Two stray cat colonies in Miami-Dade County (Crandon Marina and A.D. Barnes Park) were observed for 13 months. Castillo found that the number of cats in each colony remained relatively stable, (with approximately 65 cats at Crandon and 30 cats at

Barnes) but the population dynamics changed. Almost every month, some cats disappeared and new cats joined the colonies. Castillo observed or heard about adult cats and kittens being dumped at each location during the study, despite both state and county laws making it illegal to abandon any animals in these areas. Aggressive interactions among colony cats were also found to be few and mostly limited to the commencement of feeding. After the majority of cats fed, the cats on the outskirts of the feeding area would eat, contrasting with the notion that aggressive interactions limit cat access to food. Cat feeders were also seen discouraging cats from fighting, and attempted to discourage aggressive encounters by placing large amounts of food in different locations throughout the feeding station.

Despite being well fed, cats at both

locations were observed chasing and stalking birds as well as killing animals, including a Common Yellowthroat. A variety of other animals were also seen eating at the cat feeding stations, including raccoons, dogs, skunks, Black Vultures, Muscovy Ducks, Eurasian Collared Doves, European Starlings, Blue Jays, and Boat-tailed and Common Grackles. *Contact:* Linda Winter, (202)452-1535, <lwinter@abcbirds.org>.



Cats that have been spayed or neutered are 'ear-tipped' so that they can be more easily identified. Photo: Dan Castillo

Shade Coffee and International Migratory Bird Day

About 40% of the permanent cropland in Mexico, Central America, and the Caribbean is planted with coffee. On traditional shade plantations, coffee shrubs are grown under a canopy of trees, the layers and diversity of which offer shelter and food for migratory birds and other wildlife. Economic pressure to produce higher yields has resulted in the conversion of many coffee farms to varieties planted densely in the sun. These 'sun' farms produce more coffee, but at great environmental cost: when trees are removed, more chemical fertilizers and pesticides are applied, farms are more susceptible to drought and erosion, and wild-

life habitat is destroyed. The benefits of shade coffee versus sun coffee have gained the attention of conservationists, birdwatchers, and ecologists, and the number of programs designed to encourage the production and sale of shade coffee have escalated in the past five years. However, there is tremendous room for improvement, with consumer education crucial to bringing shade coffee into the consumption mainstream. International Migratory Bird Day (IMBD) is observed on the second Saturday in May each year, as a means of raising awareness and concern for migratory birds. This year, the IMBD poster, t-shirt, and other educational and promotional items will feature and promote the benefits of choosing coffee grown in the shade. These materials, as well as samples of shade coffee, will be

shared at the hundreds of public events held in honor of IMBD. The goal is to encourage all coffee drinkers, and particularly those who care about birds, to consider carefully how they choose to fill their coffee cups. For more information on shade coffee and IMBD, visit the IMBD website at <http://birds.fws.gov/imbd.html> or *contact* the IMBD Information Center, (703) 358-2318, <IMBD@fws.gov>. IMBD materials can be ordered by calling toll-free 1-866-334-3330 or visiting: www.BirdDay.org. Shade coffee can be purchased on-line from <http://208.56.18.90/programs/conssbcof1.htm> and www.shade_coffee.com/. More information is available at www.songbird.org and www.cafecanopy.com.

Plan Developed for Invasive Species Threat to Birds

Next to habitat loss and alteration, invasive species have been identified as the greatest threat to birds in the U.S. Some 46% of the plants and animals federally listed as endangered species have been negatively impacted by invasive species. For example, the spread of such invasive plants as cheatgrass, leafy spurge, Russian knapweed, and yellow starthistle has contributed to a decline of Sage Grouse populations from one million breeding birds to under 200,000. The brown tree snake, originating in the South Pacific and Australia, has extirpated ten of Guam's 13 native bird species. Other introduced species such as purple loosestrife, the Asian longhorned beetle and the nutria (a large rodent native to South America), have denuded habitat and, in



Nutria. Photo: Zoonet - Jackson Zoological Park.

some cases, devastated whole ecosystems. Invasive weeds are overtaking about 4,300 acres of public lands a day. In response, an Executive Order on Invasive Species was issued in February 1999 establishing the National Invasive Species Council, to provide national leadership on invasive species and coordinate federal efforts, develop a Web-based information network, and to prepare a National Management Plan. The Web site (<http://invasivespecies.gov>) is a comprehensive, on-line information system that facilitates access to and ex-

change of invasive species data and resources by researchers, scientists, land and resource managers. The recently completed Management Plan includes nine interrelated actions that the Council considers priorities in coordinating efforts to minimize the economic, ecological, and human impacts of invasive plant and animal species in the U. S. Areas of emphasis include prevention, early detection and rapid response, control, restoration, international cooperation, and research. Conservationists are generally pleased with the Plan, which relies heavily on cooperation with the states. Now the key is for the Bush Administration to implement the Plan and prevent the introduction and spread of invasives as well as initiate controls and management of existing invasives. *Contact:* Faith T. Campbell, Ph.D., a member of the Advisory Committee to the Council, <Phytodoer@aol.com>.

Bush's Early Actions on The Environment: Cause for Concern

President Bush's early actions on the environment have conservationists concerned. First, his Cabinet Appointments raised alarms. His Secretary of the Interior nominee was confirmed on a 75-24 vote after many major conservation groups opposed her nomination. Known as a property rights advocate, Secretary Norton's actions as steward of the nations parks, refuges and wildlife will be closely watched. Now, to make way for his \$1.6 trillion tax cut, it appears that she and other agency heads are facing a 20% cut in their FY 2002 budgets. Agencies

must justify as absolutely necessary anything above that base. This will severely impact the ability of such agencies as the Fish and Wildlife Service, USGS Biological Resources Division, Bureau of Land Management, and the Forest Service to accomplish conservation goals. The President and his key Cabinet appointees are also pushing to open the Arctic National Wildlife Refuge to oil drilling (see article p. 9). Bush's pre-election environmental proposals focused on a proposal to fully fund the Land and Water Conservation Fund to \$900 million and to provide 50 percent for state and local land conservation. In preliminary comments from Administration officials, this initiative appears to have been watered down to instead provide the

vast bulk of funding to capital improvements on federal lands such as fixing roads, sewers, buildings, and the other infrastructure. A range of other positions taken by President Bush prior to election include opposing the Kyoto Protocol on climate change, but continuing research into the impacts of global warming and to find ways to reduce greenhouse gas emissions; maintaining the moratorium on new offshore oil and gas leases for Florida and California; and opposing the breaching of dams in the Pacific northwest to benefit salmon runs. For a full list of the Bush campaign environmental positions, see <www.georgewbush.com/issues/environment.html>. *Contact:* Michael Parr, ABC, <mparr@abcbirds.org>.

Interior Proposes Hopi Take of Eagles

On January 22, the National Park Service (NPS) proposed a rule that would allow members of the Hopi tribe to take juvenile Golden Eagles for traditional ceremonies from the Wupatki National Monument in Arizona. Hunting and trapping is currently banned in National Parks and National Monuments. In 1999, the Hopi tribe was denied an application for Eagle take on the basis of the National Park Service Organic Act, but this denial was subsequently rescinded, and the new proposed regulation issued. The service admits that "...although this proposed regulation and accompanying environmental assessment apply only to this narrow situation . . . It is possible that NPS will receive requests from other tribes for similar rule changes to address



Golden Eagle. Photo: Brian Latta, Santa Cruz Predatory Bird Research Group.

their religious practices," and that "such requests will be addressed on their merits." One survey, conducted by Public Employees for Environmental Responsibility, found that of 42 large parks, 16 had received requests from tribes for hunting rights. These included requests for take of Golden Eagles and Red-tailed Hawks from three National Monuments, and it is this possibility for expanded raptor take that has some conservation groups

particularly concerned. The National Parks and Conservation Association maintains that NPS does not have the authority to make such a ruling, stating "We neither question nor condemn the Tribe for their beliefs or practices . . . However, we feel strongly that allowing the Hopi to remove wildlife from Wupatki National Monument is in violation of current Park Service law and regulations."

The proposed regulation is now open for a public comment. To view the proposed rule and obtain information on the public comment process, visit the Federal Register on-line at <www.access.gpo.gov/su_docs/aces/aces140.html>. *Contact:* Sam Henderson, Superintendent, Wupatki National Monument, (520) 526-1157, <WUPA_superintendent@nps.gov>, or Neil Evans, NPCA, (202) 454-3397, <nevans@npca.org>.

Law Suit for Cuckoo Circumvents Hold on Listings

The Center for Biological Diversity (CBD) filed suit in Portland, Oregon on July 31, 2000 to have the Yellow-billed Cuckoo listed as Endangered throughout its range in North America. The Center was joined in the suit by a range of organizations including the Huachuca Audubon Society, the Maricopa Audubon Society, the Sky Island Alliance, and the Wetlands Action Network. The legal action circumvents FWS's halt on new listing activity (see article p.3). The Cuckoo has undergone a serious decline in the West and is now extinct in Alaska, British Columbia, Wash-



Yellow-billed Cuckoo. Photo: Jeff Spendelow

ington, Oregon, and northern California. Forested riparian corridors of southern California, New Mexico and Arizona provide the best remaining habitat for the species in the west, but many of these continue to suffer from grazing, logging, urban sprawl, and over-use of ground water. A Federal judge ordered the service to issue a ruling by July 11 and indications are that the decision will be positive for the western range only. The ESA states that an Endangered designation can only be placed on a species, a subspecies or distinct population. FWS has begun a genetics study to determine whether the listing would be initiated on the basis of sub-species designation or distinct population. The results are due in April. *Contact:* Kieran Suckling, CBD, (520) 623-5252.

ABC Acts on Illegal Bird Auctions

ABC acted to end the sales of birds, bird parts, and other animals and their parts through Internet auction servers such as eBay, Inc. Recent listings on eBay have included: "Snowy Owl vintage must see"; "Hawk with Prey, Wall mounted"; "Wigeon Duck Hen, Taxidermy Mount, preening"; "Wood Duck Drake, Mount, full flight"; and "Owl Pair, Mounted". Other bird species have been listed, including Prairie Chickens and grouse. eBay has also listed mountain lions, otters, wolverines, fishers, black bear rugs, African elephant ears, and other illegal animals and parts. The

Federal Migratory Bird Treaty Act prohibits the take, sale, offering for sale, purchase, offering to purchase, shipment, or transportation of any migratory bird, bird part or egg without a permit. ABC notified FWS law enforcement headquarters office and has written and spoken with eBay officials, including their Associate General Counsel. eBay has insisted that it cannot control the listing of the birds and other wildlife and actively screens listings once posted, primarily for endangered and threatened species. eBay also contends that all the birds listed above were removed prior to sale. This does not change the illegal nature of the initial offering for sale that violates the MBTA, a criminal statute. eBay contends they receive

over 600,000 new postings a day and cannot possibly screen all of them for migratory birds. Because of this, ABC has urged eBay to discontinue the listing and sale of all wild animals and their parts unless and until they are better able to screen illegal items from sale. In addition to FWS, Earthjustice Legal Defense Fund's San Francisco office is examining the illegal sales. As eBay is located in California, the California Division of Fish and Game has also been contacted regarding the illegal sales. Other on line auctions also list birds and other wildlife. If you notice such listings, you may want to notify the company and appropriate agencies for action. *Contact:* Gerald Winegrad, ABC, <gww@abcbirds.org>.

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