

## Victory for Birds and Other Wildlife: EPA to Put Limits on Toxic Rat Poisons

**O**n January 17, the U.S. Environmental Protection Agency (EPA) published a proposed mitigation plan for rat poisons in the Federal Register that should greatly reduce accidental poisonings of birds and other wildlife. This is an important victory that ABC has sought for many years following the deaths of thousands of birds of prey, including Great Horned Owls, Golden Eagles, and Bald Eagles.

### New Restrictions

EPA will restrict the use of three rodenticides targeted by ABC—brodifacoum, bromodialone, and difethialone—to certified pesticide applicators. These three chemicals have the greatest potential for poisoning wild birds and scavenging

*Continued on page 2*



Great Horned Owl: Ralph Wright

**EPA will restrict the use of three rodenticides targeted by ABC, brodifacoum, bromodialone, and difethialone, to certified pesticide applicators.**

## FCC's Proposed Rulemaking May Make Towers Safer for Birds

**T**he Federal Communications Commission (FCC) has issued a Notice of Proposed Rule Making (NPRM) to reduce the number of migratory bird collisions with the more than 100,000 lighted communications towers across the United States. The agency is soliciting public comment until April 23.

The NPRM seeks comment on the extent of the effects of communication towers, especially the effects of tower lighting on migratory birds, as well as on the measures FCC is proposing to reduce migratory bird collisions. The agency has tentatively concluded that

for any newly constructed or modified communication tower, medium intensity white strobe lights are preferred over red continuous or slow-pulsing "obstruction" lighting systems, "to the extent possible without compromising aircraft navigation safety." This conclusion, which ABC agrees with, is consistent with interim guidelines released in 2005 by the Federal Aviation Administration, the agency that governs aircraft safety.

FCC is also seeking comments on what action should be taken regarding the lighting of existing towers.

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**Abbreviations**

- ABC: American Bird Conservancy
- EPA: Environmental Protection Agency
- FCC: Federal Communications Commission
- FWS: U.S. Fish and Wildlife Service
- NOAA: National Oceanic and Atmospheric Administration
- USDA: U.S. Department of Agriculture

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**EPA to Limit Poisons** *from page 1*

mammals that eat poisoned rodents. In addition, all over-the-counter sales of other rodenticides will now have to be in tamper-resistant bait stations. The new regulations will limit the indiscriminate use of these highly toxic chemicals, and the tamper-resistant bait stations will also help prevent up to 15,000 poisonings of children each year.

**Final Ruling Pending**

ABC, Defenders of Wildlife, and other members of the National Pesticide Reform Coalition have been pressuring EPA to address the threats posed by rat poisons to wildlife and human health. EPA will be accepting public comments until May 18, followed by a review of comments, and then a final rule. The federal register notice is available at EPA's website, [www.epa.gov](http://www.epa.gov).



Golden Eagles and other predatory birds often die after scavenging mammals killed by rat poisons. These toxins threaten human beings as well as wildlife. Photo: ClipArt.com.

**FCC Proposes New Rules for Towers** *from page 1*

For example, the NPRM asks if the FCC should require that medium intensity white strobe lights be installed when the red obstruction lights burn out and need to be replaced. ABC strongly believes that all red obstruction lighting should be phased out and replaced with white strobe lighting.

To comment, visit [www.fcc.gov/cgb/ecfs](http://www.fcc.gov/cgb/ecfs) and submit a filing with the Proceeding Number "WT 03-187."

Make sure to include your full name, mailing address, and the Proceeding Number in the body of your message.

A copy of the NRPM is available on the FCC Web site at: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-06-164A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-164A1.doc).

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Ovenbird: Robert Royce.

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# ABC'S VIEWPOINT

## Global Warming and the Extinction Crisis: A Convenient Truth

**T**wo of Earth's most serious environmental problems, global warming and the extinction crisis, have a common solution: stopping the loss of Earth's forests and other natural carbon fixing habitats. Fully 20% of greenhouse gas emissions result from the deforestation of such areas. The convenient by-product of a successful global program to reduce these emissions would be the protection of large numbers of Earth's threatened species, as well as the preservation of ecosystem services such as water catchments, and potentially, the generation of significant new revenues to help alleviate poverty in developing nations.

The concept of "avoided deforestation", in which payments are provided to countries or projects that protect existing forest as opposed to reforestation projects, has been slow to take hold, but we urgently need to find a way to incorporate forest conservation into our global plans



*halting or slowing natural forest loss... would be a valuable and convenient next step towards slowing global warming and saving Earth's species.*

to slow climate change. Such forest protection projects could be financed by carbon taxes, a global trust fund, or by carbon credits purchased by polluters to offset emissions. Revenues could help develop economic alternatives, such as increasing agricultural yields for poor rural communities that lack alternatives to forest clearance.

Stopping all deforestation immediately would be impractical, but conservation scientists have already generated data to help prioritize areas for action, for example, by using bird species with limited global ranges as indicators for areas that harbor unique biodiversity. Along with changes to our personal habits such as using energy efficient light bulbs, better insulating our homes, and driving more fuel-efficient cars, halting or slowing natural forest loss in these places would be a valuable and convenient next step towards slowing global warming and saving Earth's species.

## Can Our Government Begin To Address Global Warming?

**T**he 110th Congress is underway with a flurry of hearings and discussions on global warming. Still unknown, however, is whether there will be sufficient bipartisan support to enact meaningful legislation, or whether President Bush will drop his long-standing opposition to new regulations and sign a global warming bill into law.

There is overwhelming consensus among climate scientists that human activity is the primary cause of global warming. Global temperatures have risen 1.3°F since 1906, and are projected to increase by 0.7°F during the next two decades, and by 3.3-7.1°F during this century.

A 2002 ABC/National Wildlife Federation study and a December 2006 report by the World Wildlife Fund (see brief on page 19) show that global warming affects birds in many ways, shifting their distributions, altering their migration behavior and habitat, and even diminishing their survival ability.

The mounting evidence has led to increasing calls for the United States to limit carbon dioxide and other greenhouse gas emissions, and has helped bring the issue to the attention of new Senate and House leaders.

Senators Barbara Boxer (D-CA), Joe Lieberman (I-CT) and John McCain (R-AZ), are all moving towards passing legislation to combat global warming, and House Speaker Nancy Pelosi (D-CA), is pushing for similar efforts in the House.

Political scientists widely agree that no major energy and environmental initiatives can pass Congress without broad bipartisan support. One hopeful sign of change is the recent conversion of previous global warming skeptics, Senators Pete Domenici (R-NM) and John Warner (R-VA), who have moderated their stance by saying they are at least willing to consider legislation aimed at limiting greenhouse gases.

Increased public awareness of climate change and the mounting political pressure may bring solutions to this problem during the 110th Congress. For information about the impact of global warming on birds see [www.abcbirds.org/global\\_warming\\_report.pdf](http://www.abcbirds.org/global_warming_report.pdf) or contact Darin Schroeder, ABC's Deputy Director of Conservation Advocacy, <[dschroeder@abcbirds.org](mailto:dschroeder@abcbirds.org)>.

## ABC and Partners Protect Caspian Terns in the Pacific Northwest

Caspian Terns and other waterbirds in the Pacific Northwest will continue to be protected as a result of an important court victory by ABC and its partners. Advocacy and legal action by these groups led to a final Environmental Impact Statement (EIS) and Record of Decision (ROD) on Caspian Terns, issued in November 2006 by the Army Corps of Engineers and FWS, which detail plans to manage and protect nesting tern colonies.

At issue was a large colony of Caspian Terns on Rice Island, in the Columbia River estuary in Washington State. The terns there and elsewhere on the Columbia were being targeted by national and state fisheries

groups, who claimed the birds were endangering salmon populations by eating too many young fish. In 2001, FWS and the Corps decided to move the Caspian Tern colony on Rice Island to nearby East Sand Island, where a larger variety of tern prey was available. As part of the move, the agencies destroyed tern habitat and eggs.

ABC, with partners Seattle Audubon, National Audubon Society, and Defenders of Wildlife, contended that there was insufficient scientific evidence to support a link between bird predation of young salmon and declines in adult returns, and in 2001, the groups sued FWS and the Corps in federal court. In August of 2001, the judge hearing the case issued an order for both agencies to complete a comprehensive environmental study, during which the terns must be protected and their new colony on East Sand Island maintained. (*Bird Calls*, Vol. 5, No. 2).



Photo: Bill Hubick.

The final EIS and ROD detail a plan for managing and partially dispersing the 9,200 breeding Caspian Terns on East Sand Island, but only after suitable alternative habitat is established elsewhere. Six alternate nesting locations have been identified in California and Oregon (most already have some nesting Caspian Terns present), which will be enhanced to further attract colonization. As these alternate colonies are established, a smaller colony of several thousand pairs of terns will be allowed to remain on East Sand, which has been designated by ABC as a Globally Important Bird Area. FWS will monitor Caspian Tern populations as the relocation efforts go forward. The redistribution is expected to be completed between 2010 and 2015. For more information, visit [www.abcbirds.org/policy/piscivors.htm](http://www.abcbirds.org/policy/piscivors.htm)

Caspian Tern and chick: FWS/Dan Robey.



## New Trawling Ban in Gulf of Maine Will Benefit Seabirds

The National Oceanographic and Atmospheric Administration (NOAA) recently approved a revised Herring Management Plan that prohibits trawl vessels from entering inshore Gulf of Maine waters between June 1 and September 30, the critical period when herring school over their spawning grounds. The ban, extending up to 50 miles offshore, will help seabirds that feed on herring, including ABC Green List species such as the Roseate Tern and Razorbill.

The Gulf of Maine lies roughly between Cape Cod in Massachusetts and Cape Sable Island off the southern tip of Nova Scotia. The cold waters of the gulf make it one of the most productive marine environments in the North

Atlantic; it provides habitat for many important food species, most notably the Atlantic herring and American lobster.



The trawl ships that fish these waters can reach 200 feet in length, hold up to one million pounds of herring each, and quickly deplete fish stocks if not properly managed.

A varied coalition, including fishermen, ecotourism businesses, researchers, and conservation groups, raised concerns over the effect of trawl fishing on the size of the inshore herring population, and pushed for changes in herring fishery management.

For more information, visit the CHOIR (Coalition for the Atlantic Herring Fishery's Orderly, Informed, and Responsible Long-Term Development) website at [www.choircoalition.org](http://www.choircoalition.org).

Razorbill: Peter LaTourrette/birdphotography.com.

## Delaware Win for Red Knot

**A** two-year moratorium on the take of horseshoe crabs was imposed by the Delaware Department of Natural Resources and Environmental Control (DNREC), effective December 11, 2006. The ban was imposed to benefit horseshoe crabs, and migratory shorebirds, especially the Red Knot.

“The Red Knot is at risk,” said Secretary Hughes of DNREC. The overfishing of horseshoe crabs has significantly reduced the availability of horseshoe crab eggs, which are an

essential food source for migrating shorebirds. Scientists believe the *rufa* subspecies of the Red Knot could go extinct if nothing is done to protect its food supply—the eggs of the horseshoe crab.

Red Knots make one of the world’s longest annual migrations of any bird. After wintering at the tip of South America, knots time their spring migration to coincide with horseshoe crab spawning in Delaware Bay. Red Knots and other shorebirds need a superabundance of horseshoe crab eggs on the beach to gain weight for their journey to the Arctic breeding grounds. The steep decline of the Red Knot has coincided with the overfishing of the horseshoe crab in Delaware Bay.

The Delaware moratorium complements a two-year moratorium imposed by the State of New Jersey last fall.

And in a prior success, in spring 2006, the Atlantic States Marine Fisheries Commission reduced the quotas of Delaware and New Jersey to 100,000 horseshoe crabs each. It also directed that only male horseshoe crabs be taken. The Commission further directed Virginia to redirect its take, from horseshoe crabs of Delaware Bay origin to those from the Chesapeake Bay. Unfortunately, this may not be the end of the story, since both state moratoriums are being challenged by lawsuits brought by watermen.

The statement of the Delaware Department of Natural Resources and Environmental Control is available at [www.dnrec.state.de.us/dnrec2000/admin/press/story1.asp?PRID=2295](http://www.dnrec.state.de.us/dnrec2000/admin/press/story1.asp?PRID=2295). Contact Perry Plumart, ABC’s Director of Conservation Advocacy, <[pplumart@abcbirds.org](mailto:pplumart@abcbirds.org)>.



Red Knots: Ralph Wright.

## Victory for Seabirds Hooked to New Federal Fisheries Law

**A**t the end of the 109th Congress, the Magnuson-Stevens Act, America’s most far-reaching federal fisheries law, passed including language that represents a major advance in the conservation of seabirds. Ocean-wandering seabirds that will benefit include the Short-tailed Albatross, an endangered species that nests on islands in the northwestern Pacific, as well as the Laysan and Black-footed Albatrosses, whose main nesting colonies are in the northwest Hawaiian Islands. Nineteen of 21 albatross species worldwide are listed as vulnerable to extinction by the World Conservation Union.

Hundreds of thousands of albatrosses, shearwaters, fulmars, and other seabirds are being killed each year by fleets of longline and trawl fishing vessels. Cost-effective solutions exist that dramatically reduce seabird bycatch

levels in both fisheries while saving fishermen time and money when they catch fish instead of birds. Some of these methods are already being implemented in longline fisheries in Alaska and Hawaii. The use of bird-scaring lines or setting lines from the side behind a protective curtain (side setting) can dramatically reduce albatross and other seabird mortality in longline fisheries. Since bird avoidance measures were adopted by some U.S.-flagged longline fishing vessels, seabird mortality from these fishing boats has decreased by an impressive 85%. Unfortunately these measures are not yet used by all fishing vessels.

The renewed Magnuson-Stevens Act moves protection efforts significantly forward by creating a mandatory seabird bycatch reduction program for all U.S. fishing vessels in U.S. waters. The bill presents an excellent model

to promote the worldwide use of these bird avoidance measures that have proven to be so effective in preventing albatross and other seabird mortality. ABC wishes to thank Senators Ted Stevens and Maria Cantwell and Representatives Richard Pombo and Wayne Gilchrest for the inclusion of provisions in the bill that will protect seabirds from mortality in commercial fisheries. For more information on the longline problem, see ABC’s seabird report at [www.abcbirds.org/policy/seabird\\_report.pdf](http://www.abcbirds.org/policy/seabird_report.pdf).



Laysan Albatross: Bill Hubick.

## Endangered Species Act Success Story: Delisting the Bald Eagle



Bald Eagle: Ralph Wright.

FWS was expected to announce the removal of the Bald Eagle from the list of threatened wildlife under the Endangered Species Act in mid-February, but a federal court granted the agency a delay on this decision until June 29. The remarkable return of the Bald Eagle is more proof that the Endangered Species Act works, and as a result, our national symbol is once again flying high across most of its range. Today, in the lower 48 states, the Bald Eagle has recovered from a low of just 800 breeding birds to over 7,000.

As many know from reading Rachel Carson's book *Silent Spring*, Bald Eagle numbers plummeted in the 1950s and 1960s due to DDT, which caused eggshell thinning and resulting breeding failure. The Alaskan population largely escaped this threat and was never listed. Since DDT was banned, Bald Eagles and other bird species, such as the Brown Pelican (see below), have been making a steady comeback.

In June 2006, ABC and HawkWatch International (HWI) wrote a formal letter to FWS giving conditional support of the proposed removal of the Bald Eagle from the Endangered Species List. ABC and HWI expressed concern, however, that the plan to delist the Bald Eagle also proposes a new regulatory definition of the term "disturb." The change in the definition from, "agitates or bothers a Bald or

Golden Eagle to a degree that it interferes with or interrupts normal breeding, feeding, or sheltering habits" to "causing injury, death, or nest abandonment," would make it almost impossible to take enforcement action against any activity that falls short of killing or wounding an eagle or causing immediate abandonment of an active nest.

On December 12, FWS published a revised definition that addressed this concern, but the agency created a new problematic definition of the word "injury". In response, ABC joined Environmental Defense in objecting to this definition because it offers little certainty to people of what they can and cannot do, and provides little opportunity for successful enforcement, except when an eagle's death or nest abandonment is immediately apparent.

Concern about the status of the Arizona population of Bald Eagles was raised in a recent lawsuit by the Center for Biological Diversity and Maricopa Audubon Society. According to the suit, Bald Eagles in Arizona are isolated from other populations and have not yet sufficiently recovered to merit delisting. For more information see ABC's report *American Birds, an Endangered Species Act Success Story*, at [www.abcbirds.org/esa/AmBirdConservancy\\_ESAreport.pdf](http://www.abcbirds.org/esa/AmBirdConservancy_ESAreport.pdf) or contact Darin Schroeder, ABC's Deputy Director for Conservation, <[dschroeder@abcbirds.org](mailto:dschroeder@abcbirds.org)>.

## Proposed Delisting of California Brown Pelican

The California Brown Pelican may soon find its way off the federal Endangered Species List. First listed as Endangered nearly 37 years ago due to widespread population declines and reproductive failure, the Brown Pelican is another example of an Endangered Species Act success story. Major threats to this species have included exposure to contaminants (particularly DDT), entanglement in fishing gear, oil spills, and colony disturbance. Following the ban on DDT and other protective measures, Brown Pelican populations increased throughout the United States; Endangered status has already been removed in some states, including Florida, Georgia, North Carolina, and South Carolina.

Scientists and conservationists believe that the California subspecies has recovered sufficiently

to warrant delisting as well. In May 2006, FWS issued a Federal Register Notice to determine if delisting is warranted.

Delisting the California Brown Pelican is also being considered under California's state endangered species regulations, having been officially designated as a candidate species for delisting by the California State Fish and Game Commission in December 2006. A final report and recommendation should be completed within the year. The California Brown Pelican would be the first recovered species since the passage of California's state Endangered Species Act. For more information, see <http://currents.ucsc.edu/05-06/06-12/pelicans.asp>.



Brown Pelican: Ashok Khosla.

## FWS Denies ESA Protection for Three At-Risk Bird Species

In the latter part of 2006, FWS denied Endangered Species Act (ESA) protection for three bird species of concern, the Gunnison Sage-Grouse, Cerulean Warbler, and Tricolored Blackbird.

Loss and fragmentation of sagebrush habitat has caused the Gunnison Sage-Grouse population to fall to what many believe is a critically low level. Only 3,000-6,000 individuals now remain, confined to less than 10% of the species' former range in isolated pockets of southwestern Colorado and southeastern Utah.

In a strange turn of events, FWS appeared ready to approve the politically charged listing of the Gunnison Sage-Grouse, even going so far as to prepare a draft press release. But by April 2006, the agency had reversed direction, and issued a decision not to list the species, declaring that "threats to the Gunnison Sage-Grouse are neither imminent nor of such magnitude that they threaten or endanger the existence of the species." The Service said it now plans to remove the species from the Candidate List altogether.

Media reports indicate that political appointees at the Department of Interior overruled scientific findings supporting listing of the species, prompting some congressional criticism. Rep. Jay Inslee sent a letter to

the Office of the Inspector General of the Department of the Interior requesting an investigation into alleged editing of scientific documents. Rep. Nick Rahall, Chairman of the House Natural Resources Committee announced the possibility of Congressional Oversight hearings into these and other ESA irregularities at Interior.

Wildlife Refuges. Despite these efforts, the species remains in the highest risk category of ABC's Green List.

Another species on ABC's Green List, the Cerulean Warbler was denied listing by FWS at the end of 2006. Declines of 3-4% per year over 40 years due to threats on the species' breeding and wintering grounds have

*Media reports indicate that political appointees at the Department of Interior overruled scientific findings supporting listing of the species, prompting some congressional criticism.*

FWS has also denied listing of the Tricolored Blackbird. Although numbers of the blackbird increased between 2000 and 2005 from 154,000 to 260,000, 95% of those birds are restricted to California's Central Valley, where habitats have suffered considerably as a result of agricultural development. The Service has been working with dairy farmers in the valley to protect nesting blackbird colonies in silage fields by encouraging later harvesting to give the birds time to fledge (*Bird Calls* Vol. 10, No. 2). The Service is also restoring blackbird habitat on private lands and several National

resulted in a loss of up to 80% of the population and made the Cerulean Warbler North America's fastest declining neotropical migratory songbird. ABC views the Cerulean Warbler as a high conservation priority, and has helped set up the first wintering reserve specifically for a neotropical migrant in Latin America. ABC is also working to combat threats such as mountaintop mining and collisions with communication towers in the United States. For more information on ABC's efforts to save the Cerulean Warbler, visit [www.abcbirds.org/international/cerw.htm](http://www.abcbirds.org/international/cerw.htm).

Gunnison Sage-Grouse



Photo: Wendy Shattil/Bob Rozinski

Cerulean Warbler



Photo: Barth Schorre.

Tricolored Blackbird



Photo: FWS.

## ESA Lawsuit Reaches Beyond U.S. Borders

In addition to protecting America's most endangered species, such as the Whooping Crane, Florida Scrub Jay, and Piping Plover, the Endangered Species Act (ESA) also helps many non-U.S. species. The Center for Biological Diversity (CBD) recently filed suit against the FWS for failing to list 61 foreign species, 56 of which are birds. In 2004, responding to a previous lawsuit, FWS recognized that the birds warranted ESA listing, but now claims that it is precluded from doing so by higher priorities. As a result, the agency intends to list only six of the bird species.

CBD maintains this "higher priorities" justification for failing to list is only viable if the agency can demonstrate that it is making sufficient headway with other priorities. Given that only 56 species of plants and animals have been listed in the last six years, compared to

512 under the Clinton Administration and 234 under President Bush Sr., the group concluded that no such headway is being made, and took legal action in November 2006 to force listing of the foreign species.

The ESA restricts the buying, selling, and possession of imperiled wildlife and has the capacity to provide funding for international conservation projects. More significantly, the ESA can restrict the involvement of the U.S. government and multilateral agencies such as the World Bank in projects that would harm threatened or endangered species outside U.S. borders.

The list of birds presented in the suit includes the Giant Ibis (Laos, Cambodia), Black Stilt (New Zealand), Gurney's Pitta (Myanmar/Burma, Thailand), Socorro Mockingbird (Mexico), Cerulean Paradise-

Flycatcher (Sulawesi, Indonesia), and the Slender-billed Curlew, one of the most critically endangered bird species in the world. Once commonly seen migrating between Europe and Africa, the current world population of this curlew may be as few as 50 birds due to loss of habitat.

Of particular interest is the inclusion of the Okinawa Woodpecker in the lawsuit. The woodpecker has been reduced to a single, declining population, now threatened by a joint U.S.-Japanese military proposal to construct a training area, including helicopter landing pads and associated roads and other infrastructure. If the woodpecker is listed under the ESA, U.S. involvement in the construction project would have to be halted or modified to ensure the bird's protection. For more information see [www.biologicaldiversity.org](http://www.biologicaldiversity.org).

## Court Finds EPA Consultation Waiver Violated ESA

In 2004 the Bush Administration proposed regulations to eliminate important checks and balances that protect endangered species. The regulation would have allowed the Environmental Protection Agency (EPA) to approve projects or decisions without consulting with biologists, as required under the Endangered Species Act. The proposed change would have allowed EPA to make findings of "not likely to adversely affect" endangered species following an informal consultation, rather than requiring government scientists to write a formal biological opinion stating their conclusions.

Nine environmental groups, including EarthJustice, Natural Resources Defense Council, The Center for Biological Diversity, and other members of the National Pesticide Reform Coalition, filed suit against the

Administration to force EPA to comply with the law and to rescind the new regulation.

In August 2006, the Federal District Court in Seattle ruled against the Administration, and required FWS and the National Oceanic and Atmospheric Administration to formally consult with EPA on endangered species cases. Environmental groups, including ABC, have since planned discussions with the Administration to set an agenda for reestablishing the consultations, and in particular to develop a schedule for prioritizing specific pesticides and affected species.

Among the issues that need review are the effects of rat poisons on endangered San Joaquin kit foxes and raptors, pesticides affecting red-legged frogs, and pesticide contamination of water in Texas that affects the Barton



Endangered species such as this San Joaquin kit fox could benefit from the recent court decision that denies a proposed waiver to ESA consultations. Photo: FWS.

Springs salamander. By establishing this schedule, the environmental organizations hope to get endangered species consultations back on track, and ensure that EPA works on the most important issues first. ABC believes that including rat poisons on this list will help push the EPA to complete its plan to improve regulations of the most toxic rodenticides. For more information, contact Michael Fry, ABC's Director, Birds and Pesticides Program, <[mfry@abcbirds.org](mailto:mfry@abcbirds.org)>.



## Five Hawaiian Waterbird Species Find Safe Harbor

Hawaii has come up with an innovative way to use some of the U.S. Department of Agriculture's (USDA) \$4 billion conservation budget for endangered species recovery. The USDA's Natural Resources Conservation Service, the Hawaii Department of Land and Natural Resources, and FWS have announced the formation of what will be the first statewide Safe Harbor Agreement for Hawaii.

Under this agreement, private landowners will receive assurances that future land use requirements will not be imposed because of their conservation efforts. To be eligible, landowners must be enrolled in a USDA Farm Bill Conservation Program and be making improvements to wetlands or habitat benefiting any of five endangered birds: the Hawaiian Goose (or Nene), Hawaiian Duck, Hawaiian Moorhen, Hawaiian Coot, and Hawaiian Stilt.

This agreement will be the sixth Safe Harbor Agreement in Hawaii, and the second that is "programmatic" or covering multiple landowners. Safe Harbor Agreements were previously responsible for the successful reintroduction of the Hawaiian Goose, (the state's official bird) to the island of Molokai after an absence of two centuries. This multi-agency plan could serve as a model for future agreements to protect endangered bird species in the United States. For more information, contact Michael Parr, ABC Vice President, <[mparr@abcbirds.org](mailto:mparr@abcbirds.org)>.

Photos from top: Hawaiian Coot: Bill Hubick; Hawaiian Stilt: Bill Hubick, Hawaiian Goose (Nene): FWS.

## Report: Birds at Risk from Poor Boreal Forest Management

A February 2007 report by the Commission for Environmental Cooperation, an agency set up under NAFTA as an environmental watchdog, has concluded that migratory bird breeding habitat in Canada's Boreal Forest is being adversely affected by poor forest management. ABC Green List species such as the Bay-breasted Warbler are facing declines as a direct result. The report criticized the Canadian government for failing to enforce key provisions of the Migratory Bird Convention Act, which protects migratory birds in Canada from indiscriminate harvesting and destruction of forests. Millions of birds that winter in the United States breed in the Boreal Forest, including duck species such as the Bufflehead and Common Goldeneye.

Conservationists are urging the Canadian government to adopt the

Boreal Forest Conservation Framework—a vision to protect at least 50% of Canada's Boreal Forest from expanding industrial development. The framework was set forth by the Canadian Boreal Initiative, a group that works with conservation organizations, First Nations, industry, and other groups to link science, policy, and conservation activities in Canada's Boreal Forest. Several timber companies have endorsed the framework, as have many retail companies and catalog distributors such as Victoria's Secret.

The NAFTA report was published soon after an Intergovernmental Panel on Climate Change report, which concluded that global warming will have important implications for the Boreal Forest and vice

versa. Deforestation of Boreal Forests may accelerate climate change by releasing vast storehouses of carbon and speeding the melting of permafrost. Visit the Boreal Songbird Initiative, [www.borealbirds.org](http://www.borealbirds.org), for more information.



## Judge Dismisses Altamont Pass Wind Turbine Lawsuit

The Altamont Pass Wind Resource Area was the first commercial scale wind project in the United States, and has been notorious for killing large numbers of birds of prey, including Golden Eagles, Red-tailed Hawks, and Burrowing Owls. In 2004, the Center for Biological Diversity (CBD) began to pressure Alameda County to make meaningful bird protection requirements on wind industry operators as they filed for new operating permits, and made plans to modernize the wind farm that originally contained over 7,000 turbines.

When the County showed reluctance to force the changes, CBD filed a lawsuit against companies with holdings at Altamont, alleging that the turbines owners were violating the “public trust” by taking wildlife that belonged to the residents of California. The lawsuit claimed that the Altamont turbines had killed 880 to 1,330 Golden Eagles, hawks, owls, and other protected raptors each year for the past 20 years, in violation of California Fish and Game Code provisions, the federal Migratory Bird Treaty Act, and the Bald Eagle and Golden Eagle Protection Act.

In 2005, an Alameda County Judge agreed, and allowed the case to move forward, but after a thorough review the same judge rejected claims based on the alleged destruction of public property, ultimately holding that there was no private right of action to sue for such damages. However, the lawsuit appears to have moved the issue forward, because industry representatives have agreed to form a select oversight committee to evaluate bird kills, and to oversee efforts to rebuild the wind farm with fewer, larger turbines, with blades much higher off the ground and out of the flight paths of hunting raptors that feed on ground squirrels. The

industry has also agreed to conduct intensive monitoring to identify problem turbines and initiate mitigation for raptor deaths.

Upgrading the wind farm began in 2004. It will take a decade to replace all the obsolete, small turbines with fewer, larger turbines placed in better locations. The industry will pay for monitoring and will conduct a variety of mitigation measures, including shutting down of turbines during peak migration periods that are most risky for birds. Contact Michael Fry, Director, ABC's Birds and Pesticides Program, <mfry@abcbirds.org>.



Altamont wind turbines; Victor Solanoy.

## Four Seasons Resort Spells Doom for Grenada's National Bird

Four Seasons Hotels and Resorts, renowned for providing the rich and famous with luxury getaways, is facing criticism from bird lovers for its plans to build a new resort that will destroy the last stronghold of the critically endangered Grenada Dove. In a letter to Four Seasons Chairman and CEO Isadore Sharp, ABC called on the industry leader to either pull out of the project or alter it to protect the endangered dove's habitat. The letter is available at [www.abcbirds.org/GrenadaLetter.pdf](http://www.abcbirds.org/GrenadaLetter.pdf).

Mt. Hartman National Park is the world's last stronghold for the Grenada Dove, which is on the verge of extinction, with a total population of no more than 100 individuals. The dove occurs on only a small portion of the Caribbean island of Grenada. The current Four Seasons Resort proposal would encroach upon and degrade the remaining core Grenada Dove habitat. The developer issued a cursory environmental impact report that greatly understates the damage the resort, as

it is now proposed, would do to the dove's survival prospects, and provides no effective means for protection of the Grenada Dove's habitat.

Four Seasons should immediately pull out of this deal or face the dubious distinction of directly causing the extinction of a wonderful and emblematic bird species. Get involved by visiting <http://actionnetwork.org/campaign/grenada> and sending a letter to Four Seasons.

## National Forest Roadless Areas Protected

Last fall, a federal court reinstated the Roadless Area Conservation Rule of 2001, immediately protecting over 50 million acres of National Forest from logging and road construction. This is a huge victory for wildlife and for the belief that the public should have a meaningful say in how public lands are managed. The Roadless Area Conservation Rule, implemented under President Bill Clinton, received more favorable public comments than any other federal rulemaking in U.S. history.

Researchers have found that roadless forests have the highest degree of ecological integrity, and are where the abundance and diversity of wildlife species are greatest. Roadless area protection will be particularly helpful for birds that depend on interior forests such as the Cerulean Warbler, Swainson's Warbler, Louisiana Waterthrush, Brown Creeper, and the threatened Northern Spotted Owl.

In another significant development, the United States Supreme Court denied an appeal filed by timber and

mining interests concerning how the USDA Forest Service justifies proposed projects. The case revolved around an old-growth logging project in the Lolo National Forest in Montana. A Federal Circuit Court of Appeals found that the Forest Service had failed to provide scientific evidence or monitoring data

Northern Goshawk: USDA Forest Service.



***...the Forest Service had failed to provide scientific evidence or monitoring data to support its claims that logging old-growth forests was beneficial to species such as the Northern Goshawk...***

to support its claims that logging old growth forests was beneficial to species such as the Northern Goshawk and Pileated Woodpecker.

The Court stated, "Just as it would be arbitrary and capricious for a pharmaceutical company to market a drug to the general population without first conducting a clinical trial to verify that the drug is safe and effective, it is arbitrary and capricious for the Forest Service to irreversibly 'treat' more and more old growth forest without first determining that such treatment is safe and effective for [old growth] dependent species."

The administration asked the Supreme Court to overturn this ruling, saying the Forest Service should have discretion to interpret the available information. By refusing to take the case, the Supreme Court let the lower court ruling stand, which requires the agency to present substantial scientific evidence and/or monitoring data to support its proposals. Contact Steve Holmer, ABC's Director of Public Relations, <sholmer@abcbirds.org>.

## Whooping Crane Thriving Despite Tornado Tragedy

For a brief few weeks in 2007, there were more than 500 Whooping Cranes in the world; the first time such a milestone had been reached in over 100 years. But



that was before disaster struck, and 17 juvenile cranes were killed by a tornado in central Florida on February 1. The birds were part of the reintroduction effort to re-establish a migratory flock traveling between Wisconsin and Florida. They had just completed the ultralight-led migration and were being temporarily housed in an enclosure at the Chassahowitzka National Wildlife Refuge, 60 miles north of Tampa. Only one bird from the flock survived, its radio transmitter signaling to biologists that it was alive three days after it was presumed to have perished in the storms.

Despite this setback, the Whooping Crane recovery program has become

a conservation success story. There are a record 237 adults and juveniles in the last remaining natural, migratory flock, which winters at Aransas National Wildlife Refuge, 66 in the reintroduced Wisconsin-Florida migratory flock, and more than 150 in captivity. Once numbering 1,500 or more birds, the species plummeted to just 15 in the early 1940s due to unregulated hunting and loss of wetland habitat. Now, with important protection in place for the species in the form of the Endangered Species Act, plus more than 30 years of intensive conservation effort, the crane is making a comeback. For more information, visit the International Crane Foundation Website at [www.savingcranes.org](http://www.savingcranes.org).

Whooping Cranes: FWS.

## NAFTA Ruling May Help Xantus's Murrelet

The Commission for Environmental Cooperation, set up under the North American Free Trade Agreement (NAFTA), announced on January 25 that it would continue an investigation into whether Mexico violated its own laws in approving a proposed liquefied natural gas facility in the vicinity of the Coronado Islands, a biodiversity hotspot 11 miles south of the U.S. border. This ruling provides hope that this facility, which would be devastating for the Xantus's Murrelet, will not be built.

The Xantus's Murrelet is under consideration for protection under the U.S. Endangered Species Act. This small seabird is one of the most southerly of all the auk species, nesting on islands off Baja California and Mexico. Since most of its population is concentrated near West Coast shipping lanes, it is extremely vulnerable to oil spills. The Coronado Islands are home to the largest remaining breeding colonies of the Xantus's Murrelet, and provide critical nesting habitat for six threatened or endangered seabird species and ten other species of plants and animals found nowhere else in the world.



Xantus's Murrelets populations would be devastated by a proposed liquefied natural gas facility off the Mexican coast. Photo: Glen Tepke.

In its ruling, the Secretariat of the Commission called for an investigation into whether the Mexican government properly considered alternatives to the project and sufficiently analyzed the impacts of the facility on endangered species. ABC joined with the Center for Biological Diversity, Greenpeace Mexico, Island Conservation, Grupo de Ecología y Conservación de Islas, Los Angeles Audubon, Pacific Environment, and Wildcoast in submitting the original petition. For more information, contact Brendan Cummings, Center for Biological Diversity, 760-366-2232 ext. 30.



Photo: www.geocities.com

## Jamaica's Unique Cockpit Country Threatened

Home to 27 of Jamaica's 28 endemic birds, including the endangered Jamaican Blackbird and

almost the entire population of the vulnerable Black-billed Parrot, Jamaica's "Cockpit Country" is arguably the most significant site for birds on the entire island. Its 160 square miles are a forbidding landscape of peaks, potholes, and caves, covered with moist tropical forest. Largely uninhabited, Cockpit Country is an important center of endemism with 65 plants, two amphibians, and two reptiles found nowhere else.

Unfortunately, the area is threatened by mining. The island's principal export is bauxite/aluminum, deposits of which underlie much of the region. With a constant and growing demand for this valuable metal, Jamaica is pushing hard to extract all of its bauxite, no matter what the cost to the environment. With the government's blessing, mining companies are already drilling for samples of the ore in this biologically unique area.

Among the most active voices raised in defense of this biological treasure is the Cockpit Country Stakeholders Group, a coalition of concerned environmentalists, tourism industry

representatives, and schools. As the stakeholders point out, even discounting the value of ecosystem services, the intact Cockpit Country provides one of the worlds' most important and spectacular karst landscapes, cave-rich areas found on carbonate rocks. Proposed as a World Heritage Site, Cockpit Country is important not only for its biological and cultural heritage, but also for its role as the major aquifer for central-western Jamaica. Its forests play a critical role in reducing flash flooding and erosion after tropical storms and hurricanes.

To extract the bauxite makes no economic sense over the long run because the region is of considerable interests to tourists. Tourism now generates 45% of Jamaica's foreign earnings, and directly or indirectly, provides jobs for approximately a quarter of the working population. Mining employs far fewer people, and since it ultimately depletes its resource, it cannot be sustained over the long run.

The Jamaica Environment Trust and the other Cockpit Country stakeholders are calling upon the Jamaican government to withhold permission for the bauxite companies to begin work, at the very least until a more stringent and realistic environmental assessment has been carried out. For more information, contact Robert Chipley, ABC's International Programs Officer, <[rchipley@abcbirds.org](mailto:rchipley@abcbirds.org)>.

## ABC Opposing Proposal to Reduce Critical Habitat for Marbled Murrelet

**ABC** and its partners are opposing a proposal by FWS to revise the Critical Habitat designation for the federally endangered Marbled Murrelet (*Bird Calls*, Vol. 10, No.3), an ABC Green List species whose Pacific Northwest population nests high in old-growth forests, making it especially vulnerable to logging. Losses of nesting habitat had led FWS to list the Marbled Murrelet population in the Lower 48 states as Threatened in 1992.

ABC provided input in a November 2006 letter to FWS that states: "The proposed designation would result in a 94% reduction of Critical Habitat for the Marbled Murrelet by excluding 3,368,950 acres of currently designated land. ABC strongly objects to this proposed reduction. We feel that this large reduction in critical habitat is not warranted at a time when Marbled Murrelet populations are decreasing and one of the primary factors contributing to this decline is historic and ongoing habitat loss." A copy of the letter is available at [www.abcbirds.org/policy/murre\\_letter.pdf](http://www.abcbirds.org/policy/murre_letter.pdf).

In related news, a report released in February 2007 by the U.S. Geological Survey (USGS) shows dramatic declines in numbers of the Marbled Murrelet. The administration is trying to delist the species, but the USGS report may undermine that effort. This most recent survey of murrelet populations was requested by FWS as a result of a lawsuit brought by the timber industry, which claimed that, because there are populations of Marbled Murrelets in British Columbia and Alaska, there is no need to protect the birds in the Pacific Northwest. The industry also disputed scientists' contentions that the Canadian and Alaskan murrelet populations were distinct from those living in the Pacific Northwest.

However, the USGS report not only upheld the genetic distinctness of the three populations, but showed that populations of the murrelet are plunging in Alaska and Canada as well, with an overall decline of approximately 70% over the last 25 years—from more than one million birds to about 350,000 today. In addition, the report estimated the amount of potential murrelet nesting habitat that has



Marbled Murrelet: Guy L. Monty.

been lost due to timber harvest at approximately 15% in southeast Alaska and 33-49% in British Columbia. The USGS report is available on the web at <http://pubs.water.usgs.gov/ofr20061387>.

Although there are many human-caused threats to Marbled Murrelets, such as loss of nesting trees to logging, gillnets, and oil spills, none can wholly explain the dramatic and widespread population decline, particularly in Alaska. Other factors, such as changes in ocean climate, which affect food supply, and an increase in nest predators such as the Common Raven, could also have contributed to these steep declines.

No new decisions on Marbled Murrelet protection have been made, and the status of this little seabird remains uncertain. ABC is grateful to Lynn White, the Lannan Foundation, and individual supporters for their continued support for ABC's seabird program.



## Save the Cerulean Warbler!

### Buy ABC's Cerulean Warbler Conservation Coffee

- ◆ Supports traditional organic shade plantations and the songbirds that depend on them.
- ◆ Every bag sold also raises funds for ABC's Cerulean Warbler conservation effort.
- ◆ Shipped to your door in less than a week.
- ◆ Order a workplace subscription and receive a monthly delivery.

\$10.50 plus shipping per 12 oz bag, whole bean or ground.

**Visit [www.abcbirds.org](http://www.abcbirds.org) or call 800-648-6491.**

## European Union Makes Ban on Wild Bird Imports Permanent

Millions of wild birds have been saved by the completion of a wild bird import ban by the European Union (EU) in January, 2007. The new rules will allow only captive-bred birds from approved countries into the EU and will place tighter controls on the health and quarantine of any imported birds. A temporary ban was first enacted in the EU in October 2005 after wild birds at a quarantine station in Britain were found to have bird flu. This temporary ban was renewed several times, and was set to expire in March 2007. It will now be extended to July, when the new permanent ban will begin.

A study by the Royal Society for the Prevention of Cruelty to Animals in England showed that as many as 70% of captured birds die during trapping and transit. The member states of the EU have been the largest importers of wild-caught birds in the world, creating

a conservation crisis. Over a million parrots, finches, and other exotic bird species have been taken from the wild every year to fill the demand for cage birds. According to figures reported by CITES (the Convention on the

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**Over a million parrots, finches, and other exotic bird species have been taken from the wild every year to fill the demand for cage birds.**

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International Trade in Endangered Species of Wild Flora and Fauna), the EU imported 87% of the worldwide recorded trade in wild birds—approximately 8.8 million birds.

The Wild Bird Conservation Act, passed by Congress in 1992, virtually eliminated wild bird imports to



Thanks to a new wild bird import ban established by the European Union, millions of wild birds have been saved from the same fate as these parrots. Photo: World Parrot Trust.

the United States. A 2001 study in South America showed that the U.S. ban significantly reduced poaching of wild parrots, rather than driving the trade underground as some had feared. The World Parrot Trust led the charge to enact the permanent ban in the EU and engaged members of the Bird Conservation Alliance, including ABC, to add their names to an official letter to the EU Commissioners demanding that the wild bird trade be terminated in Europe. For more information, see [www.worldparrottrust.org](http://www.worldparrottrust.org).

## White-Winged Guans Hatch 50<sup>th</sup> Chick

The hatching of the 50th White-winged Guan chick at the Chaparri Community Reserve in Peru represents a significant milestone in the species' reintroduction program, which began in 2001. A total of 41 guans have been released at the reserve, with six pairs establishing breeding territories there, and others spreading into neighboring communities.

The White-winged Guan, a critically endangered species thought to be extinct until it was rediscovered in 1977, is restricted to a few valleys in the dry forests of northern Peru, where fewer than 250 wild birds remain in isolated local groups. Despite its rarity, it is still threatened by illegal hunting and by the destruction of its habitat.

The Chaparri Conservation Reserve, created with the support of the American Zoo and Aquarium Association (AZA), was the first private reserve to be recognized under Peruvian law. The 133 square mile reserve is owned and managed by the Muchik community, which has developed ecotourism and other businesses based on sustainable use of their natural resources. For more information on the White-winged Guan reintroduction project, see [www.abcbirds.org/counterparts/project\\_white-winged\\_guan.asp](http://www.abcbirds.org/counterparts/project_white-winged_guan.asp).

### Project PredatorWatch Seeking Data

ABC has created Project PredatorWatch, a citizen-science project to investigate the impact of free-roaming cats and other predators on wild animals in the United States and Canada.

If you observe a predator-wildlife interaction in your yard, simply visit ABC's Cats Indoors! Campaign Web site ([www.abcbirds.org/cats](http://www.abcbirds.org/cats)) to access an easy-to-use online survey. Complete a new survey every time you witness a predator-wildlife interaction in your yard. Results of this project may be reported in scientific journals and other publications, and may help further identify future research needs.



For more information, contact [abc@abcbirds.org](mailto:abc@abcbirds.org).

## Pesticide Kills of Wildlife Go Unreported

The Environmental Protection Agency (EPA) has relaxed the reporting rules on pesticide poisoning of wildlife to the point that they are now effectively meaningless. ABC has been gathering and analyzing data through federal and state sources, and has found that wildlife poisonings are no longer being appropriately reported. The accompanying graph shows that poisoning events and incident reporting increased steadily throughout the 1980s and 1990s, then precipitously dropped in 2002, and have stopped almost entirely in recent years. In 2005, only five bird kill incidents were reported to EPA by pesticide registrants. While some of the most harmful pesticides to birds and wildlife have recently been cancelled, the fall-off in recorded incidents is far greater than can be explained by those cancellations.

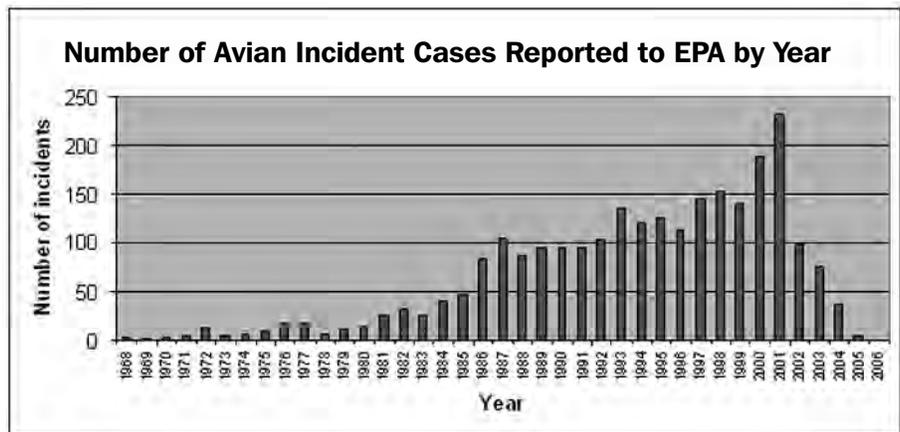
When the first major pesticide laws were created in 1974, EPA declared that reporting and documenting pesticide poisoning incidents of wildlife was essential for the agency to be able to fulfill its responsibility of assessing the

risks of pesticides. Pesticide poisonings were required to be reported by companies whenever they learned of incidents involving wild birds, mammals, or fish. This is no longer the case. In 1998, EPA changed the reporting rules because chemical companies complained that the requirements were “burdensome” and “costly” and “would place companies in the position of having to report field observations that may have negative implications on the continued marketing of their product.”

Prior to 1998, all incidents involving the killing of individual birds were

required to be reported. Now only the deaths of five or more predatory birds, 50 songbirds, or 200 birds in a flock need to be reported. All other incidents can be submitted in summary reports that do not even list the number of birds killed.

ABC will be pushing EPA to ensure that an effective method is restored for collecting pesticide impact data for wildlife in the field after a pesticide has been registered. Contact Michael Fry, ABC’s Pesticides and Birds Program Director, <mfry@abcbirds.org>.



## Progress on Protecting Birds from Power Lines

Since the threat to birds from power lines, which kill millions of birds each year, was identified in the early 1970s, there has been tremendous progress in reducing bird mortality, thanks in part to the continuing efforts by the power industry. The recent publication of an updated version of *Suggested Practices for Avian Protection on Power Lines*, produced in cooperation with the Avian Power Line Interaction Committee (APLIC—a coalition of power industry representatives), is another step in the right direction. The report offers technical guidance to power companies on how to reduce bird deaths.

One challenge ahead is how to export this knowledge to other countries in our hemisphere. APLIC is to be commended for their plans to produce this document in Spanish. ABC will continue to work with the Committee to promote these effective steps and identify new opportunities to prevent bird electrocutions and avian power line collisions. The report is available at [www.aplic.org/SuggestedPractices2006\(LR-2watermark\).pdf](http://www.aplic.org/SuggestedPractices2006(LR-2watermark).pdf)

Improving technology also offers hope that fewer birds will be killed by power lines in the future. Innovative Technologies, a South African steel company, has developed a reflective

bird-flight diverter that is placed on power lines. It is made of stainless steel that has been shown to have greater visibility than plastic red, yellow, white, or black objects, especially during low-light conditions at dusk and dawn. Its use has potential to help conserve the endangered Blue Crane, South Africa’s national bird and other species of bustards, storks, and cranes. For more information see [www.engineeringnews.co.za/eng/features/stainless/?show=95348](http://www.engineeringnews.co.za/eng/features/stainless/?show=95348)

## Waterbird Population Report Now Available

**W**etlands International's report *Waterbird Population Estimates*, based on annual monitoring of millions of waterbirds, presents estimates and trends of 878 waterbird species. At a global level, 44% of populations for which trend data are available are decreasing or have become extinct, 34% are stable, and 17% are increasing. Concern is greatest across Asia, where 62% of waterbird populations are now decreasing or have become extinct and only 10% show an increasing trend. The rates of declines in other continents are also alarming, with Africa at 48%, Oceania at 45%, South America at 42%, Europe at 41%, and North America at 37%. In Oceania one in six species has already become extinct.

The most frequent known cause of population decrease is habitat destruction, often caused by unsustainable human activity. The frantic pace of economic development in Asia is clearly having adverse impacts on the environment, including numbers and population trends of waterbirds. Human impacts such as urban sprawl, wetland reclamation, pollution, and hunting pressure can develop rapidly, and conservation consequences are often not taken into account. Waterbirds depend on healthy wetlands all along their migration routes, making them good indicators of global wetlands' status. Regular tracking of waterbirds helps to identify priorities for research and conservation of both waterbird species and wetlands of international importance. This report is available at [www.wetlands.org](http://www.wetlands.org).

Photo: Ralph Wright.

## Interior Department Revives Tribal Management of National Bison Range

**A** controversial management arrangement affecting the National Bison Range in Montana has been resurrected by top officials at the Department of Interior (DOI), with the potential to set a precedent on how National Wildlife Refuges are managed. The Confederated Salish and Kootenai Tribes and FWS split management duties of the Bison Range in 2006. FWS terminated the arrangement in December 2006 because the tribes were allegedly not meeting management goals.

More than 200 species of birds call the National Bison Range home, including Bald and Golden Eagles, Swainson's Hawk, Barrow's Goldeneye, Dusky Grouse, Burrowing Owl, Black Swift, and Belted Kingfisher. The range was designated as a refuge for native birds in 1921. A description of seasonal occurrence, abundance, and habitats frequented by birds at the Bison Range is available at [www.npwrc.usgs.gov/resource/birds/chekbird/r6/bison.htm](http://www.npwrc.usgs.gov/resource/birds/chekbird/r6/bison.htm)

Originally, the tribes wanted full authority to manage the range under the Indian Self-Determination Act of 1975, which permits tribal involvement in federal land management. However, FWS opposed giving up all management authority. Senior DOI officials and the tribes agreed to retain federal management, but hired tribal members to carry out various duties such as the care and feeding of the bison.

Federal managers relayed management instructions through a tribal manager.

A report issued last summer said that tribal employees were not performing their duties, such as maintaining fences and properly feeding some bison. The tribes dispute these allegations. Senior DOI officials are committed to trying to make the joint management arrangement work, and have overruled FWS. The Interior Department and the tribes are currently drafting a new management arrangement. A draft proposal outlining alternatives is expected in June. Contact Perry Plumart, ABC's Director of Conservation Advocacy, <[pplumart@abcbirds.org](mailto:pplumart@abcbirds.org)>.



## President Bush Unveils FY 2008 Budget Request

**P**resident Bush unveiled his Fiscal Year 2008 budget February 5, calling for modest increases in a number of wildlife and habitat conservation programs, while cutting funds for others. Given the recent changeover of the Congressional majorities however, the final federal spending determinations will be heavily influenced by House and Senate appropriators.

### U.S. Fish and Wildlife Service

The President's FY 2008 budget proposes \$1.287 billion for FWS, a slight increase above FY 2007 levels, including support for a number of new conservation initiatives, such as the Healthy Lands Initiative, which will receive \$2 million to improve habitat and protect species on private lands. The budget also proposes a \$4.7 million increase for wildlife and habitat management on the nation's National Wildlife Refuges. This will allow FWS to restore an additional 5,100 acres of wetlands and 48,000 acres of uplands. Neotropical Migratory Bird Conservation grants are funded at \$4 million, the same as this year.

Funding for Migratory Bird Joint Ventures would be reduced by \$955,000 and migratory bird conservation and monitoring would be reduced by \$685,000. These cuts include reducing FWS support for research on the Ivory-billed Woodpecker (by \$396,000), for new Joint Ventures (by up to \$100,000 each) for the Rio Grande, Appalachian, East Gulf Coastal Plain, and Central Texas/Oklahoma JVs, and for project funding for existing JVs (by \$432,000). No workforce reductions are anticipated from these budget cuts, however.

Endangered species programs would receive \$146 million, a \$5.5 million increase over this year's level, but still \$2 million below FY 2006. Wildlife advocates, including ABC, are concerned

that funding for the Endangered Species Act is still far below what is needed for effective implementation.

### National Oceanic and Atmospheric Administration

The NOAA budget is slated for an increase of \$6.5 million to support new requirements of the Magnuson-Stevens Act reauthorization, including money to help reduce seabird bycatch advocated by ABC.

### Environmental Protection Agency

The Environmental Protection Agency (EPA) FY 2008 budget proposes \$7.2 billion in spending, continuing a severe downward trend. However, this includes \$549.5 million for enforcement—a \$9.1 million increase over FY 2007. Four key waterways, Chesapeake Bay, Puget Sound, the Gulf of Mexico, and the Great Lakes, will see efforts to restore and protect these national treasures. However, EPA is proposing nearly a \$400 million (36%) reduction in wastewater infrastructure. There is also a lack of funding for field monitoring and analysis of existing pesticides that threaten wildlife (see related story on page 15).

### USDA Forest Service

The budget calls for a severe cut to the USDA Forest Service budget: over \$64 million, plus another \$77 million in fixed costs, such as cost of living increases for staff, reducing spending capacity by \$141 million. This 2% cut would eliminate more than 2,100 Forest Service jobs.

The budget again proposes to sell over 275,000 acres of National Forest lands, a much-criticized plan that Congress rejected last year. Funding for the timber program will grow 5% to \$510 million, with much of the increase targeted to stepped-up logging in the old growth forests of the Pacific Northwest, home to the threatened Northern Spotted Owl and Marbled Murrelet (see article on page 13). The National Forest backlog of road maintenance, now estimated at \$10 billion, will continue to grow larger due to planned increases in logging road construction and cuts in road maintenance. Unmaintained logging roads threaten aquatic habitats and the bird species that depend on them. To view the full budget, see [www.whitehouse.gov/omb/budget/fy2008/](http://www.whitehouse.gov/omb/budget/fy2008/)



The President's FY '08 budget proposal calls for \$8 million to go to the newly designated Northwestern Hawaiian Islands Marine National Monument. This money would fund four full-time staff positions and primarily go towards visitors and education, field management, research and monitoring, and marine debris cleanup, but ABC will be pushing for some of this funding to go towards the removal of lead-based paint

Laysan Albatross: Bill Hubick

on Midway Atoll National Wildlife Refuge. As many as 10,000 Laysan Albatrosses are dying each year from the ingestion of the paint that is flaking off decaying buildings on Sand Island, causing increased concerns for the world's largest population of this globally threatened species. ABC is asking members of the Bird Conservation Alliance and the public to send messages to the President, urging that funding be forthcoming to stop this threat. Some 1,500 responses have been generated to date. ABC will now press Congress to earmark funds for clean-up on Midway. For more information, contact Darin Schroeder, ABC's Deputy Director of Conservation Advocacy, <[dschroeder@abcbirds.org](mailto:dschroeder@abcbirds.org)>.

## Birds in Brief



California Condor: Jason Stueck/www.beatspeak.com.

### Condors Rising

As 2006 drew to a close, biologists with the California Condor Reintroduction Program celebrated another success with the fledging of the second wild condor chick at Hopper Mountain National Wildlife Refuge in California since the program began 14 years ago. While the Arizona population failed to breed successfully this year, those birds have fledged five young in previous years. The goal of the California Condor Recovery Plan (published in 1996) is to establish two geographically separate populations, one in California and the other in Arizona, each with 150 birds and at least 15 breeding pairs. While still a long way from that goal (there are 128 condors in the wild in California, Arizona, and Baja, Mexico, and 156 in captive breeding facilities around the country), the signs are encouraging that the program will succeed. However, recovery efforts continue to be plagued with bird deaths as a result of lead shot poisoning, and collisions with cars and power lines, meaning it is likely that the species will need continuous conservation attention for decades to come. For more information, visit the Peregrine Fund website at [www.peregrinefund.org](http://www.peregrinefund.org).

### Laysan Duck Population Rebounding

The endangered Laysan Duck, considered the rarest native waterfowl in the United States, occurs only within the Northwestern Hawaiian Islands Marine National Monument (*Bird Calls* Vol. 10, No. 2). Laysan Ducks were once widespread across the Hawaiian Islands, but by 1860, they were extirpated from all but Laysan Island. In 2004, 42 Laysan Ducks were reintroduced to Midway Atoll National Wildlife Refuge to increase geographic distribution and reduce the risk of extinction. The translocated population has been very successful; this year's tally of 56 juveniles has nearly doubled the Laysan Duck population on Midway to 104.



"Inyo" California Towhee: Ashok Khosla.

### Better Times for Towhee

The "Inyo" California Towhee is a threatened subspecies, restricted to riparian habitat in the Argus Mountains of central California. In 1987, when numbers declined to only 100-200 birds, it was placed on the U.S. Endangered Species List. Habitat destruction, particularly by feral livestock and off-road vehicles, has been the biggest threat to the towhee's continued survival. Thanks to habitat protection by the Bureau of Land Management and the Department of Defense, the towhee population increased to an estimated 725 birds by 2004. If these population levels remain stable, the Inyo California Towhee may soon qualify for delisting.



Mountain Plover: Paul Salaman.

### Suit Filed to Protect Mountain Plover

Forest Guardians and the Biodiversity Conservation Alliance filed suit in federal court against FWS in December for refusing to list the Mountain Plover under the Endangered Species Act. The suit charges that the government's decision to deny protection for the Mountain Plover is based on interference from political appointees within the agency. Documents obtained through the Freedom of Information Act indicate senior Service staff rejected advice and biological data provided by their own career scientists that supported Mountain Plover listing. Threats to the Mountain Plover include urban sprawl, agriculture, escalating oil and gas development, and killing of prairie dogs that create important shortgrass breeding habitat for the plovers. See [www.fguardians.org/library/paper.asp?nMode=1&nLibraryID=422](http://www.fguardians.org/library/paper.asp?nMode=1&nLibraryID=422).

### Effort Underway to Save Junin Grebe

ABC is putting together a plan to save the last population of the Junin Grebe, which is on the verge of extinction due to environmental pressures. Jim Brighton, an avid birder and wildlife photographer, is helping by organizing the Delmarva Peninsula Photo Fundraiser. Jim will try to photograph as many birds, mammals,

reptiles, amphibians, butterflies, and dragonflies on the Delmarva Peninsula as he can in one year. You can make a pledge towards his efforts and help save the Junín Grebe.

To sign up and keep track of how the fundraiser is going, please visit [www.delmarvabigyear.blogspot.com](http://www.delmarvabigyear.blogspot.com).



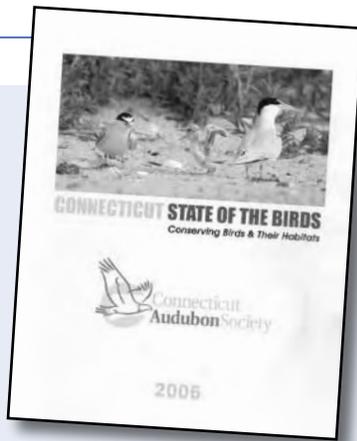
Junín Grebe: Alejandro Tello Cuevara.

## WWF Report: Global Warming Threatens Bird Species

A recent status report compiled for the World Wildlife Fund has found a clear and escalating pattern of climate change impacts on bird species around the world, suggesting a trend towards a major bird extinction from global warming. Specific groups of birds are at high risk from climate change, including migratory, mountain, island, wetland, Arctic, and Antarctic birds, and seabirds. While bird species that can move easily to new habitat are expected to continue to do well, bird species that thrive only in narrow environmental niches are expected to decline, and be adversely affected by invasive species. The report is available at <http://assets.panda.org/downloads/wwfsummaryfinal.pdf>.

## Connecticut: State of the Birds

Connecticut Audubon Society has produced an outstanding report: “Connecticut–State of the Birds” that provides a comprehensive look



at the status of bird populations and trends in the state. The report also reviews the wide variety of bird habitats in the state, as well as outlining a detailed wildlife conservation strategy. This report is a model that could be replicated for other states, regions, or habitats. It is available at [www.ctaudubon.org/quarterlypdfs/sotb/2006sotb.pdf](http://www.ctaudubon.org/quarterlypdfs/sotb/2006sotb.pdf).

## Court Decision Protects Critical Habitat for Northern Spotted Owl

On February 16, a Ninth Circuit judge issued a ruling that re-establishes protection for the Northern Spotted Owl on 22,000 acres of Critical Habitat in southern Oregon. FWS had issued a biological opinion on the owl and an associated “incidental take” statement that would have authorized the killing of Spotted Owls as a result of logging on 75 forest parcels in the Rogue River Basin. Although FWS withdrew the biological opinion in 2004, they left the “incidental take statement” in place. In this recent decision, the court found that the take statement violated the Endangered Species Act because it lacked a scientific basis, failed to



Northern Spotted Owl: Tim Kogut/USDA Forest Service.

estimate how many owls would be killed by the logging, and had no means of determining whether too many owls were being killed. The ruling could postpone timber harvest by up to two years while mitigation measures to protect the owl are determined.

## Mexican Grasslands Declared a WHSRN Site

The Western Hemisphere Shorebird Reserve Network (WHSRN) announced recently that it has been able to protect nearly 15,000 acres of key habitat in Mexico’s Llano de la Soledad grasslands. This project complements work in progress by ABC and other BCA members to protect habitat for the Worthen’s Sparrow and migratory shorebirds such as the Long-billed Curlew. These grasslands were recognized as a WHSRN Site of International Importance based on the presence of 15% of the world’s Long-billed Curlews and 8% of Mountain Plovers, and on the willingness of landowners to support shorebird conservation and habitat management at the site. For more information visit [www.whsrn.org](http://www.whsrn.org).

## Welcome New BCA Members

- Rochester Birding Association
- Association of Fish and Wildlife Agencies
- Southwestern New Mexico Audubon Society
- Kirtland Bird Club
- Ascutney Mountain Audubon Society
- Songbirds of Northern Indiana, Inc.

**Your organization can join BCA and become a part of this important bird conservation coalition.**

**Contact Alicia Craig, ABC,  
[acraig@abcbirds.org](mailto:acraig@abcbirds.org)**

## Please help ABC and its partners remove dangerous pesticides from our environment!

Swainson's Hawk: Peter LaTourrette/birdphotography.com.



Red-winged Blackbird: Gary Smyle.



**ABC** has helped win important victories for birds, other wildlife, and people by pushing the Environmental Protection Agency to ban several hazardous pesticides. Yet despite these significant gains, there are many dangerous chemicals still in use in the United States today.

You can help ABC and our partners halt these threats by providing a tax-deductible gift to ABC's Pesticides and Birds Program—the only program dedicated to protecting birds from the harmful effects of pesticides throughout the Americas.

With your generous support ABC will: continue to facilitate the National Pesticide Reform Coalition, an effective advocate for safer pesticide use; push for the cancellation of the worst chemicals on the market and ensure that others are restricted so they do not pose a threat; represent bird conservation interests on EPA advisory committees, meeting regularly with the Office of Pesticide Programs to personally convey our issues; and push for effective field monitoring of pesticide use and reporting of birds killed by pesticides.

Please use the enclosed envelope to send your donation today.  
Thank you,

George Fenwick  
President, American Bird Conservancy

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