

BIRD CALLS

Vol. 13, No. 3
October 2009

Victory for Spotted Owl Conservation

American Bird Conservancy and other conservation groups are celebrating a July announcement by Secretary of the Interior Ken Salazar that the Bureau of Land Management will withdraw the Western Oregon Plan Revisions (WOPR), a controversial logging plan affecting federal forests in the state. The Secretary also announced that decisions by the previous administration to reduce designated Critical Habitat for the Northern Spotted Owl and implement a flawed Recovery Plan for the species were also being reversed.

ABC is a plaintiff in a lawsuit seeking to halt the Recovery Plan, and has led advocacy efforts in conjunction with members of the Bird Conservation Alliance to convince the Obama



Spotted Owl:
ClipArt.com

Administration to withdraw the Oregon logging plan.

“These are important steps toward conserving Northern Spotted Owls, Marbled Murrelets, and other threatened species that rely on old-growth forest, and in assuring the integrity of forest management in the Pacific

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EPA Puts Brakes on Bird-Killing Pesticide

In May 2009, the U.S. Environmental Protection Agency (EPA) announced its final decision to ban any residues of the highly toxic pesticide carbofuran on food. Carbofuran is an insecticide sold under the name Furadan by FMC Corporation. The agency’s decision confirms a proposed action first announced in July 2008, and will effectively make it impossible for the pesticide to be used on any food crop. This rule becomes effective December 31, 2009 to allow for existing stocks to be used.

“Carbofuran causes neurological damage in humans, and is one of the

most deadly pesticides to birds still on the market. It is responsible for the deaths of millions of wild birds since its introduction in 1967, including Bald and Golden Eagles, Red-tailed Hawks, and migratory songbirds,” said George Fenwick, President of ABC. “This EPA decision marks a huge victory for wildlife and the environment.”

Most uses of carbofuran on food crops were voluntarily cancelled by FMC in March 2009 following a proposal by EPA to ban all applications. However, FMC is still fighting to maintain other uses, including field

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Hooded Warbler: Peter LaTourrette,
www.birdphotography.org

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ABBREVIATIONS:

BLM: Bureau of Land Management
 EPA: U.S. Environmental Protection Agency
 FWS: U.S. Fish and Wildlife Service
 USDA: U.S. Department of Agriculture
 USGS: U.S. Geographical Survey

Bird Calls is the newsletter of American Bird Conservancy and is produced for members of ABC and the Bird Conservation Alliance.

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Spotted Owl Conservation Victory, from page 1

Northwest,” said Steve Holmer, ABC’s Director of the Bird Conservation Alliance. “The decision to withdraw the Western Oregon Plan Revisions will not only help protect Spotted Owl and Marbled Murrelet habitat, but will also assure that the vast storehouse of carbon contained in these mature and old-growth forests is left intact.”

The WOPR would have tripled old-growth logging on federal forests in Oregon managed by the Bureau of Land Management. An estimated 680 known Spotted Owl sites and 600 Marbled Murrelet sites, as well as significant additional old-growth habitat needed for young owls to safely disperse would have been eliminated. Threatened wild-salmon stocks would also have been impacted.

A National Academy of Sciences study (www.pnas.org/content/106/28/11635.full.pdf) has found that the

forests of the Pacific Northwest hold a globally significant carbon store that should be preserved.

The WOPR did not undergo consultation under Section 7 of the Endangered Species Act, and so endangered species experts at FWS and National Marine Fisheries Service did not review the plan’s impacts. As a result, the Secretary announced that the WOPR was legally indefensible and must be withdrawn.

“This announcement represents not only a victory for the owls and murrelets, but for the scientists within the federal government who have struggled to be heard in past years,” said Holmer. “This decision is an encouraging step in re-establishing the role of good science in the decision-making process”. Contact Steve Holmer, ABC, <sholmer@abcbirds.org>.

ABC Puts Brakes on Pesticide, from page 1

corn, potatoes, pumpkins, and sunflowers. Revoking all food tolerances will effectively end carbofuran use on these crops, but EPA is still pursuing full cancelation based on “unreasonable ecological and worker risks.”

A government Scientific Advisory Panel reviewed the decision in 2008, and agreed with EPA that the pesticide poses an unreasonable risk to the environment, particularly birds, and that there was no evidence to recommend reversing EPA’s decision to cancel all carbofuran uses.

“Despite overwhelming scientific evidence of carbofuran’s extreme toxicity and the availability of safer alternatives, FMC Corporation continues to do everything it can to keep this chemical on the market,” said Michael Fry, ABC’s Director of Conservation Advocacy. “We

congratulate EPA for standing up for science and the public interest in the face of an industry pressure campaign. American Bird Conservancy and the Natural Resources Defense Council petitioned EPA to cancel all import tolerances for carbofuran residues on food, and this decision complies with that petition.”

Rice and coffee are particularly important crops, as many U.S. migrant birds use coffee plantations and rice fields while overwintering in Latin America. The revocation of all food tolerances, therefore, has international implications. “After this ruling, countries wishing to export these foods to the United States must stop using carbofuran on crops including coffee, rice, bananas and sugarcane,” said Fry. Contact Michael Fry, ABC, <m Fry@abcbirds.org>.

A Critical Time for Decisions on Wind Power

It can come as little surprise to learn that wind power is the fastest growing energy sector in the United States. Wind farms are springing up in every state, and the Department of Energy forecasts 175,000 new turbines to be installed before 2030 in the quest to supply 20% of the nation's energy needs with this renewable, non-CO₂ producing source. Unfortunately, areas with reliable, high winds are often prime habitat for wildlife; from the wide expanses of open plains that are key breeding grounds for grassland birds to ridge top raptor flyways to songbird migration corridors. At the desired rate of expansion, wind farms will soon fragment more than 30,000 square miles of land (greater than the total combined areas of Maryland, Massachusetts, and New Jersey), dotting forested ridges in Appalachia, sagebrush and grassland landscapes throughout the West, and other key wildlife habitats across the nation.

Environmentalists and the wind industry have now been debating for two years about how to develop wind projects while simultaneously protecting birds, bats, and wildlife habitat. To that end, the U.S. Fish and Wildlife Service's Wind Power Advisory Committee (FAC) met in late September to formulate final recommendations on siting and operation of wind projects across the country. The committee has been discussing a set of rules for protecting wildlife while building wind projects, but there have been many conflicts along the way.

One of the thorniest issues has been the proposal to place off limits the breeding areas of sage-grouse and prairie-chickens, two groups of birds with dramatically declining populations, but which are neither protected by the Migratory Bird Treaty Act nor the Endangered Species Act. The Department of Energy and the wind industry have maintained that wind projects should be allowed anywhere in the country where there is good wind power potential, except for specifically protected areas. Conservationists believe that development will fragment much of the remaining prairie and sagebrush habitat, and on top of agriculture, urban development, and oil and gas exploration, could be the final straw for many of their sensitive denizens. While everyone wants clean, renewable energy, it must come at the expense of species extinctions.

Conservation groups on the committee, and American Bird Conservancy separately in public comments, have drawn a line in the sand, demanding protection for grassland birds. As a result, industry has agreed to large "no-go" buffer zones around leks (breeding display grounds), tentatively proposed at three to five miles for sage-grouse and 1.5 miles for prairie-chickens. This would mean substantial areas of the Great Plains, including portions of Kansas, Wyoming, and Idaho, would be off-limits to wind development. This is a very significant concession by the wind industry in an effort to find common ground in protecting sensitive birds. Industry representatives also promised to consult early with the FWS as they develop new wind farm proposals so that at-risk species threatened by habitat fragmentation could be protected in all regions of the country. This is a real leap forward in thinking on industry's part.

The Advisory Committee has not yet addressed the difficult issue of how to protect migratory birds when bad weather drives flocks into the turbine rotors. This is of particular concern for wind farms situated along ridge tops, throughout the Texas Gulf Coast, along the edges of the Great Lakes, or on tips of peninsulas such as Cape May, New Jersey. American Bird Conservancy and Cornell Lab of Ornithology have organized a team of migration and radar experts, and are developing recommendations and a research agenda to address these problems and knowledge gaps (see article on page 4). FWS will forward our recommendations in parallel with the FAC recommendations to the Secretary of Interior, so there is hope that these issues will be addressed in the final guidelines next year.

The FAC will likely recommend that their guidelines be voluntary, and that the industry be given incentives to follow the best management practices and processes outlined therein. American Bird Conservancy believes that these recommendations will have greater strength as rules enforceable under law, giving them the teeth to make a difference in the future of America's birds and in our progress toward truly green energy.

Wind turbines: stock.xchng



Scientists to Investigate Impacts of Wind Energy on Migratory Wildlife

Thirty top wildlife scientists have compiled a list of some of the highest research priorities to help America's rapidly growing wind energy industry protect birds and bats. The scientists used data gathered from cutting-edge tools such as weather surveillance radar, thermal imaging, and microphones directed skyward to map migrations by day and night. The scientists were brought together at a meeting hosted by ABC, the Cornell Lab of Ornithology, and the Johnson Foundation.

"We see great potential in wind energy towards addressing global climate change and reducing America's reliance on fossil fuels," said Michael Fry, American Bird Conservancy's Director of Conservation Advocacy. "It's critical we act now to understand the interactions between wind energy installations and birds and bats."

New research will build upon monitoring and studies of birds and bats before and after construction of existing

wind energy facilities, as well as work done by researchers elsewhere. Top research priorities identified by the coalition include more accurately estimating mortality at existing wind turbines; documenting how interactions of birds and bats with turbines are affected by factors such as weather, topography, and their distribution near wind turbine blades; and determining best practices for mitigating the impacts of wind energy development on birds and bats.

"Imagine if a similar effort had taken place at the turn of the 20th Century with the auto industry and air quality," said Kraig Butrum, President and CEO of the American Wind Wildlife Institute, an umbrella organization for the wind energy industry and environmental groups. "We'd probably be in a completely different place when it comes to global climate change and energy dependence because we considered environmental impact from the start." Contact Michael Fry, ABC, <mfry@abcbirds.org>.

House Passes Bill to Authorize Bird Conservation Joint Ventures

In July, the U.S. House of Representatives passed H.R. 2188, the Joint Ventures for Bird Habitat Conservation Act of 2009, which was introduced by Rep. Frank Kratovil (D-MD). The bill formally authorizes the FWS Joint Ventures Program, which has been effectively carrying out bird conservation planning and projects since 1987.

"By applying science and bringing people together, Joint Ventures across the United States have created a model for solving wildlife management problems and restoring habitats critical to conserving declining species," said David Pashley, ABC's Vice President for Conservation Programs.

Joint Ventures (JVs) are regional partnerships involving federal, state, and local government agencies, conservation organizations, corporations, tribes, and individuals, who advance conservation efforts and help identify local land use priorities. There are currently 21 JVs in the United States that provide coordination for conservation planning and implementation to benefit birds and other species.

For example, last year, a coalition including American Bird Conservancy, the Missouri Department of Conservation, The Nature Conservancy, and the Missouri Conservation Heritage Foundation, protected important floodplain habitat in the watershed of the Current River, one of

North America's most biologically diverse streams. The purchase links together federal and state protected lands,

and provides breeding habitat for the Cerulean Warbler, whose population is declining throughout its range. The site was identified as part of a broader assessment of Cerulean Warbler habitat carried out by the Central Hardwoods Joint Venture under the leadership of ABC's Jane Fitzgerald.

Thanks to the Appalachian Mountains Joint Venture, ABC is helping reforest abandoned mine lands in Ohio and Virginia, which will help support populations of declining bird species including the Wood Thrush, and Cerulean, Blue-winged, and Hooded Warblers.

Nationally, Joint Ventures have directed \$4.5 billion in conservation spending from federal grants and programs, state conservation dollars, and private donations, and have protected, restored, or enhanced more than 13 million acres of important habitat for migratory bird species. Contact David Pashley, ABC, <dpashley@abcbirds.org>.



Hooded Warbler: Peter LaTourrette, www.birdphotography.com

Act for Songbirds Update: Bill Passes Senate Committee; Awaits Full Vote

An important landmark has been passed in American Bird Conservancy's *Act for Songbirds* Campaign, aimed at gaining greater funding for migratory bird conservation in the Americas. The Senate Environment and Public Works Committee has passed S. 690, which reauthorizes the existing Neotropical Migratory Bird Conservation Act (NMBCA) at significantly higher levels to meet the growing needs of our migrant birds. The bipartisan bill, sponsored by Senator Ben Cardin (D-MD) and Michael Crapo (R-ID), now moves to debate in the full Senate. Representative Ron Kind (D-WI) has introduced similar legislation in the House of Representatives.

"This legislation is urgently needed. Nearly half of our songbirds are now in decline or facing serious threats; effective conservation projects can help us to start turning that around."

Darin Schroeder
Vice President of Conservation Advocacy, ABC

"This legislation is urgently needed. Nearly half of our songbirds are now in decline or facing serious threats; effective conservation projects can help us to start turning that around," said Darin Schroeder, ABC's Vice President of Conservation Advocacy.

"We are particularly grateful to all those who have emailed their Senators and Representatives so far as part of the *Act for Songbirds* Campaign through ABC's automated action system, requesting that they support this legislation," said Schroeder. "To date, this has resulted in eight Senators and 14 Representatives cosponsoring the bills, but we need broader support in both houses to ensure passage this year. We encourage everyone to take this opportunity help to by visiting www.abcbirds.org/action."

A brief video on the campaign, *Act for Songbirds*, can be viewed on ABC's YouTube Channel, www.youtube.com/abcbirds. Contact Anne Law, ABC, <alaw@abcbirds.org>.

Act for Songbirds Progress to Date

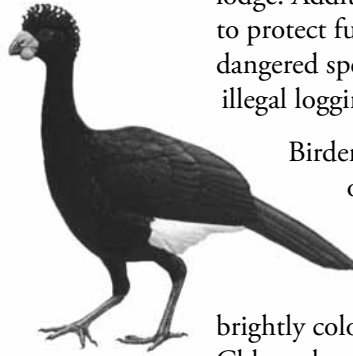
- ✓ ABC raises awareness on the issue of migratory bird funding
- ✓ Legislation introduced in the House
- ✓ Legislation introduced in the Senate
- ✓ Legislation passes out of Senate Committee
- WE ARE HERE** → Legislation passes out of House Committee
- Passage in Senate
- Passage in House
- Legislation signed into law by president

(TOP) Painted Bunting: Greg Lavaty
(BOTTOM) Cerulean Warbler: Frode Jacobsen



Reserve Expansion Aids Threatened Species in Brazil and Peru

ABC and its Brazilian partner REGUA have acquired some important properties to expand the Guapi Assu Ecological Reserve in Rio de Janeiro State, Brazil. The new area is key because it contains significant amounts of remaining Atlantic Forest, and fills a breach between the two main parts of the reserve. With this gap filled, the reserve now consists of a large contiguous unit of almost 15,000 acres, as well as two separated, smaller units totaling another 2,500 acres. These lands are home to several threatened birds of the Atlantic Forest, such as the Golden-tailed Parrotlet and a reintroduced population of the Red-billed Curassow. It is also possible that it contains a remnant population of the Kinglet Calyptura, a “lost” species that has not been seen since the late 1990s.



Red-billed Curassow art courtesy of BirdLife

ABC also recently assisted its Peruvian partner, Asociación Ecosistemas Andinos (ECOAN), in expanding the Abra Patricia-Alto Nieva Private Conservation Area in the Amazonas Department through the acquisition of a key

piece of land along the western side of the reserve. The property, called Bellavista by its previous owners, is just 58 acres, but protects an important watershed that supplies water for the Long-whiskered Owlet Biological Station and lodge. Additional land acquisitions are also in negotiation to protect further habitat for the owlet and the other endangered species safeguarded by the reserve, and to prevent illegal logging, hunting, and orchid harvesting.

Birders visiting Abra Patricia now have a new way of watching the diverse bird life of the reserve with the construction of a new canopy observation tower. Visitors can climb up to treetop level to observe flocks of brightly colored songbirds such as the Chestnut-breasted Chlorophonia, Flame-faced Tanager, and White-eared Solitaire, that normally lead to “birders neck” when seen from the ground. The tower, which is the first cloud forest canopy bird observation tower in the Andes, was built with support from ABC and the Gordon and Betty Moore Foundation. For more information contact David Wiedenfeld, ABC, <dwiedenfeld@abcbirds.org>.

Bird Trade Continues to Harm Endangered Species in South America

The three juvenile Golden Parakeets pictured here were photographed in Bolivia, where they were found while being transported en route to Peru. These endangered birds were illegally caught and smuggled out of Brazil, where they occur in decreasing numbers, primarily in the Amazon Basin of the state of Pará.

They were reportedly sold to a Peruvian by a known (and previously jailed) illegal bird trader. These and other threatened birds are protected by the Convention on the International Trade in Endangered Species (CITES), making their international transport illegal without permits, but in this case, the Bolivian government failed to confiscate the birds or charge the person transporting them.

The illegal bird trade is responsible for declines in the populations of several species, including the Blue-throated and Lear’s Macaws – two species that ABC is helping to protect through work with its Bolivian and Brazilian partners. Threatened species have benefitted from the long-standing U.S. import ban on all wild-caught birds, and more recently from a similar ban by the European Union. Nevertheless, illegal trade within Latin America and more recently with



These endangered Golden Parakeets were illegally trapped and smuggled from Brazil. Photo: Mauricio Herrera

Asia remains a serious threat. For more information, contact Bennett Hennessy, Asociación Civil Armonía, <abhennessey@armonia-bo.org>.

Wikipedia.com



Study Finds Outdoor Cats Easy Prey for Coyotes, Recommends Keeping Cats Indoors

Coyotes regularly feed on outdoor cats, according to a scientific study, *Observations of Coyote-Cat Interactions*

by Shannon Grubbs of the University of Arizona and

Paul Krausman of the University of Montana, published in the *Journal of Wildlife Management* (July 2009). The researchers tracked coyotes in Tucson, Arizona, and observed 36 coyote-cat interactions, of which 19 resulted in coyotes killing cats.

Other studies have found that approximately 13% of a coyote's diet consists of cats. However, during this study, in the 45 instances when coyotes were observed feeding, 42% of the meals were cats. The researchers concluded that any cat outside in that area is vulnerable to coyote attack, and recommended that cat owners keep their cats indoors.

This finding raises questions about trap, neuter, and release programs (TNR) that catch feral cats, neuter them, and then release them back into the wild. ABC has consistently raised concerns about TNR programs because these cats kill hundreds of millions of birds each year, and because TNR programs do not provide a humane solution for the cats themselves.

“Well-meaning, but misguided TNR practitioners are creating unsafe conditions for domestic cats by releasing them back into areas where they may become prey for coyotes and other predators.”

Darin Schroeder
Vice President of Conservation Advocacy, ABC

“Well-meaning, but misguided TNR practitioners are creating unsafe conditions for domestic cats by releasing them back into areas where they may become prey for coyotes and other predators,” said Darin Schroeder, ABC's Vice President of Conservation Advocacy. “Providing an all-you-can-eat buffet for coyotes is not a sensible solution. We urge states and communities to reject this inhumane approach to the feral cat problem, and to require responsible care of pets and the removal of feral cats from the wild.”

Despite this risk of predation, TNR has been adopted in areas with large coyote populations. Arizona's Maricopa County, which is the fourth largest county in the country with nearly four million people, has adopted TNR.



Cats kept indoors are safe from roving predators such as coyotes. Photo: stock.xchng

According to one source, animal control agents in Austin, Texas have had to remove coyotes from the vicinity of TNR colonies over liability concerns – the local coyotes, attracted by cat food and the easy availability of cat prey, were losing their fear of people.

“County officials are wrong when they say TNR is an effective solution,” said Schroeder. “The truth is that TNR fails to eliminate cat colonies, and instead perpetuates many of the problems these colonies create, including the predation of birds and other wildlife, risks to human and wildlife health, and public nuisance.”

ABC recently produced a short film, *Trap, Neuter, and Release: Bad for Cats, Disaster for Birds*, available on ABC's YouTube channel <www.youtube.com/abcbirds>, which reveals how trap, neuter, and release is failing to eliminate cat colonies, and is contributing to the deaths of millions of birds each year, including endangered species. Contact Steve Holmer, ABC, <sholmer@abcbirds.org>.

Will the Hawaiian Hawk be Removed from the Endangered Species List?

In June, FWS reopened the public comment period for the proposed removal of the Hawaiian Hawk or 'Io from the federal list of endangered and threatened species. Due to the level of interest in this proposal, FWS provided an additional 60 days for the public to submit comments regarding the proposed rule and the draft post-delisting monitoring plan. ABC believes that due to its small population, downlisting the species to threatened status would be preferable to delisting.

The 'Io was first listed as endangered in 1967, based on its small population size, its restricted range, and the loss of native forest habitat due to agriculture, logging, and commercial development. As a result of successful implementation of recovery actions and other conservation efforts, the Hawaiian Hawk can now be found throughout the island of Hawai'i. According to FWS, the Hawaiian Hawk has maintained a stable population for at least 20 years, with a total population of approximately 3,000 birds.

If made final, the proposed rule would remove all the protections the 'Io currently receives under the Endangered Species Act (ESA). However, it would remain protected under the Migratory Bird Treaty Act, which prohibits killing, selling, or otherwise harming migratory birds, their nests, or eggs.

The ESA mandates that a species must be monitored for five years after it is delisted. FWS proposes to conduct monitoring through an

island-wide survey every five years between 2012 and 2032. Post-delisting monitoring ensures that a species delisted due to recovery remains secure from the risk of extinction after ESA protections have been removed. The Service can initiate procedures to immediately relist the 'Io if it experiences significant declines in numbers or distribution. For more information, contact George Wallace, ABC, <gwallace@abcbirds.org>.

Hawaiian Hawk ('Io): Jack Jeffrey



Recovering Hawaiian Crow a Big Job

In April, FWS released a revised recovery plan outlining the steps needed to prevent the extinction of the endangered Hawaiian Crow, or 'Alalā, which is revered by many Hawaiians and holds a special place in native culture. Since 2002, the species has only existed in captivity, with 60 'Alalā currently held at two Hawaiian propagation facilities run by the Zoological Society of San Diego in association with FWS, Hawaii Division of Forestry and Wildlife, and the Biological Resources Division of the U.S. Geological Survey.

FWS hopes to use the release of the recovery plan to reach out to Hawaiian communities to ask for their support in restoring the 'Alalā to its native forests. The estimated cost of implementing all the recovery actions outlined in the revised recovery plan to bring the Hawaiian Crow back from the brink of extinction is well over \$14 million over the next five years, due in large part to habitat restoration efforts. The recovery efforts

also include expanding captive propagation to minimize loss of genetic diversity, managing threats to the species, establishing new populations in managed habitat, establishing a program to increase public support, and continuing research and adaptive management practices for the species' recovery.



The 'Alalā (Hawaiian Crow) has existed only in captivity since 2002. However, FWS has created a recovery plan to re-introduce the species into the wild. Jack Jeffrey

ABC Petitions EPA to Ban Import of Food Containing Pesticide Residues

In August, ABC petitioned the U.S. Environmental Protection Agency (EPA) to ban the import of crops containing any traces of 13 toxic pesticides. These pesticides are highly hazardous to birds, and their use is either banned or restricted in the United States. However, they are still commonly used on crops throughout Latin America, where many species of U.S. migratory birds spend the winter months. In addition to the risks to birds, several of these chemicals also pose a risk to agricultural workers.

“Allowing residues of these hazardous pesticides on imported food gives tacit U.S. approval to foreign

“Preventing import of crops with these pesticide residues will not only encourage foreign growers to use safer pesticides... it will also level the playing field for U.S. farmers growing the same crops who have to comply with stringent domestic pesticide standards.”

Michael Fry
Director of Conservation Advocacy, ABC

dichlorvos. The Avian Incident Monitoring System (AIMS), a database of bird-pesticide interactions in the United States maintained by ABC (www.abcbirds.org/policy/pesticides), has records of bird deaths resulting from nearly all of the 13 petitioned pesticides before they were cancelled in the United States. For example, 388 birds, including Cedar Waxwings, Mourning Doves, and Eastern Bluebirds were killed by fenamiphos in nine separate incidents; phorate killed nearly 3,000 birds in 32 separate incidents, among them Black-necked Stilts, Eastern Bluebirds, and many waterfowl, and diazinon



Cedar Waxwing: Tom Grey



Black-necked Stilt: ClipArt.com



Mourning Doves: Gary Smyle

countries to use chemicals that are known to be deadly to our migratory birds,” said Michael Fry, American Bird Conservancy’s Director of Conservation Advocacy. “EPA has an obligation under Executive Order 13186, the Migratory Bird Treaty Act, and the Endangered Species Act to ensure that migratory birds are not harmed. This petition is an entirely new approach to ensuring that those obligations are fulfilled.”

Many of the Latin American countries that currently use these pesticides export coffee, bananas, citrus crops, and other produce to the United States. Agricultural areas – in particular shade coffee farms – provide valuable habitat for migratory birds, and so pesticide

use there can pose a significant threat to bird populations.

“Preventing import of crops with these pesticide residues will not only encourage foreign growers to use safer pesticides and implement integrated pest management practices that reduce overall pesticide use, it will also level the playing field for U.S. farmers growing the same crops who have to comply with stringent domestic pesticide standards,” said Fry.

Specifically, ABC is seeking to revoke the import tolerances for cadusafos, cyproconazole, diazinon, dithianon, diquat, dimethoate, fenamiphos, mevinphos, methomyl, naled, phorate, terbufos, and

has been documented as the culprit in more than four hundred incidents that have left over 4,000 birds dead. These U.S. data are a likely indication of similar bird deaths in Latin America.

The petition was posted to the Federal Register on September 1, 2009, initiating a 60-day public comment period. If you would like to send comments, see www.regulations.gov/search/Regs/home.html#submitComment?R=0900006480a1a51f.

The full petition is available at www.abcbirds.org/newsandreports/releases/090730_petition.html.

Contact Michael Fry, ABC, <mfry@abcbirds.org> for more information.

EPA to Review Pesticide Impacts on Endangered Species in the Bay Area

In July, the U.S. Environmental Protection Agency (EPA) announced a proposed settlement of a lawsuit initiated by the Center for Biological Diversity relating to pesticides and endangered species in the San Francisco Bay area. The suit claims that EPA has not complied with the Endangered Species Act by failing to consult with FWS scientists. Under Section 7 of the Act, consultations are required to establish that EPA's actions regarding the registration and re-registration of pesticides will not jeopardize the survival and recovery of listed species, or destroy or adversely modify their critical habitat.

More than 900 pesticides are registered for use in California, and over 61 million pounds of pesticide active ingredients were applied to the Bay Area from 1999-2005. Pesticide-laden runoff can pose acute and chronic problems to wildlife. If the court agrees with the proposed settlement agreement, it would require EPA to review the health effects of 74 pesticides on 11 listed vertebrates, including the California Clapper Rail, by 2014.

Pesticides used within one mile of California Clapper Rail habitat include acephate, aldicarb, azinphos-methyl, chlorpyrifos, endosulfan, naled, and permethrin. These pesticides can threaten wildlife by direct exposure and



California Clapper Rail:
Glen Tepke

toxicity, or indirectly by destroying habitat or reducing food availability. Sub-lethal exposure to pesticides can affect behavior, reproduction, and nervous system function. Changes in bird behavior may lead to increased predation and nest abandonment.

“The California Clapper Rail only inhabits marshes around San Francisco Bay, and numbers fewer than 1,000 birds,” said Moira McKernan, ABC's Pesticides and Birds Program Director. “FWS considers the Clapper Rail to be vulnerable to pesticides from runoff that can affect its insect food supply.”

As a result of the suit, the EPA may have to impose greater restrictions on the 74 pesticides in the eight San Francisco Bay area counties affected, including establishing buffer zones around application areas to reduce runoff. It also has the potential to create a precedent that will have a huge impact on the way EPA registers and reregisters pesticides. Moira McKernan, ABC, <mmckernan@abcbirds.org>.

EPA Registers Harmful Rodenticide, Opens Door to Bird Poisonings

Conservationists are concerned over a recent Environmental Protection Agency (EPA) decision to register the poison Rozol (chemical name chlorophacinone) to kill prairie dogs. This chemical has been registered in the past to kill pest rodents such as mice and rats, but this new use could also lead to large numbers of birds of prey being poisoned after they feed on the poisoned animals. Landowners are supposed to pick up carcasses found above ground, but animals can die up to three weeks after application, so many prairie dogs will likely be missed, eaten by scavengers before they can be collected, or preyed on before they succumb to the poison.

The Ferruginous Hawk is a species of particular concern in this area, and the black-footed ferret, one of the most endangered mammals in the world, preys exclusively upon prairie dogs. The ferret is listed under the Endangered Species Act, but EPA has failed to undertake mandatory consultations with FWS scientists to ensure that they are not harmed by this new use of Rozol. In addition, EPA has

failed to consider the secondary poisoning effects of Rozol on migratory birds.

ABC met in person with EPA officials to object to their handling of the registration process, and Audubon of Kansas wrote a detailed letter to the EPA about its concern with the widespread use of Rozol throughout the Great Plains. Their comment noted that eagles, hawks, swift foxes, badgers, coyotes, and black-footed ferrets all face the prospect of secondary poisoning from Rozol on millions of acres.

There are other rodenticides, such as zinc phosphide, already registered for use on prairie dogs, that have little to no risk of secondary poisoning when used according to label instructions. ABC believes that, given the risks to endangered species and predatory birds, and the availability of an acceptable alternative, the use of Rozol for prairie dogs should be discontinued. Contact Michael Fry, ABC, <mfry@abcbirds.org>.



Ferruginous Hawk: Tom Grey

Big Wins for Birds on National Forests

A federal judge has struck down the 2008 forest planning regulations that eliminated a key wildlife protection provision known as “viability”. The Wildlife Viability Requirement of the National Forest Management Act of 1976 provides important protection for the hundreds of bird species that inhabit the 193 million-acre U.S. National Forest System. This rule requires that as the Forest Service develops plans for each National Forest, it must maintain “viable populations” of native vertebrates across their range. Viability has been instrumental in protecting habitat for Northern Spotted Owls, and Black-backed and Red-cockaded Woodpeckers. Because viability has proven to be one of the strongest wildlife protection rules for National Forests, it is a frequent target of interests seeking to eliminate environmental safeguards.

As a result of this recent court decision, the Forest Service has reverted to a forest planning rule issued in 2000 that is itself embroiled in a legal challenge by conservation groups, in part because it weakens the viability standard. The Obama Administration has indicated that it will now develop a new planning rule. Meanwhile, Rep. Ron Kind (D-WI) has introduced the America’s Wildlife Heritage Act (H.R. 2807) in the House of Representatives that would enshrine the viability rule into law, and also apply it to the U.S. Public Lands System managed by the Bureau of Land Management.

In other good news for National Forests, the U.S. Secretary of Agriculture Tom Vilsack announced the Obama Administration will sup-



Kentucky Warbler: FWS

...the Obama Administration will support “roadless area” conservation, and issued a directive limiting projects in roadless areas for one year to enable a final policy to be developed.



Spotted Owl: Charlie Denton/USDA Forest Service

port “roadless area” conservation, and issued a directive limiting projects in roadless areas for one year to enable a final policy to be developed. This interim protection is necessary until court challenges to the Roadless Area Conservation Rule of 2001, which protected 58.5 million acres of undeveloped National Forests from commercial logging and road building, can all be resolved. The Ninth Circuit

Federal Court of Appeals brought this resolution closer with an August ruling that previous efforts to replace the Roadless Rule had been illegal,

Roadless areas are lands exceeding 5,000 acres within National Forests that are devoid of roads, and where the impacts of development have been minimal. Scientists have found that these areas have the highest degree of ecological integrity within the forests, and are where wildlife demonstrates the greatest resilience to natural disturbances and external threats. Species that require mature forests such as the Spotted Owl and Northern Goshawk benefit, as do neotropical migrant species that rely on interior forests, such as the Kentucky and Blue-winged Warblers.

Some of the most important roadless areas at stake are in Alaska’s Tongass National Forest, an ABC-designated Globally Important Bird Area that is home to some 300 bird species, including the Marbled Murrelet, Northern Goshawk, and a population of more than 10,000 Bald Eagles. This temperate rainforest also stores vast amounts of carbon, but was excluded from protections of the 2001 Roadless Rule, opening it up to a number of logging projects. The Obama Administration is now considering whether the Tongass’ roadless areas should again be protected. In what conservationists hope is a sole exception to the time-out, Secretary Vilsack recently released one small roadless area logging project on the Tongass. Contact Steve Holmer, ABC, <sholmer@abcbirds.org>.

New Study to Help Spectacular Hummingbird

American Bird Conservancy (ABC) and its Peruvian partner Asociación Ecosistemas Andinos (ECOAN) have collaborated with a number of other authors to produce a new report that will help advance conservation in one of the world's bird diversity hotspots. The report, funded by the Gordon and Betty Moore Foundation and the Connie and Jeff Woodman Family Foundation, finds that most of the species at greatest risk in the Marañon-Alto Mayo region of the Andes Mountains currently have little or no protected habitat. Conservation groups now plan to use the report to guide land protection efforts in the region.

"Together, ABC and ECOAN have succeeded in protecting vital habitat for many of Peru's threatened species, including the endangered Marvelous Spatuletail hummingbird and Long-whiskered Owlet, both of which are found only in the Marañon-Alto Mayo Conservation Corridor," said study co-author Hugo Arnal, ABC's Director of International Sustainable Conservation. "But there are many other species here that remain unprotected, and this study helps prioritize future conservation work to ensure the best results can be achieved with critical conservation dollars."

The Marañon-Alto Mayo Conservation Corridor constitutes a rugged and varied landscape covering over six million acres in northern Peru, and includes high conservation priority desert, dry forest, and yungas (a transitional zone between the Andean highlands and the



Marvelous Spatuletail: Greg Homel

eastern forests). This study identified 64 bird species of conservation importance in the Marañon, with a subset of 28 bird species of the highest conservation priority. Twenty-six of these are endemic to Peru, and four have been identified by the Alliance for Zero Extinction (AZE) as restricted to single, small areas, the protection of which is essential if the species are to survive.

"This work highlights the critical need to protect the Marañon-Alto Mayo Conservation Corridor," said ECOAN's President Constantino Auca, another of the study authors. "Even though the region is considered a high conservation priority, barely 0.1% of it is actually protected."

The study and associated maps and satellite images can be downloaded from www.abcbirds.org/abcprograms/international/action/maranon.html. Contact Hugo Arnal, ABC, <harnal@abcbirds.org>.

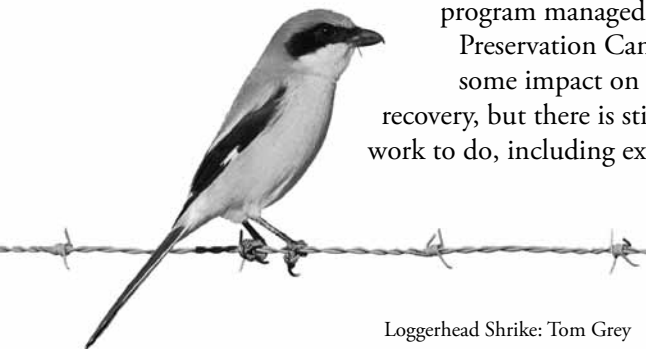
Loggerhead Shrike Clings On In Canada

The tiny Canadian breeding population of the Loggerhead Shrike is still clinging to existence, and thanks to conservation action has seen a small increase in recent years from 18 pairs in 1997 to 27 in 2008. A captive-breeding and release program managed by Wildlife Preservation Canada has had some impact on the shrike's recovery, but there is still significant work to do, including expanded habi-

tat conservation, if the species is to remain a Canadian breeding species in the long-term.

The reasons for the shrike's precipitous decline in eastern North America are still poorly understood. The species once ranged throughout the eastern portion of the United States from Florida north to Canada, but it is now rare north of North Carolina. The fact that the species can find suitable habitat in southern Canada suggests that there may be some chance of recovery elsewhere if we can fully understand the precise reasons for the original decline. Possibilities include the loss of grassland and scrub habitats, and pesticide impacts, but further study is still needed.

For more detailed information on this study, see www.wptc.org/wildlife/shrike.php.



Loggerhead Shrike: Tom Grey

States and Communities Tackle Light Pollution Harmful to Migratory Birds

Communities are starting to attack the problem of light pollution, which is harmful to migratory birds, through voluntary programs and also through legislation. Inspired by Audubon Minnesota's voluntary Lights Out program, the state of Minnesota recently enacted a law requiring all state-owned and leased buildings (totaling more than 5,000) to turn off their lights after midnight during spring and fall migration seasons. ABC is currently working with the San Francisco Board of Supervisors, which is considering an ordinance requiring all commercial buildings to turn off lights after 9 pm, or one hour after the close of regular business.

Detroit Audubon's Project Safe Passage inspired Michigan Governor Jennifer Granholm to proclaim spring and fall migration periods as *Safe Passage Great Lakes Days* in Michigan, since 2006. This March, the Michigan House of Representatives passed HR 31, a resolution to encourage the Michigan Department of Natural Resources and the Michigan Public Service Commission to promote Project Safe Passage.

Arizona was the first state to take action to address this problem in 1989. Cities and counties in northern Arizona, which has a significant tourism industry based

on astronomy and star gazing, passed the first legislation in the United States to reduce "skyglow". Chicago started the first voluntary Lights Out project in the United States, spurred by increasing bird mortality caused by the growing number of tall buildings. Now, all tall buildings in the downtown area dim lights for five

Lights Out programs now exist in many cities, including Toronto, Houston, Minneapolis/St. Paul, Indianapolis, and Boston.

months each year, saving an estimated 10,000 birds annually, as well as significant amounts of electricity.

"Many people didn't understand why the birds were dying. Once they learned it was due to the lights, they were happy to help," said Linda Day Harrison, President of BW Phillips Realty Partners, and a member of the Building Owners and Managers Association of Chicago. Lights Out programs now exist in many cities, including Toronto, Houston, Minneapolis/St. Paul, Indianapolis, and Boston.

Skyglow, also called light waste or light pollution, is light which is carelessly or deliberately emitted upwards from poorly aimed or badly designed lamps. This unnecessary lighting is responsible for an array of problems, including the deaths of thousands of migrating birds each year.

Many bird species migrate at night, orienting to stars and the Earth's magnetic field. Artificial lights can confuse the migrants, particularly on overcast nights when stars are not visible and birds fly low. Birds in large numbers will circle buildings, towers, and other lighted structures until they collide with the structure or each other, or drop from exhaustion. To compound the problem, some lights used to mark towers and bridges for airplane navigation were recently shown to also disrupt birds' magnetic orientation – a double whammy.

We hope that these examples of communities taking action will inspire similar efforts across the country, until Lights Out is no longer the exception but the rule. The popularity of the Earth Hour anti-global warming campaign <www.earthhour.org> raises the possibility that global efforts to save energy could also save millions of birds. For more information, contact Christine Sheppard, ABC, <csheppard@abcbirds.org>.

Saltmarsh Birds Threatened by Sea-Level Rise

Species of marsh birds such as the Clapper Rail, Virginia Rail, Willet, Seaside Sparrow, and Marsh Wren could experience 80% population declines in the Chesapeake Bay region if sea-levels rise by three to six feet by the year 2100. The analysis by the Center for Conservation Biology of William and Mary College found that sea-level rise will be particularly harmful to the Black Rail, Saltmarsh Sparrow, and Henslow's Sparrow, which rely solely on irregularly flooded high marsh. The scientists' simulation found that many of the known breeding sites of these species would be inundated by rising waters.

Sea-level rise is a particularly acute problem for the Chesapeake Bay, which is already losing marshland twice as fast as the global average due to natural subsidence caused by movement in the North American plate. The region supports approximately 30% of the salt marsh along the Atlantic Coast, and 60% of the salt marsh north of the Carolinas.

The researchers simulated the loss of marshes from rising ocean waters, currently predicted to globally rise between a two and six feet by the end of this century. One question



The Black Rail and other saltmarsh species will be severely impacted by predicted sea-level rise. Photo: Greg Lavaty

that remains is whether any sort of effective mitigation exists that will allow salt marshes to move further inland. Many of these areas are now developed, and may demand hard barriers to keep the ocean at bay. This could squeeze salt marsh habitat out of existence, and with it, many bird species that have evolved there. See www.ccb-wm.org for more information.

Another study has found that as much as half of California could be occupied by new bird communities by 2070, according to PRBO Conservation Science and other researchers. While the movement of individual species as result of climate change is already being documented, this study broke new ground by determining that entire new assemblages of birds are likely to result, with uncertain consequences. For more information on this study, see www.prbo.org.

Mexican Wetland Threatened with Development

The Mexican Government is permitting the industrial development of Laguna de Cuyutlan in Colima, Mexico, the fourth largest mangrove lagoon in the nation, and the largest wetland within a 700-mile span along the Pacific Coast. The lagoon is on the principal western migratory corridor for 89 species of waterbirds and shorebirds, 22 of which are at risk, including the Magnificent Frigatebird, Clapper Rail, Wilson's and Snowy Plovers, Least, Elegant, and Gull-billed Terns, Western Sandpiper, Marbled Godwit, and Heermann's Gull.

Construction of an access canal for liquified natural gas container vessels is expected to raise the concentration of salt and water levels throughout the lagoon system, which would kill species of mangrove and fish not adapted to these new conditions. As a result, many species of reptiles, mammals and invertebrates could lose their habitat and food supply. The ongoing local uses of the area, including salt extraction and fishing, combined with some sewage



Elegant Tern: Tom Grey

and pesticide runoff, have already been shown to have had some effects on this vital habitat.

Laguna de Cuyutlan lost its legal environmental protection after the Mexican government accepted recommendations for development based on a three-month environmental impact study. The state and federal laws protecting mangroves and wetland habitat have been set aside in favor of industrial interests. The decision is being challenged in court by local environmental groups, led by Bios Iguana, who brought their case to the tri-national Commission for Environmental Cooperation, which was set up as part of the North American Free Trade Agreement. The case is still pending, but unfortunately, construction continues until the Commission rules on the legality of the permits, despite the fact that there has been no scientific demonstration that these species will be unaffected as required by Mexican law. Contact Esperanza Salazar Zenil, Bios Iguana, <bios_iguana@hotmail.com>.

FWS Taking Action to Enforce the Migratory Bird Treaty Act

In two separate cases, oil giant ExxonMobil and PacificCorp, a major electric utility, recently pleaded guilty to killing eagles and other migratory birds, and will pay fines that will be used to support a wildlife rehabilitation center in Colorado, and to fund raptor research and conservation projects in Wyoming, Utah, Idaho, and Montana.

ExxonMobil was convicted under the Migratory Bird Treaty Act (MBTA) of failing to protect 85 birds from entering and dying in open oil tanks and pits at oil production fields in five states between 2004 and 2009. The company will have to pay \$600,000 in fines and spend \$2.5 million modifying the oil facilities to prevent future injury to birds. They will also donate \$40,000 to the Pauline S. Schneegas Wildlife Foundation near Silt,

Colorado, which received some of the oiled birds.

PacificCorp similarly pleaded guilty under the MBTA to electrocuting 232 Golden Eagles and other migratory birds on its power lines in Wyoming between 2007 and 2009. The company has agreed to pay \$1,410,000 in fines and restitution, and spend an additional \$9.1 million to repair or replace equipment to protect migratory birds from future electrocution. The agreement with PacificCorp follows years of failure by the utility to use readily available techniques to prevent raptor electrocutions.

Funds from the fine will be distributed to conservation organizations, including HawkWatch International, Wildlife Heritage Foundation of

Wyoming, the National Fish and Wildlife Foundation, the Murie Audubon Society of Casper, Wyoming, and the Native American Fish and Wildlife Society for projects to conserve raptors and eagles.

“Both of these cases represent a welcome and significant change in attitude by the Department of Justice, which has often been reluctant to prosecute wildlife kills under the MBTA in the past,” said Michael Fry, ABC’s Director of Conservation Advocacy. “ABC hopes that these cases will bring about a marked change in the behavior of utility and oil companies operating in the West, where neglect has frequently killed protected birds.” Contact Michael Fry, ABC, <m Fry@abcbirds.org>.

ABC Calls for Action to Halt Mountaintop Mining

Representatives Frank Pallone (D-NJ) and Dave Riechert (R-WA) have introduced legislation that could bring an end to the environmentally devastating process of mountaintop coal mining. The bill, H.R. 1310, would amend the Clean Water Act to clarify the definition of “fill material” and prevent mountaintop mining waste from being dumped into nearby valleys. Senators Ben Cardin (D-MD) and Lamar Alexander (R-TN) have introduced a companion bill in the Senate, S. 696, “The Appalachia Restoration Act”, which accomplishes the same task. If the legislation passes and is signed into law, it would force the Army Corps of Engineers to re-evaluate how it issues permits for mountaintop mining.

Mountaintop removal/valley fill coal mining is America’s most destructive mining practice. Entire tops of

mountains are removed to access coal seams, and millions of tons of rock and fill are dumped into surrounding valleys. Entire mountainsides are turned into barren plateaus, streams and their aquatic life are buried forever under an avalanche of fill, and forests are decimated. More than 1,200 miles of streams and river valleys in Virginia, West Virginia, Kentucky, and Tennessee have been turned into barren moonscapes by mountaintop mining activities so far.

The most notable bird species harmed by this practice is the Cerulean Warbler, which prefers mature forests on ridgetops, and whose core breeding range falls within the Appalachian coalfield region. Since surveys began the 1960s, the Cerulean Warbler population has declined by 70%.

Fortunately, mountaintop mining is facing increased public opposition

and government scrutiny. New legislation could finally put an end to the destruction. “This legislation is essential to keep mountaintop mining operations from inflicting irrevocable damage to mountain forest and riparian ecosystems that many bird species depend on,” said Darin Schroeder, ABC’s Vice President of Conservation Advocacy. “By taking action today, citizens can help the Cerulean Warbler and other bird species of conservation concern.”

ABC encourages you to contact your lawmakers and urge them to cosponsor the new legislation. Visit www.abcbirds.org/action to send letters to your Senators and Representative today through ABC’s automated action system. Contact Darin Schroeder, ABC, <dschroeder@abcbirds.org>.

Contaminants Plague Osprey in Chesapeake Bay

Research is finding that environmental contaminants are still a potential threat to Ospreys in the Chesapeake Bay, which supports the world's largest concentration of the species with more than 2,000 pairs. Barnett Rattner and his U.S. Geological Survey co-workers examined Osprey eggs in the bay for DDT and other organochlorine pesticides. They found DDT and its metabolites to be at less than half the levels reported in the 1960s and '70s, but total organochlorine concentrations in eggs were only slightly lower than those reported in the 1970s. After publication of Rachel Carson's landmark book *Silent Spring*, almost all organochlorines, including DDT were banned, but their presence is still felt.

Of growing concern is another group of chemicals that occur in the environment as a result of the use of flame retardants. Polybrominated diphenyl ethers (PBDEs) are similar in many ways to organochlorines, and have been linked to toxic effects in human and animal studies. PBDEs were detected in Chesapeake Bay Osprey eggs by Rattner and his colleagues. ABC's Pesticides and Birds Program Director, Moira McKernan, has studied the effects of PBDEs in bird eggs, and concludes that the chemical levels Rattner recorded would be lethal to developing embryos.

A recent study found that a mixture of flame retardants caused egg shell thinning in captive American Kestrels,

which affected their reproductive success. Birds exposed to the highest dose laid fewer fertile eggs ten days later than non-exposed birds, and produced fewer hatchlings and fledglings. These effects are similar to those of DDT on predatory raptors, and may be contributing to the decline of American Kestrels.

Most mixtures of PBDEs have been voluntarily withdrawn from the market, and they are banned in California, but this group of chemicals is persistent in the environment, and Ospreys, Kestrels, and other birds are likely to be exposed for many years to come.

Although Osprey populations are currently at near record high levels, ABC's Casey Lott had this word of caution: "Current success does not predict the future for recovering bird species such as the Osprey and Peregrine Falcon that accumulate contaminants in their systems. It is essential to continue monitoring populations so we know that previous recovery efforts are not being reversed. If we stop monitoring, how will we detect the next DDT?"

For more information, contact Moira McKernan, ABC, <mmckernan@abcbirds.org>.



Osprey: Greg Lavaty

Two Bird Species Proposed for Canadian ESA Listing

In April, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) met to assess Canadian wildlife species that may be at risk of extinction. As a result, two more bird species were added to their list of threatened and endangered wildlife—the Whip-poor-will and the Horned Grebe.

The assessment of the Whip-poor-will as threatened was based on a new status report presented to the Committee, which showed both long- and short-term population declines, possibly totaling more than 30% over the past ten years. As with other aerial foraging insectivores, habitat loss and degradation, as well as changes to the insect prey base were cited as likely causes.

The Horned Grebe was designated as a species of special concern (one level below threatened and two below endangered) due to loss and degradation of its wetland habitat and pressure on its wintering areas. Canada has approximately 92% of the North American breeding range of this species, which is found in the provinces of

Yukon, Northwest Territories, Nunavut, British Columbia, Saskatchewan, Manitoba, and Ontario. The Magdalen Island population of the grebe, in the province of Quebec, was listed as endangered. This small breeding colony (averaging just 15 adults) has persisted here for at least a century, but has recently shown declines in both size and area of occupancy.

COSEWIC is an independent committee of experts that assesses and designates which wildlife species are in danger of disappearing from Canada. The Government of Canada takes COSEWIC's designations into consideration when establishing the legal list of wildlife species protected by its Endangered Species Act. After receiving COSEWIC's recommendation, the Minister of the Environment can either choose to list the species, ask for more information, or decide against listing altogether. Before making his decision, however, he must consult with key Canadian stakeholders, including First Nations, and open up a public comment period. For more information visit www.cosewic.gc.ca and www.ec.gc.ca.

Selenium, Ducks and the Great Salt Lake

The State of Utah recently proposed a new rule on the discharge of selenium into the Great Salt Lake to protect nesting waterfowl. The rule was prompted by mining activities and agricultural runoff, which have the potential to increase selenium concentrations to toxic levels over the next few years.

Selenium contamination of wetlands has been a problem in much of the arid West due to its presence in agricultural drainage and irrigation runoff. In 1982, deformed duck embryos at Kesterson National Wildlife Refuge in California caused the closure of the refuge. Ever since, FWS has carefully monitored selenium buildup in rivers and wetlands throughout the United States.

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Utah has proposed a selenium limit of ten parts per million in the Great Salt Lake, which lab studies have shown will protect 90% of mallard eggs. However, FWS stated that this level needs to be halved to protect 100% of duck embryos, as required under the Migratory Bird Treaty Act.

The Great Salt Lake is an ABC-designated Globally Important Bird Area because of its significance as a stopover site for millions of migrating



waterbirds, including ducks, shorebirds, and grebes, but this case goes beyond the health of the lake itself. The Utah decision will set a precedent for selenium discharges throughout the United States, including California's Central Valley, the Salton Sea, and discharges from mountaintop coal mining in Appalachia (see article on page 15). In 2005, EPA approved selenium discharges from mountaintop coal mining over the objections of FWS and USDA Forest Service scientists. This decision allowed the continued mining and discharge into rivers without costly clean-up of the selenium contamination.

The EPA Office of Water must now make a decision on the Utah rule, which is expected before the end of 2009. Contact Michael Fry, ABC, <mfry@abcbirds.org>.

Idaho Plan to Kill Pelicans Lacks Justification

The Idaho Department of Fish and Game has accepted a controversial management plan for American White Pelicans, which proposes to reduce pelican predation on Yellowstone cutthroat trout and Bonneville cutthroat trout. The plan calls for killing thousands of birds – approximately 200 birds per month over the five-year term of the plan – to achieve a 70% reduction at one of the pelican colonies and a 50% drop overall. Managers want to kill the pelicans because they believe them responsible for declining fish populations.

Since 2002, the pelican populations at the two main Idaho colonies have grown tremendously. At the Blackfoot Reservoir, there are now 2,400 breeding birds, up from 1,400, and on Lake Walcott on the Snake River, the population has increased tenfold, to 4,000 birds. Meanwhile, according to the Idaho Department of Fish and Game, the number of spawning trout fell from 4,700 in 2001 to only 14 in 2005.

ABC and several other conservation organizations expressed concern about the plan and submitted comments encouraging the managers to avoid killing the birds. In particular, ABC feels that the plan did not convincingly argue that pelicans were limiting trout populations, given other pressures on the fish. For example, poor water management during the spawning season decimated the trout population after 2001. The plan fails to analyze the scope and effect of

pelican predation relative to other trout mortality factors, implies cause and effect relationships without statistical support, and appears to use pelicans as a scapegoat for the myriad issues facing native trout populations.

In 2004 and 2008, Idaho listed the pelican as critically imperiled, because it has fewer than 10,000 individuals in just two colonies. Ninety percent of the pelican's diet is non-game fish such as chub. Yet the state wants to reduce numbers to just 700 breeding birds at the Blackfoot Reservoir and 2,100 in Lake Walcott.

Because the pelicans are migratory birds, they are federally protected under the Migratory Bird Treaty Act. In order to kill them, state biologists must receive a "take" permit from FWS. No application has been submitted thus far. For more information, contact Jessica Hardesty Norris, ABC, <jhardesty@abcbirds.org>.



White Pelicans: Greg Lavaty

Former Shooting Swamp Now a Bird Sanctuary, but Annual Barbados Shorebird Slaughter Continues

Migrant shorebirds travelling from their nesting grounds in North America to winter in Latin America find no safe haven when they land on the island of Barbados. Instead, they are met by a barrage of bullets from semi-automatic weapons. Island marshes (known locally as shooting swamps) are often manned all day, every day during the shooting season, which runs from July 15 through October 15. Hunters use lures, caged birds, and amplified bird calls to draw migrating shorebirds to the swamps.

Swamp shooting has been taking place on Barbados for generations, and is reminiscent of the mass bird-shootings and market hunting prevalent in the United States during the latter part of the 19th Century in its uncontrolled, indiscriminate take of birds. As many as 30,000 to 45,000 Lesser and Greater Yellowlegs, Pectoral Sandpipers, American Golden-Plovers, and other shorebirds are shot each year. Observers have noted the high numbers of American Golden-Plovers being taken, amounting to as much as 5% of the total population each year.

All species are shot regardless of their scarcity; there is even an instance of the (now probably extinct) Eskimo Curlew being shot in the Barbados swamps in the mid 1960s. Although native Barbadian Maurice Hutt wrote a paper decrying this wholesale slaughter in 1991, no action was taken at the time, largely due to the influence of a small but politically powerful group of shooters, who continue to promote the practice to this day.

Recently, though, there have been some positive developments. Packers Conservation Wetland, a ten-acre former shooting swamp is now being operated as a bird sanctuary by two former hunters who have leased the land and are



High numbers of American Golden-Plovers are still being shot in Barbados swamps each season. Photo: Greg Lavaty.

financing restoration of the area. Bird Studies Canada and BirdLife Caribbean have also contributed funds to support the future management of this sanctuary.

“I ran a campaign to seek either policing of the shooting swamps by monitoring and controls, or preferably, to get it outlawed altogether,” said wildlife conservationist Mike Shemilt, a former resident of the island who has tirelessly campaigned for an end to the hunts. “This included lobbying the then-opposition political party in Barbados, which became the governing party at the last general election.”

Although the new Prime Minister and his Minister of Environment have stated their intention to ban the practice of swamp shooting, to date, nothing has been done to stop the annual slaughter of migrating shorebirds. You can write or e-mail the Minister of the Environment to express your views on the continued shorebird hunts: The Rt Hon. Dr Esther Byer Suckoo, Minister for the Environment, 1st Floor, The S.P. Musson Building, Bridgetown, Barbados, West Indies, or at <envirobbdos@gob.bb>.



Greater (left) and Lesser (right) Yellowlegs are only two of the shorebird species threatened by unrestricted shooting in Barbados swamps. Photos: Greg Lavaty.

ABC Works to Include AZE in the Convention on Biological Diversity

In October 2010, government leaders from around the world will meet in Nagoya, Japan to discuss numerous conservation topics at the tenth Conference to the Parties of the Convention on Biological Diversity. Though the United States has yet to join, the Convention provides an unprecedented opportunity to focus the international community on the plight of the world's most threatened species.

Through the Alliance for Zero Extinction (AZE), ABC and other leading conservation organizations are working with the global scientific and conservation community to help ensure the maximum benefit for the rarest species through the implementation of the Convention. By providing feedback to the Secretariat, ABC is aiming to challenge governments to better protect their biodiversity and to aid countries to better monitor their success towards the 2010 biodiversity target. Defining measurements to

chart progress of biodiversity preservation is an enormous challenge due to the diversity of organisms worldwide.

By protecting sites that are the last refuges of critically endangered and endangered species, AZE offers a simple, straightforward method of protecting global biodiversity.

Recently, the scientific body that recommends indicators to the Convention, the Biodiversity Indicator Partnership, adopted AZE as a sub-indicator under 'Coverage of Protected Areas'. The inclusion of AZE will make the convention's targets both more achievable and more focused. Some countries such as Brazil and Colombia are already working to protect these sites and their species, which are typically endemic to a given country and a source of national pride.

ABC has contributed to the protection of many AZE sites and species throughout Latin America, predominately through a network of private

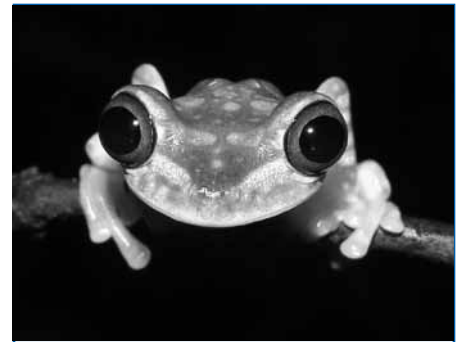


Photo: Mike Parr

AZE offers a simple, straightforward method to save critically endangered and endangered species that are restricted to single sites.

reserves. The economic value from tourism, carbon sequestration, and watershed protection are further incentives to safeguard these areas. Now that the Convention is poised to adopt AZE as an indicator, this proven strategy will likely be a centerpiece for the continued protection of most imperiled species in the Americas. For more information, contact Mike Parr, ABC, <mparr@abcbirds.org>.

Nesting Sites Found for Rare Peruvian Tern

A team of researchers sponsored by ABC located 14 new nesting sites for the endangered Peruvian Tern, five of which are in Peru. According to an article published earlier this year in *Bird Conservation International* (Vol. 19:175–186), wetlands are a more important habitat for the tern than previously supposed, but threats are mounting across their range. "Its habitat is disappearing as quickly as we can look for it," said the study's lead author, Carlos Zavalaga.

Peruvian Terns breed in the sandy desert plains of coastal Peru and northern Chile. Because of their long-term population decline, the Peruvian Tern

is categorized as endangered on the IUCN Red List. The observations that formed the basis for that decision were made in the 1970s and 1990s. In the recent study, a team compiled the information on distribution, numbers, habitat use, and threats of Peruvian Terns that has become available between 2003 and 2008.

"The human population explosion on the coast of Peru has been terrible for these birds," said Jessica Hardesty-Norris, co-author of the article, and Director of ABC's Seabird Program. "The birds usually nest in open sandy areas, where they are vulnerable to off-road vehicles,



Peruvian Tern and chick: Patricia Saravia

land conversion to agriculture, and the presence of feral cats and dogs." Contact Jessica Hardesty Norris, ABC, <jhardesty@abcbirds.org>.

New Greater Sage-Grouse Numbers May Influence FWS Listing Decision, Threaten Wind Energy Development

A new FWS report heightens potential conflicts with Wyoming's burgeoning wind industry and Greater Sage-Grouse conservation. New survey results show average declines in sage-grouse populations on their breeding grounds of 30% between 2006 and 2008, and researchers are expecting the trend to continue in 2009. Although the new survey numbers are down, they are more than double the population in the mid-1990s, and still up from 2002-2003 numbers.

Three listing petitions to include the Greater Sage-Grouse under the Endangered Species Act have been filed. In 2005, the Bush Administration issued a decision that the species did not warrant listing, but that decision was later overturned in court for failure to consider the best science (see *Bird Calls Vol. 12, No. 2*), and FWS now has until February 26, 2010 to issue a new decision.

Once widespread over much of western North America, the Greater Sage-Grouse has suffered a huge range contraction over the past 200 years due to urbanization and agricultural development that have eliminated most of

its sagebrush habitat. Recent, additional threats include drought, coalbed methane extraction, and the development of wind power. It is now found primarily in eastern Montana, Wyoming, northwestern Colorado, Utah, southern Idaho, Nevada, southeastern Oregon, and northeastern California. There is also an isolated population in central Washington.

Listing would almost certainly impact the development of wind farms, whose footprints destroy breeding sites and whose turbines disturb courtship behavior, and would also affect cattle grazing and methane extraction operations. Conflicts with the sage-grouse have already caused one company, Houston-based Horizon Wind Energy, to pull out of a wind farm construction project in Wyoming, and in a July letter to Interior Secretary Ken Salazar, the American Wind Energy Association, Interwest Energy Alliance, and Renewable Northwest Project wrote that placing core sage-grouse areas off-limits to wind development would result in the loss of more than \$20 billion in capital investment. Contact Gavin Shire, ABC, <gshire@abcbirds.org>.

Montana Easement Protects Habitat for Migrant Waterfowl

Thanks in part to efforts by ABC, the Flathead Land Trust recently signed a conservation easement with the owners of one of the highest quality wetlands in the Flathead Valley of northwest Montana. This valley is one of 22 Bird Habitat Conservation Areas designated by the Montana Bird Conservation Partnership, an effort spearheaded by ABC for the Intermountain West Joint Venture. The easement protects 295 acres on the interior of Church Slough, an oxbow of the Flathead River that is heavily used by migrant waterfowl, especially in spring.

Thousands of Tundra Swans, Northern Pintails, and American Wigeon feed here from late March through April on their way north. The property currently provides habitat for Bald Eagles, Ospreys, Sandhill Cranes, Red-naped Sapsuckers, Vaux's Swifts, Willow Flycatchers, and many other birds, and includes the potential for a growing local Trumpeter Swan population.

"There were more swans here this spring than we have seen in years," said landowner Ben Loudon, who has also voluntarily removed his cattle from the land to improve riparian habitat conditions. "We are glad to protect the future of these habitats for the sake of the birds and other wildlife."

The easement was purchased using funds from a North American Wetland Conservation Act (NAWCA) grant. ABC staff provided technical support, including identification of bird habitat benefits, field surveys of spring waterfowl at the site, and GIS support. ABC works closely with the land trust and their "River to Lake" Initiative, designed to protect valuable riparian habitats along the Flathead River and north shore of Flathead Lake.

The Church Slough property was a key site, not only because it is so important to migrant and breeding birds, but because it can serve as an "anchor" property for additional habitat protection efforts along a portion of the river where development pressures have been mounting and family farmers are looking for long-term conservation alternatives for their lands.

"American Bird Conservancy has been a valuable partner in our efforts to achieve our conservation vision," says Marilyn Wood, Executive Director of the Flathead Land Trust. "We see the protection of bird habitat and our waterways as critical to long-term ecological health and quality of life here in the Flathead Valley." Contact Dan Casey, ABC, <dcasey@abcbirds.org>.

Ashy Storm-Petrel Not Endangered, Says Interior Department

The Department of the Interior announced on August 19, 2009 that the Ashy Storm-Petrel, an imperiled seabird, does not warrant protection under the Endangered Species Act. The Department acknowledged that the petrel faces threats from multiple sources, including predators, light pollution, oil pollution, and climate change, but contends that these do not threaten the species' survival.

“Secretary of the Interior Ken Salazar is continuing a Bush-era approach of denying protections to species based on an incomplete and selective interpretation of the science,” said Dr. Shaye Wolf, a seabird biologist with the Center for Biological Diversity, which submitted the petition to list the Ashy Storm-Petrel in October of 2007.

The Ashy Storm-Petrel is a small, smoke-gray seabird found almost exclusively off the coast of California, where it nests in rocky cavities on 17 small islands and forages in the heavily trafficked surrounding waters. It has



Ashy Storm-Petrel: Glen Tepke

experienced severe population declines in recent decades: the largest population, which nests on the Farallon Islands National Wildlife Refuge, decreased by 42% in 20 years, prompting the IUCN World Conservation Union to designate it as globally endangered. The Department of the Interior's decision ignored the findings of a recent study that determined that the Ashy Storm-Petrel's population in the northern part of its range declined by 76% over a 22-year period from 1985 to 2006.

The specter of new oil and gas development off California's coast poses a further threat. A single oil spill near breeding or foraging hotspots could

instantly decimate a large percentage of the global population. Artificial light at night is another growing threat to nocturnally active seabirds such as the Ashy Storm-Petrel. Lights on boats, oil and gas platforms, and other offshore and onshore structures can attract and confuse storm-petrels, who continuously circle, unable to extricate themselves from the lights' halo. Eventually, they drop from exhaustion or collide with lighted structure, causing injury and death. Listing under the Endangered Species Act would force federal agencies to consider these and other potential impacts to the storm-petrel when seeking permits for coastal energy development and other activities.

“Species in steep decline with fewer than 4,000 breeding pairs should be a high priority for listing. This was a disappointing decision for the Ashy Storm-Petrel,” said Jessica Hardesty Norris, Director of the American Birds Conservancy's Seabird Program. Contact Jessica Hardesty, ABC, <jhardesty@abcbirds.org>.

Obama Administration Confronts ESA Backlog

The Endangered Species Act states that the Department of the Interior must issue a decision on whether a species deserves a listing within a year of receipt of the listing petition. Currently there are over 250 plants and animals which are awaiting such a finding that are referred to as “candidate” species – some which have been awaiting a decision from the Department of the Interior for as long as 25 years. The Fish and Wildlife Service, the Interior Agency which is responsible for handling listing of endangered species, is working on an accelerated listing process which would focus on



Xantus's Murrelets, although an ABC Watch List species of highest concern, remain on the ESA Candidate List. Photo: Glen Tepke

sweeping ecosystem-based listings that would address many species at the same time. This approach began under the last administration when they proposed listing 48 plants and animals on the Hawaiian island of Kauai. The Service grouped the species proposing the protection of more than 27,000 acres of habitat under a single recovery plan. Currently the Service is reviewing two similar listing proposals for other islands in Hawaii which has a total of 67 species on the candidate list. Contact George Wallace, ABC, <gwallace@abcbirds.org>.

BRIEFS

ABC Releases New BNN Video Highlighting the *State of the Birds Report*

ABC's latest Bird News Network (BNN) videocast highlights the recently released *State of the Birds Report* and its importance in marking a way forward for bird conservation efforts in the United States. The video features Secretary of the Interior Ken Salazar and ABC's Darin Schroeder speaking at the press conference for the report's release, as well as interviews with staff about American Bird Conservancy's efforts to address threats to birds. The video can be viewed on ABC's YouTube channel at <www.youtube.com/abcbirds>.



Recurve-billed Bushbird: Fundación ProAves, www.proaves.org

Bushbird Found at Cerulean Warbler Reserve

Tour guides with the EcoTurs company have confirmed the presence of a small population of the endangered Recurve-billed Bushbird at the Cerulean Warbler Nature Reserve in central Colombia. The reserve was originally protected by ABC and its Colombian partner, Fundación ProAves, to safeguard wintering habitat for the Cerulean Warbler and a number of other threatened endemic species including the Gorgeted Wood-Quail, Mountain Grackle, Chestnut-bellied

Hummingbird, Black Inca, and White-mantled Barbet.

It is estimated that up to four pairs of Bushbirds are present in dense scrub and forest on a steep slope beside the reserve lodge. The sightings expand the species' known range from Norte de Santander and Antioquia. ProAves and EcoTurs are establishing a Bushbird trail to allow improved access for tour groups and researchers.

Study Debunks Alleged Benefits of Trap, Neuter, Release

In an essay published in the August 2009 issue of *Conservation Biology*, a team of scientists summarized the scientific literature about the negative impacts of feral cats on wildlife and the ineffectiveness of trap, neuter, and release (TNR) programs to reduce feral cat populations. They conclude that TNR is ineffective at eliminating cat colonies, a position that American Bird Conservancy shares. For more information on the problems associated with TNR and cat colonies, watch ABC's video, *Trap, Neuter, and Release: Bad for Cats, Disaster for Birds*, on ABC's popular YouTube channel, www.youtube.com/abcbirds.



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Marbled Murrelet: Glen Tepke

Murrelet Population in Nosedive

The most recent FWS population assessment of the Marbled Murrelet found that the population of this threatened species is declining very rapidly, with a 34% drop in Washington, Oregon, and California between 2001 and 2008. The central California population has declined by 75% since 2003. The assessment also confirmed that the Marbled Murrelets in California, Oregon, and Washington qualify as a "distinct population segment", and thus Endangered Species Act protections should be maintained. The murrelet's status became the subject of debate in 2007, when the findings of scientists were overturned by political appointees seeking to remove protections.

Birdwatchers No Featherweights in Contributions to Economy

A new FWS report shows birdwatchers contributed \$36 billion to the U.S. economy in 2006. The report, *Birding in the United States: A Demographic and Economic Analysis*, shows that total participation in birdwatching is strong at 48 million (nearly twice the number of people who play golf in the United States, according to the National Golf Foundation), and has remained at a steady 20% of the U.S. population since 1996.

FWS



“This study further reinforces the importance of bird conservation,” said Darin Schroeder, American Bird Conservancy’s Vice President for Conservation Advocacy. “The *State of the Birds Report*, released earlier this year, found that one-third of all bird species in the United States are in decline or facing serious threats. Losing these species could have significant economic consequences.” Download the study at http://library.fws.gov/Pubs/birding_natsurvey06.pdf.

California State Legislature Advances the “Pet Responsibility Act”

California State Senate Majority Leader Dean Flores introduced The Pet Responsibility Act (SB 250) earlier this year in an effort to deal with California’s tragic and expensive pet overpopulation crisis. The bill was passed by the California Senate and approved in the Assembly’s committee, and now moves to the full Assembly for consideration. The bill requires that all cats six months or older must be spayed or neutered by their owner/guardian if the cat is allowed to roam outdoors.

While this bill does not address the problem feral cats pose to birds, it is a small step in the right direction. The measure could further stem the overpopulation of cats (feral cats in particular), if it required all cats in the state to be licensed. A provision in the bill assigning ownership to people who feed feral cats would make those people ultimately responsible for the bird deaths the cats cause, and would be a significant advance.

Waterfowl Numbers Up

The latest government survey of U.S. waterfowl populations shows a 13% increase over last year’s estimate, and a 25% increase over the 1955-2008

Redhead: Greg Lavary



average. The increase is likely due to a rise in the number of suitable breeding ponds in the United States and Canada, which grew from an estimated 4.4 million last year to 6.4 million this year, due to high rainfall and snowfall levels. The restoration of waterfowl is a significant conservation success story (see *Bird Conservation* magazine, Winter 2008/2009) that has been supported by waterfowl hunters and programs established under the 1918 Migratory Bird Treaty Act.



Golden-plumed Parakeets: Franco Morocho

Artificial Nest Boxes at Tapichalaca Showing Success

During a monitoring visit to Ecuador’s Tapichalaca Reserve in April 2009, a researcher confirmed that White-breasted and Golden-plumed Parakeets, two species considered vulnerable to extinction, were nesting successfully in nest boxes erected for them in 2007 and 2008. The Golden-plumed Parakeets are doing particularly well, with ten out of 18 artificial nest boxes containing eggs or chicks this year. Both species of parakeets are considered at risk of extinction in Ecuador and worldwide, so this recent evidence of nesting success is particularly welcome news.



White-breasted Parakeets: Nick Athemas/Tropical Birding

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American Bird Conservancy's Planned Giving – THE FUTURE FOR BIRDS

As you plan for your future, you can also secure the future for wild birds and their habitats by making a planned gift that includes American Bird Conservancy. ABC is the only national non-profit focusing solely on bird conservation in the Americas. Through your estate planning, you can help protect threatened birds while generating financial benefits for you and your family.

A growing number of our members have supported ABC by naming it as a beneficiary of their wills, living trusts, retirement plans, or insurance policies. When you establish a bequest or other planned gift to ABC, you become a member of the Legacy Circle. Our Legacy Circle members have made a vital commitment to bird conservation by assuring there will be a champion for wild birds in the Americas for generations to come.

These are exciting, yet challenging times in bird conservation. ABC is a leader in building partnerships to protect habitat, improve national and international policies, and directly conserve the most endangered birds. We've had many successes, but there is much more work to be done.

The best assurance for the future of ABC is the endowment of its core mission—preserving the rarest species, safeguarding and expanding habitat, and eliminating threats to birds. We invite you to join ABC's Legacy Circle by making a gift that endures.



Left to right: Rachel Fenwick, Stuart White, and Cyrus Fenwick bird-watching, 2006. Photo: Rita Fenwick

By planning for your future, you can help secure the future for birds.

American Bird Conservancy is a not-for-profit organization headquartered in The Plains, VA. Our Tax Identification Number is 52-1501259.

For more information about bequests and Planned Giving, please contact Jack Morrison at 540-253-5780 or jmorrison@abcbirds.org.