

BIRD CALLS

Vol. 15, No. 1
February 2011

Endangered Short-tailed Albatross Hatches Chick in U.S. for First Time

For the first time in recorded history, the endangered Short-tailed Albatross has nested and hatched a chick in the United States. Once thought extinct, the Short-tailed Albatross has been restricted to only two breeding sites in the world—Torishima and the Senkaku islands in Japan. The discovery of a nest on Kure Atoll, and another on Midway Atoll in the Northwestern Hawaiian Islands, marks a potential turning point for the species.

The nest on Midway Island produced an egg that hatched in mid-January. However, the nest containing two eggs on Kure Atoll subsequently failed. That nest was apparently being tended to by two females, which



Short-tailed Albatross on nest. Photo: Sarah Gutowsky, USFWS.

raised some doubt whether the eggs had been fertilized by a male and were ever viable. Researchers from the Kure Atoll Conservancy were able to determine that one of the Short-tailed Albatrosses is a 17-year-old female originally banded on Torishima.

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Predator-Proof Fence Will Restore Natural Balance at Hawaiian Reserve

Increasingly scarce seabirds such as the Laysan Albatross and Wedge-tailed Shearwater will benefit from a new predator-proof fence being installed at Ka'ena Point Natural Area Reserve on the northwest tip of the Hawaiian island of O'ahu.

The 6.5-foot-high fence will be the first of its kind in the United States, having been used successfully in 30 New Zealand coastal and forest projects. The fence design includes a rolled top, fine mesh, and a skirt

buried underground to prevent animals from jumping, climbing, squeezing through, or digging their way under the fence.

The eggs and chicks of ground-nesting seabirds in the area have been the target of rat, dog, cat, and mongoose predation. Rats and mice also eat native plants and seeds causing habitat degradation. Despite intensive efforts to control these predators, they still pose a major threat to native species.

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***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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Predator-Proof Fence, from page 1

“The fence will create a 59-acre predator-free sanctuary for the birds at Ka'ena Point, and demonstrates what can be achieved for Hawai'i's native species when the resources are secured and wildlife made a priority at the top political levels. There are literally dozens more projects of this scope on Hawai'i that could be undertaken if the funding is made available,” said George Wallace, Vice President for Oceans and Islands at ABC.

The project has been a successful cooperative effort involving Hawai'i's Department of Lands and Natural Resources, the U.S. Fish and Wildlife Service, the Hawai'i chapter of The Wildlife Society, and local communities.

Access to the protected area will be maintained for visitors to Ka'ena Point Natural Area Reserve through the provision of double gates that prevent predator ingress. Every effort has been made to take traditional Hawaiian



Laysan Albatross: Bill Hubick

cultural issues into consideration in the building of the fence. For example, access gates will be incorporated at locations where the fence crosses existing trails, and fence designers worked with local Hawaiian cultural leaders to provide a third door above the Leina a ka 'Uthane, (Spirit Leap), where traditional beliefs hold that Hawaiian spirits leap into the afterlife. To reduce visual impact, the fence will be painted green to blend into the natural surroundings.

The fence is expected to be completed in the next few months.



The predator-proof fence being installed at Ka'ena Point Natural Area Reserve on the northwest tip of the island of O'ahu will be the first of its kind in the United States. This fence will create a 59-acre predator-free sanctuary that protects native seabirds such as the Laysan Albatross and Wedge-tailed Shearwater.

Sportsmen Can Prevail Where EPA Failed on Lead

Albert Einstein said that if at first an idea is not absurd, then there is hope for it. And so I still have hope for the notion that we in the United States will one day enjoy the traditional pastimes of hunting and fishing without contaminating our environment with the deadly toxin lead.

The continued use of lead ammunition and fishing gear causes massive numbers of bird deaths. These deaths are not quick and painless. Some birds take hours, others days, to die after consuming lead left behind in gut piles or in animals that were wounded and died later in the field, or after mistaking lead shot pellets or fishing weights for grit. The birds slowly succumb to kidney failure, central nervous system malfunction, and gastrointestinal complications. Many of the symptoms, such as seizures and loss of motor control, are similar to those inflicted by pesticides long since banned in this country. It's a heart-breaking scene to witness, and the case can easily be made that it is animal cruelty and, given the availability of lead-free alternatives, needless.

In 2010, ABC attempted to end the use of lead ammunition and fishing gear by asking the Environmental Protection Agency to regulate these sources of environmental contamination. While we created a far greater awareness of the issue, we did not succeed in affecting the real changes we had hoped for because the EPA chose politics over their environmental protection mandate and denied the petition, claiming publicly that it did not have the authority to enact regulations even though Congressional records say they do. Some of our co-petitioners then decided to file suit against the EPA, but we have chosen not to go in

that direction. We have decided instead to advance this effort by working with other federal and state agencies, non-governmental groups and sportsmen's groups.

The continued use of lead ammunition and fishing gear causes massive numbers of bird deaths.

The U.S. Fish and Wildlife Service recently demonstrated its interest in the issue when it published in December 2010 a final rule banning the use of lead ammunition in killing "nuisance birds" that depredate crops or other resources (see article on page 5). In the Federal Register notice, the agency specifically cited concerns about the lead poisoning of non-target birds and other wildlife as the basis for this action.

The National Park Service previously stepped up efforts to reduce lead in our parks, announcing that, "The reduction and eventual removal of lead on Park Service lands will benefit humans, wildlife, and ecosystems inside and outside park boundaries." Rangers and resource managers are using non-lead ammunition, and the Service is also developing educational materials to increase awareness about the consequences of lead exposure and the benefits of using lead-free ammunition and fishing tackle.

State organizations have been busy on the lead issue as well, with substantial advances. At this time, 31 states have regulations that to some degree pose restrictions on the use of lead shotgun ammunition for hunting game other than waterfowl. Non-lead shot is required for waterfowl hunting, and has

been a Federal regulation since 1991. California and Arizona have additional programs to require (in California) or provide free (in Arizona) non-lead ammunition for hunting within the range of California Condors, to protect them from scavenging spent lead ammunition fragments in carrion.

We're also going to have to work with those in the hunting and fishing community who don't presently support our position on lead, and that means entering into a dialog with them. It might surprise some people to know how many members of hunting organizations – including their leaders – privately support going lead free. They have shared as much with me. The very ugly reality of lead impacts to wildlife is already in the minds of many in the hunting community, and I am hopeful that, as opportunities arise, they will speak up.

In Arizona, voluntary measures to reduce lead ammunition in the range of the California Condor have resulted in over 80% compliance, demonstrating that education combined with the provision of affordable alternatives can make a real difference.

While the bad news is that this approach tends to take a bit longer to achieve success, the very good news is that at some point, the change to lead-free sports is inevitable. The scientific community has signed on; several federal agencies get it; state agencies are actively advancing it; and lastly, an enlightened, growing cadre within the hunting and fishing communities will be increasingly heard and help persuade fellow members of their pastimes to get on the right side of a poisonous issue.

Endangered Short-tailed Albatross Hatches Egg in U.S. For First Time, from page 1

On Midway's Eastern Island, the male-female pair traded off incubation duties for their single egg. Both birds were banded as fledglings on Torishima, the male in 1987, the female in 2003. The nest is in a plot of model Short-tailed Albatross decoys placed there to attract the species, and is being monitored daily by remote video camera.

The Short-tailed Albatross was once the most abundant of the North Pacific albatross species, numbering more than one million birds. It was decimated by feather hunting at the turn of the 20th Century, and by the late 1940s was thought to be extinct. In the early 1950s, ten pairs were discovered breeding on Torishima. The population has now reached 3,000 individuals, with most still on Torishima, but conservationists fear an eruption of the active volcano there could spell disaster. For the last five years, the Short-tailed Albatross Recovery Team, an international group of collaborators, has been working to establish a new colony on Mukojima Island, also in Japan, which is safe from volcanic activity and other problems.

Outside the breeding season, the species ranges along the coasts of eastern Russia, Korea, China, Taiwan, the Aleutian and the Hawaiian Islands, and rarely off the Pacific Coast of North America south to California.

"It is very encouraging to see this species begin to expand and occupy its former range and potentially new breeding locations like Kure and Midway Atolls," said Dr. Rob Suryan, chair of the Short-tailed Albatross Recovery Team.

The State of Hawai'i and the Kure Atoll Conservancy have been trying to restore Kure so that it offers even higher quality habitat for nesting seabirds. ABC has been working with the Midway Atoll National Wildlife Refuge and other partners, including the Friends of Midway, to eradicate invasive plants and restore nesting habitat there. Both atolls are part of the Papahānaumokuākea Marine National Monument designated by President George W. Bush in 2006.

Science Review Raises Doubts About Spotted Owl Plan

As the public comment period on the Obama Administration's latest draft Northern Spotted Owl Recovery Plan closed recently, peer reviews by three scientific societies revealed substantial flaws. The U.S. Fish and Wildlife Service (FWS) has indicated a final plan will be released in February. ABC is leading advocacy efforts to address shortcomings in the draft.

A key concern of the reviewers was that the plan calls for extensive logging of owl habitat to reduce fire risks, an uncertain course not backed by science, and one that may reduce the likelihood of Spotted Owl recovery. The Plan for the threatened owl species was being rewritten following an

Inspector General investigation that found the science in the original plan had been undermined by political interference.

"The release of this revised owl plan was a good first opportunity for the Administration to show they were serious about following the best available science," said

ABC's Steve Holmer. "It was an opportunity missed. The Administration needs to take a hard look at the peer reviews and scale back their plans to log owl habitat. This is a real disappointment with potentially disastrous consequences for owl recovery."

Peer reviews by The Wildlife Society, Society for Conservation Biology, and American Ornithologists' Union concluded that the current draft was incomplete because the design for the owl reserves was not included in the draft, and therefore they could not determine whether the amount of habitat being conserved was sufficient. The reviews also found that there were significant shortcomings regarding maintenance of reserves in dry forest types and fire management. Recent peer-reviewed studies were not included in the draft, while non-peer-reviewed material was heavily relied on to justify the plan's management direction.

Twenty organizations, including ABC, the Cornell Lab of Ornithology, and other members of the Bird Conservation Alliance signed a letter to the FWS raising these concerns and recommending changes to ensure owl recovery. To view the letter, visit www.abcbirds.org/newsandreports/releases/101216.html



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Federal Agency Bans Lead Ammunition for Depredation Hunting of Nuisance Birds

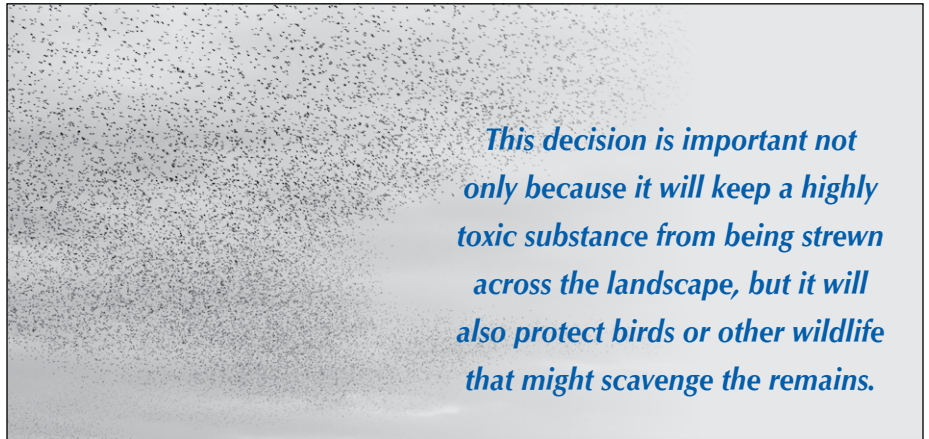
Citing the need to prevent lead toxicity hazards to wildlife, the U.S. Fish and Wildlife Service (FWS) has banned the use of lead ammunition for hunting nuisance birds. The decision was published by FWS as a final rulemaking action in the Federal Register.

American Bird Conservancy expressed support for the decision in a letter sent to Fish and Wildlife Service Acting Director Rowan W. Gould.

Depredation orders are issued by FWS to allow the killing of migratory birds such as crows, grackles, and blackbirds that are causing damage to public or private property, pose a health or safety hazard, or are damaging agricultural crops or wildlife. This new regulation will require the use of non-toxic ammunition in the control of these nuisance birds.

“We’re very supportive of FWS in siding with wildlife on this issue. Depredation hunting tends to leave large amounts of highly toxic lead ammunition on the ground that non-target birds and other wildlife can consume, mistaking it for food. Those birds or other wildlife will either die agonizing deaths shortly thereafter or suffer severe illness for a prolonged period. We have had many discussions with FWS about using non-toxic shot for all agency operations and we are very glad they have made this decision,” said Michael Fry, Director of Conservation Advocacy for ABC.

ABC was one of the leaders in a group that had petitioned the Environmental Protection Agency on August 3, 2010 to ban lead ammunition used for hunting and lead fishing gear because of the toxic threats they posed to wildlife. EPA responded that they did not have the authority to regulate lead



This decision is important not only because it will keep a highly toxic substance from being strewn across the landscape, but it will also protect birds or other wildlife that might scavenge the remains.

Enormous flocks of blackbirds, such as shown above, can cause significant crop damage. Photo: Bill Hubick

ammunition, though Congressional legislative history records document that they did have such authority. EPA then later denied the fishing gear portion of the petition saying that evidence of impacts from fishing gear were being addressed by some States, and national regulations would be overly burdensome (see editorial on page 3.)

“The paint industry got the lead out, the gasoline industry got the lead out, the toy industry got the lead out, the home building industry got the

lead out of plumbing, and even the automotive industry most recently is getting the lead out of the wheel weights on cars. The lethal impacts of lead in our environment are so well-documented and accepted by the science and health community that any deliberate release of lead into a public environment should be viewed as unacceptable. The federal government has shown concern for human impacts of lead – we are very glad that here they are showing the same level of concern for wildlife,” Fry concluded.



Listen to ABC on NPR

ABC is delighted to be partnering with the producers of BirdNote, a daily radio series about birds broadcast on National Public Radio stations around the country. BirdNote shows are two-minute vignettes that incorporate the rich sounds of birds with stories that illustrate the interesting—and in some cases, truly amazing—abilities of birds. ABC-BirdNote collaborations focus on conservation issues facing birds, ranging from Hawaiian songbirds to the plight of the Cerulean Warbler to the King Rail. If you miss a show or your local NPR station doesn't carry BirdNote, you can listen to or download past ABC-BirdNote collaborations at www.abcbirds.org/newsandreports, or catch the full suite of BirdNote shows at www.birdnote.org

St. Regis Resort Protects Seabirds Following ABC Lawsuit

The St. Regis Princeville Resort will further reduce its lighting, and fund programs aimed at restoring populations of threatened Newell's Shearwaters and endangered Hawaiian Petrels under a settlement agreement reached on October 8, 2010. The lawsuit was brought by ABC, Hui Ho'omalulu I Ka 'Āina, the Conservation Council for Hawai'i, and Center for Biological Diversity, represented by Earthjustice. This agreement resolves the conservation groups' lawsuit, filed in May 2010.

"We are pleased that the resort is stepping up and taking responsibility for the effects of its operations on imperiled seabirds," said George Wallace, ABC's Vice President of Oceans and Islands. "If other entities on Kaua'i also took a proactive approach by dimming their lights and contributing to seabird protection, it would go a long way towards ensuring these magnificent birds will be around for future generations to enjoy."

The resort is seeking an incidental take permit under the Endangered Species Act, which would authorize any future accidental killing of shearwaters or petrels. A habitat conservation plan must



Hawaiian Petrel: Brenda Zaun, USFWS

accompany the permit application; this ensures that there will be adequate minimizing and mitigating of the effects of any authorized incidental take.

The resort has been actively participating in the application process for an island-wide permit (see article on next page) which is being coordinated by the State of Hawai'i's Division of Forestry and Wildlife in cooperation with the U.S. Fish and Wildlife Service.

Changes to Alaska's Fishery Observer Program Will Benefit Threatened Seabirds

Proposed changes to regulations in Alaska's fishing industry will benefit threatened seabirds including the Laysan, Black-footed, and Short-tailed Albatrosses. The changes have been approved by the North Pacific Fishery Management Council and now await final approval by Secretary of Commerce Gary Locke.

Thousands of miles of fishing lines, carrying hundreds of millions of hooks, are set by longliners throughout the world's oceans each year. Albatrosses, petrels, shearwaters, and fulmars are killed when they become attracted to the bait attached to the hooks, and either swallow the hooks or become snagged, and are pulled under the sea to drown.

The observer program places official federal observers on fishing vessels to monitor this mortality. Begun in Alaska in early 1990, the program has helped dramatically reduce the number of albatrosses killed by commercial fishing boats from over 1,000 in 1993 to fewer than 150 in 2004. However, a stark reminder of the threat resurfaced recently when an endangered Short-tailed Albatross was killed by a longliner in Alaskan waters (see *Bird Calls* Vol. 14, No. 3), highlighting the need for improved observer coverage.

The key changes to the program include extending the presence of official observers to additional fleets to monitor

interactions between fishing vessels and seabirds. For the first time, observers would be required aboard boats in the commercial halibut fleet. Coverage would also be extended to groundfish (fish such as halibut that live on, in, or near the sea floor) vessels less than 60 feet long, currently exempt from the need to carry observers.

Additionally, vessel owners in federally managed fisheries will no longer specifically pay for the observers assigned to their boats. Instead they will pay into a general observer program fund through fees based on the value of their catch. Decisions on when and where observers will be assigned will be made by the U.S. National Marine Fisheries Service (part of the U.S. Department of Commerce). If approved, these changes would be the first significant modifications to the program in 15 years.

"The changes are certainly welcome and position the observer program to be fairer, more accurate, and more thorough in its reporting. There is no question that these changes will result in better scientific data on the accidental bycatch of seabirds, and that data will better enable adjustments to be made to protect those species," said Dr. Jessica Hardesty Norris, Director of ABC's Seabird Program. "ABC advocated for these changes, and we are hopeful that Mr. Locke will implement the new rules quickly."

Utility Company Settles Over the Deaths of Threatened Birds in Hawai'i

An agreement has been reached in a lawsuit brought by the Department of Justice (DOJ) against the Kaua'i Island Utility Cooperative (KIUC) in Hawai'i. KIUC entered a plea agreement in federal court to resolve violations of the Endangered Species Act (ESA) and Migratory Bird Treaty Act involving illegal killing of the Newell's Shearwater, a threatened seabird.

The Newell's Shearwater (or 'A'o) is native to the Hawaiian Islands. The majority of the world's population nests in burrows on inland mountains on the island of Kaua'i. Unfortunately, the Newell's Shearwater population on Kaua'i has declined 75 percent in just 15 years.

Adult Newell's Shearwaters fly between the ocean and their nesting areas on inland mountain slopes from spring through fall each year. Young shearwaters leave the nesting grounds and make their first flight to sea from September to December each year, typically at night, and are particularly susceptible to collisions.

Many experts believe that shearwaters use the moon's reflection on the water to help guide them to the ocean, and are attracted to lights that create the same effect. The birds become confused by the lights, circling until they land on the ground from exhaustion or strike a building. Once on the ground, shearwaters cannot readily take off again, since their short legs are set far back on their body, an adaptation to their pelagic lifestyle.

"This is a great outcome for the birds of Hawai'i. Prior to DOJ's criminal indictment, ABC and several other conservation organizations filed two separate lawsuits over take of threatened and endangered seabirds on Kaua'i, and I believe we created some

This is a great outcome for the birds of Hawai'i... ABC created some momentum that may have been useful to the DOJ's efforts.

momentum that may have been useful to the DOJ's efforts," said George Wallace, ABC's Vice President for Oceans and Islands.

ABC, Hui Ho'omalu i Ka'āina, the Conservation Council for Hawai'i and the Center for Biological Diversity represented by Earthjustice, had filed suit against KIUC on March 24, 2010 (nearly three months before DOJ filed its criminal indictment on May 10) over KIUC's violation of the ESA in failing to obtain an incidental take permit for the shearwater deaths, and in failing to enter into a Habitat Conservation Plan to mitigate for on-going impacts to the listed species.

On May 6, the same groups also filed suit against the St. Regis Princeville Resort (see article on opposite page)



A Newell's Shearwater stunned by a collision with utility lines lies on a Hawaiian roadside. Photo: Brenda Zaun, USFWS.



Newell's Shearwater: Michael Walther

for failing to prevent seabird deaths and comply with the ESA. That lawsuit was settled in October 2010 with the parties agreeing to work cooperatively to reduce the number of seabirds killed at the resort.

In the DOJ lawsuit, KIUC pled guilty to violating the ESA by knowingly killing Newell's Shearwaters after the birds struck power lines at three sites owned and maintained by the company. In addition, KIUC pled guilty to violating the MBTA in killing at least 18 Newell's Shearwaters at a fourth site, where unshielded lights attracted shearwaters and ultimately caused confused and exhausted birds to collide with structures.

KIUC was fined the maximum amount of \$40,000 and must abide by specific conditions intended to avoid additional bird deaths. KIUC agreed to modify certain power lines and monitor two stretches of lines to help determine the number of potential bird collisions. KIUC is also required to apply for an incidental take permit under the ESA that would authorize the unavoidable deaths of shearwaters under certain conditions.

The plea agreement also required that KIUC make a payment of \$225,000 to an account established at the National Fish and Wildlife Foundation to support conservation projects to benefit protected seabirds on Kaua'i.

ABC Launches Bird-Smart Wind Program

American Bird Conservancy is increasing efforts to change the way wind energy is developed in the United States.

ABC's Bird-Smart Wind Program, created with support from the Leon Levy Foundation, aims to decrease the risk wind farms pose to birds while still allowing the industry to expand and assist in reducing the rate of climate change and our dependence on fossil fuels. ABC supports bird-smart wind power that includes mandatory standards to minimize bird deaths and habitat impacts. Bird-smart wind power is carefully sited to minimize harm to birds; uses the best available technology and management practices to avoid and minimize harm to birds; conducts effective, federally reviewed and approved, site-specific, pre- and post-construction studies/assessments to assist with improved siting and operation, and to properly quantify impacts; and compensates fully for impacts to birds from collisions with turbines or associated power structures, or from lost or degraded habitat.

These three tenets are expected to be well represented in the U.S. Fish and Wildlife Service's wind-energy siting and operational guidelines due out this spring. However, unless implemented as mandatory standards, ABC believes these guidelines will be largely ineffective at preventing harm to birds. ABC has mounted a campaign to make these guidelines mandatory. You can help by asking Ken Salazar, the U.S. Secretary of the Interior, for mandatory standards. Sign the ABC petition now at www.abcbirds.org/action.

In December 2010, ABC also sent letters to Congressional leaders urging them to require the wind industry to conform to federal recommendations for reducing wildlife impacts from wind turbines and to comply with existing laws that protect birds as a condition of receiving federal grants. At the last minute, the grants were extended until December 2011, and while Congress did not include our requested protections for birds in the grants' requirements, we expect to have another opportunity to get them included later this year when they again come up for renewal.

These federal tax grants are important not only because they are taxpayer subsidies, and thus should meet high standards for bird protection, but also because they drive wind farm approval and construction schedules. To qualify for a tax grant, which does not have to be repaid and can cover 30% of the cost of a wind farm, construction currently has to begin by the end of 2011. These construction



Golden Eagle: K. Smith/VIREO

deadlines put much pressure on government agencies and wind developers, sometimes resulting in poor decisions for wildlife. The following are a few examples:

Kaheawa Wind Farm, Hawai'i: Operators of the Kaheawa wind farm on West Maui wish to expand the project from 20 turbines to 34. Because the wind farm is in an area with threatened and endangered species, the developers have applied for state and federal permits that protect them from prosecution should the expanded facility kill limited numbers of Nēnē (Hawaiian Goose), Hawaiian Petrel, Newell's Shearwater, or Hawaiian hoary bat. However, the developers started construction of the new facility without the required federal permit because waiting to get the permit would have made them miss the federal tax grant deadline.

ABC supports the idea of wind farms in Hawai'i when they are bird smart. The state desperately needs renewable energy development because most of its electricity comes from burning oil, and it has an ambitious goal of deriving 40% of its primary energy from renewable power by 2030. Because it won't be possible to develop wind energy in Hawai'i at a large scale without harm to endangered birds, mitigation that will rebuild the bird population will be needed, such as predator and invasive plant control. ABC will participate in the planning process for the 2030 wind build-out.

Altamont Pass Lawsuit Decision: In the aftermath of a lawsuit and a failed settlement, NextEra Energy Resources has now agreed to replace by 2015, 2,400 of its old wind turbines at Altamont Pass, California with larger models that are expected to kill far fewer birds and produce the same amount of power with fewer turbines. They also

BIRD-SMART WIND POWER:

- ✓ Is carefully sited to minimize harm to birds
- ✓ Uses the best available technology and management practices to minimize harm to birds
- ✓ Conducts effective pre- and post-construction studies to assist with improved siting and operation, and to properly quantify impacts
- ✓ Compensates fully for impacts to birds from collisions with turbines or associated power structures, or from lost or degraded habitat

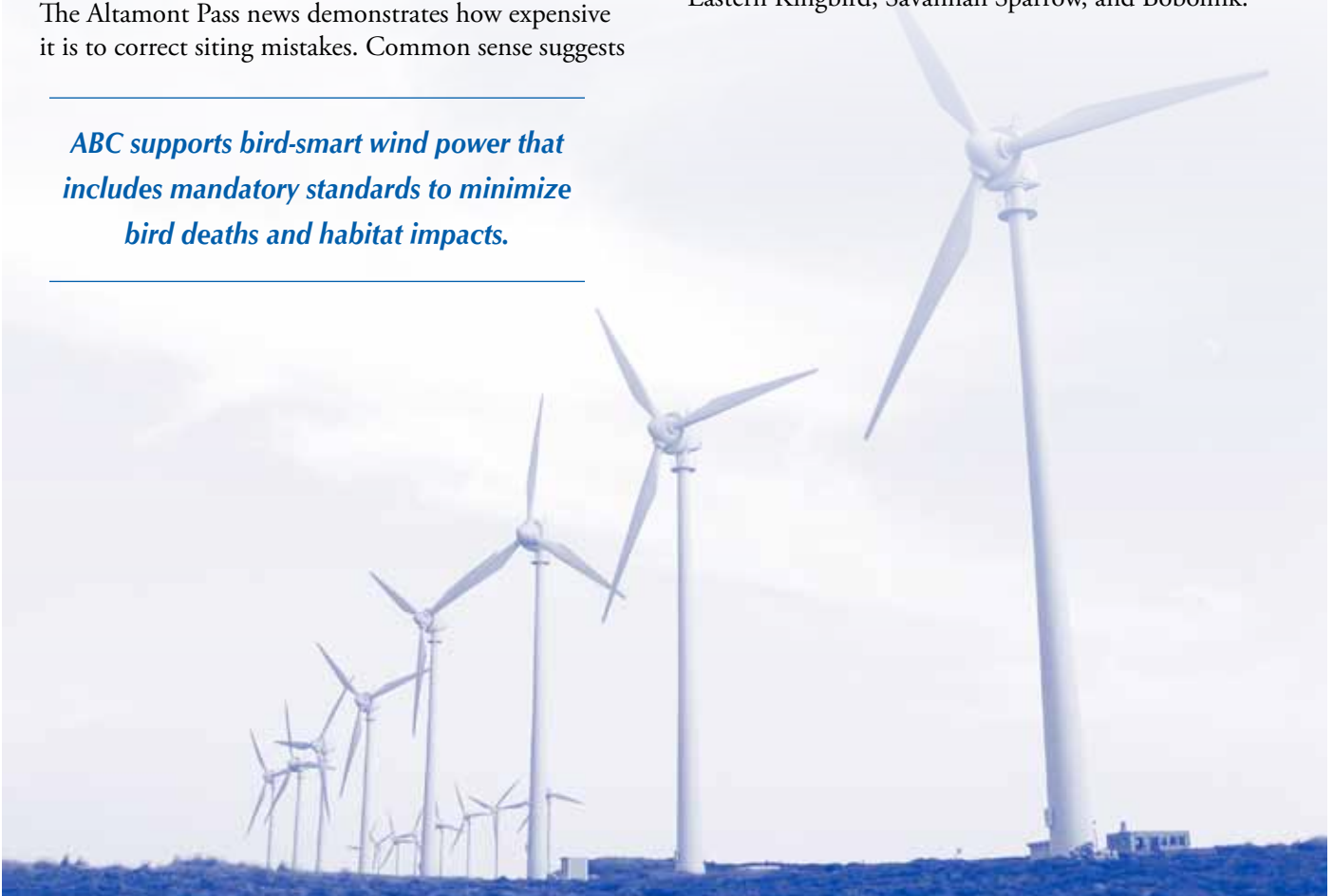
agreed to place the new turbines in “more environmentally friendly” locations, and to pay \$2.5 million for research and raptor habitat improvement. Recent studies found that the 5,400 older turbines operating at Altamont Pass killed an estimated 7,643 to 9,298 birds annually, including between 1,645 and 1,967 raptors such as Golden Eagles, hawks, falcons and owls. The Altamont Pass news demonstrates how expensive it is to correct siting mistakes. Common sense suggests

ABC supports bird-smart wind power that includes mandatory standards to minimize bird deaths and habitat impacts.

that wind farms should not be placed in areas where birds congregate in large numbers, yet ABC continues to hear of proposals that do just that.

Ostrander Point Wind Energy Park: Perhaps the new poster child for poor siting is the Ostrander Point Wind Energy Park, proposed for siting in a formally designated Important Bird Area. This nine-turbine wind farm would be built in the Prince Edward County South Shore Important Bird Area in Ontario, Canada, through which high concentrations of owls and hawks migrate. Birds at risk include Tree Swallows, Northern Saw-Whet Owls, Golden Eagles, and Whip-poor-wills.

Bird conservationists are concerned that the Ostrander project may have even worse impacts than the TransAlta wind farm on Wolfe Island, Ontario, which started operation in 2009. The mortality figures were released recently by TransAlta, which owns and operates the 86-turbine, 200-megawatt facility. A consultant's report estimates that 549 birds and 450 bats were killed between January 1 and June 30, 2010. The estimates for the previous six months were 602 and 1,270, respectively. Birds killed included: American Kestrel, Northern Flicker, Black-billed Cuckoo, Eastern Kingbird, Savannah Sparrow, and Bobolink.



\$6 Million Settlement in Buzzards Bay Oil Spill

Bouchard Transportation Co. Inc. and its affiliates will pay more than \$6 million to settle a portion of the federal and state damage claims for the April 2003 spill of up to 98,000 gallons of oil into Buzzards Bay, near New Bedford, Massachusetts. Hundreds of loons, sea ducks, endangered Roseate Terns, and other birds were killed as a result of the spill. The beaches, which function as breeding and foraging habitat for shorebirds, including endangered Piping Plovers, were impacted by the spill. In addition, the oil spill caused the oiling and temporary closure of shellfish beds throughout the bay, and restricted boat and beach access.

The U.S. Coast Guard first reported the oil spill on April 27, 2003 after the tug Evening Tide, which was towing an unmanned tank barge carrying fuel oil, ran aground on a shoal at the western approach to Buzzards Bay. In the weeks following the incident, winds and currents drove the spilled oil ashore, affecting approximately 100 miles of shoreline in Massachusetts and Rhode Island.

The barge that ruptured was built in 1975 and was single-hulled. Laws banning the use of such vessels in U.S. waters in favor of double-hulled boats do not come fully into effect until 2015. At the time of the accident, only about one third of Bouchard's boats were double-hulled, compared with the national average of about two-thirds.

Bouchard Transportation earlier reached a criminal plea agreement as a result of the spill, agreeing to a fine of \$10 million. In the criminal matter, the company was charged with negligently piloting the Evening Tide resulting in the death of migratory birds in violation of the Migratory Bird Treaty Act.

Once approved by the court, the latest settlement will compensate the public for injuries to Piping Plovers, damages to shoreline and aquatic resources, and impacts to coastal recreational uses, such as beach access, fishing, and boating. The current settlement does not address injuries to terns, loons, and other birds. The trustees in this suit – the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service, the Commonwealth of Massachusetts, and the state of Rhode Island – continue to discuss these damages with the responsible parties and also to pursue the recovery of additional damage assessment costs.

The federal and state trustees may use portions of the settlement funds to restore salt marsh – including Ram Island, a state-owned wildlife sanctuary that suffered significant damage – and river herring runs. In addition, the trustees may fund a project to stabilize a portion of shoreline of Ram Island, which serves as critical nesting and fledgling habitat for Roseate Terns, a federally listed endangered species.

More Ducks Die at Oil Facility Despite Past Fines

Just three days after Canadian tar sands company Syncrude Canada Ltd. agreed to pay a record high fine of almost C\$3.0 million as a result of the deaths of more than 1,600 ducks at their facility in April 2008, 350 more dead ducks were discovered in a tailings pond at the company's Mildred Lake Settling Basin north of Fort McMurray in Alberta, Canada.

"The death of almost 2,000 birds in two separate incidents involving the same company is greatly disturbing, but perhaps more troubling is that the cause of the first event was widely felt to be the failure of the company to deploy adequate avian deterrents to keep birds out of the toxic tailing ponds. The company, however, asserts that deterrents were fully in place in the most recent incident, calling into question whether such tailings ponds should be allowed at all," said Darin Schroeder, Vice President for Conservation Advocacy for ABC.

The C\$3.0 million fine was negotiated by the province of Alberta and Syncrude Canada, and far exceeded the prescribed maximums under the two applicable laws. Syncrude

will pay the maximum fine of C\$300,000 under Canada's Migratory Birds Conservation Act (the Canadian equivalent of the U.S. migratory Bird Treaty Act), the maximum C\$500,000 under Alberta's Environmental Protection Act, and an additional C\$2.2 million for research and conservation projects in mitigation for the bird deaths.

Weather may have been a key contributing factor in the recent deaths, as both government and corporate officials have cited freezing rains causing the birds to become exhausted, forcing them to land in spite of the deterrents.

These incidents are particularly significant because Canada has enormous oil sands reserves that provide a source of crude oil second in volume only to the Middle East. The process of separating the oil, however, produces billions of gallons of toxic wastewater tainted with residual oil and heavy metals that is stored in open pits. Birds, particularly waterfowl, see the ponds and try to land on them, becoming poisoned or drowning in the viscous surface residues.

New Report Analyzes the Impact of Feral Cat Predation on Birds and Other Wildlife

A new, peer-reviewed study titled *Feral Cats and Their Management* by the University of Nebraska-Lincoln, analyzes existing research on management of the burgeoning U.S. feral cat population – over 60 million and counting – including the controversial practice of Trap, Neuter, Release (TNR).

“This report is a must-read for any community or government official wondering what to do about feral cats. It encapsulates the extensive research on this subject and draws conclusions based on that data. Not surprisingly, the report validates everything American Bird Conservancy has been saying about the feral cat issue for many years, namely that TNR doesn’t

This report...encapsulates the extensive research on this subject and...validates everything ABC has been saying about the feral cat issue for many years.

work in controlling feral cat populations,” said Darin Schroeder, Vice President for Conservation Advocacy for ABC.

“Communities seeking a solution to their feral cat problems need to consider the science on the issue and the full humane picture. Birds and other native animals don’t deserve to die at

the hands of a predator introduced into their environment by irresponsible pet owners. A humane decision-making process on this issue must also recognize that feral cats live short, miserable lives because of disease, other predators, severe weather and traffic hazards. Their life expectancy is less than one third that of owned cats,” Schroeder added.

As a result of these findings, the report authors stated that they do not recommend TNR as a method to control feral cats. In their extensive research, they were unable to find a single real-world example of TNR succeeding in eliminating a feral cat colony.



Feral cat: Wikimedia Commons

Some of the many findings of the report include:

- Feral cats are invasive and pose a threat to native fauna and public health.
- Three separate studies showed that 62 to 80 percent of feral cats carry the parasite responsible for toxoplasmosis – a condition of special concern to pregnant women.
- Feral cats impacts to birds can be calculated at 17 billion dollars per year.
- Feeding feral cats increases the chances of diseases being transmitted.
- Cats are responsible for the extinction of at least 33 species of birds.
- Feral cats kill an estimated 480 million birds in the U.S. each year.
- Cats kill far more native wildlife species than invasive species.
- Cats will kill wildlife no matter how well they are fed.
- The life expectancy of a feral cat is 3-5 years as opposed to 15 years for owned cats.

ABC Guide To Bird Conservation a Hit with Reviewers

The new book *The American Bird Conservancy Guide to Bird Conservation*, authored by ABC's Daniel Lebbin, Mike Parr, and George Fenwick, with a foreword by acclaimed novelist Jonathan Franzen, has garnered a string of sparkling reviews from the bird community. The following are a few of the comments we've seen since the book's publication this past fall:

10000birds.com: "...this book is stunningly beautiful, packed to the gills with hundreds of exquisite photographs and paintings, and – above all else – is perhaps the most accessible and 'reader-friendly' book on conservation I've ever seen. I don't usually like using the words 'ground-breaking' or 'important' (both are highly over-used), but there is no doubt in my mind whatsoever that this beautiful and comprehensive book is both groundbreaking and important."

Birders World magazine: "Hands down, this is the most important book of the year, one every birdwatcher should own. ...most importantly, it lays out an achievable plan of

action for safeguarding our country's rich birdlife and how you can help."

The Guardian UK: "A must-have for those interested in bird conservation of the Americas!"

Birding Community E-bulletin: "...the volume summarizes the ABCs of U.S. bird conservation very well, and should make a real contribution to move us, in Fenwick's words, from involvement in "citizen science" closer to an era of "citizen conservation."

Adrian Forsyth on Amazon.com: "This is a landmark accomplishment, not just for bird conservation in the Americas, but for biodiversity conservation in general.

To learn more about the book, view sample pages and order your copy, visit www.abcbirds.org/guide.



Protections Sought for Tennessee Cerulean Warbler Habitat

The State of Tennessee has petitioned the Department of Interior to rule nearly 67,000 acres of crucial breeding habitat for the Cerulean Warbler off-limits to surface coal mining. The petition seeks to protect lands within 600 feet of all ridge-lines of the mountains within the North Cumberland Wildlife Management Area.

These lands are important refuges for a number of high-priority migratory songbirds, and also serve as a core breeding area for the Cerulean Warbler and a number of other species such as the Wood Thrush, Kentucky Warbler, and Worm-eating Warbler. Surface mining in these areas could threaten the continued survival of these rapidly declining songbirds by clearing the forested mountain ridges and fragmenting tracts of mature deciduous forest on which many of these species depend.

Tennessee's petition is based on the premise that protecting the conservation and recreational values of public lands for future generations is of a higher benefit than surface coal mining.

In addition to the deleterious effects on important bird habitat from the destruction of mature, intact forests on

the mountain ridges, the petition further warns that surface mining would "damage the 'fragile lands' that provide vital habitat for numerous endangered, threatened, and vulnerable species that exist in and downstream of the mined areas." This could affect fish populations as well as the natural and aesthetic values of the Big South Fork National River and Recreation Area.

In November, the Office of Surface Mining formally accepted the petition, and before ruling, must prepare an Environmental Impact Statement as well as provide an opportunity for public input.

The Cerulean Warbler is the focus of a variety of ABC conservation efforts both in the United States and in South America. ABC is working with domestic partners to restore and protect breeding habitat, reduce threats, and develop habitat management recommendations for landowners to optimize conditions for Cerulean Warblers. In South America, where the Cerulean Warbler is among the most threatened neotropical migrant land birds, ABC is working to consolidate the Cerulean Warbler Conservation Corridor through land acquisition, conservation easements, and shade coffee production.

Important Bird Areas to Benefit from Georgia-Pacific Policy Shift

Five areas in Virginia, North Carolina, and South Carolina designated as Globally Important Bird Areas (IBAs) in the United States by ABC will benefit from a new Georgia-Pacific forest policy shift. The giant wood and paper products manufacturer has announced that it will no longer buy wood fiber from Southeastern areas identified as environmentally sensitive, or from land where slow-growing hardwood forests have been cleared in order to plant quick-growing pine.

“This policy shift to protect sensitive areas and discourage the destruction of hardwood forests is a much-needed and welcome step in the right direction for preserving dwindling, important bird habitat in the Southeast,” said David Younkman, Chief Conservation Officer for ABC.

Georgia-Pacific worked with scientists and environmental groups including the Rainforest Action Network, the Natural Resources Defense Council, and the Dogwood Alliance to identify 11 key sites totaling 600,000 acres in the Mid-Atlantic Coast area, as well as 90 million acres of natural hardwood forests in the southern region.

Five of those 11 areas are ABC-designated IBAs: **Francis Marion National Forest** in South Carolina – 8,000 acres, important for Red-cockaded Woodpeckers, Brown-headed Nuthatches, and Prairie Warblers; **Congaree Swamp** in South Carolina – 26,000 acres containing the largest tract of old-growth bottomland hardwood in the United States, with high densities of migrating and wintering landbirds, and hardwood residents such as the Pileated



Red-cockaded Woodpecker: Greg Lavaty

Woodpecker and Barred Owl, plus Red-cockaded and Red-headed woodpeckers, Brown-headed Nuthatch, Prothonotary Warbler, and Swainson's Warbler; **Alligator River Region** in North Carolina – 213,000 acres of wet hardwood habitat supports concentrations of several thousand ducks and swans during the winter and many wading birds, shorebirds, and songbirds during migration and breeding; **Great Dismal Swamp** in Virginia – 180,000 acres, home to the elusive and hard-to-observe Swainson's Warbler, as well as Chuck-will's-widow, Wood Thrush, and Kentucky, Prairie, and Worm-eating Warblers; **Croatan National Forest** in North Carolina – 40,000 acres with significant populations of Bald Eagle, Peregrine Falcon, Bachman's Sparrow, Red-cockaded Woodpecker, Swallow-tailed Kite, and Painted Bunting.



Brown-headed Nuthatch: Bill Hubick



Wood Thrush: Greg Lavaty



Swainson's Warbler: Greg Lavaty



Chuck-will's Widow: Michael Stubblefield

"This policy shift to protect sensitive areas...is a much-needed and welcome step in the right direction for preserving dwindling, important bird habitat in the Southeast..."

Decision on Gunnison Sage-Grouse Protection Another Disappointment

The decision by the U.S. Fish and Wildlife Service (FWS) that the Gunnison Sage-Grouse is warranted for protection under the Endangered Species Act but precluded from listing because of other considerations is another disappointing decision that may affect the long-term viability of this range-restricted species of concern.

The Gunnison Sage-Grouse is listed as globally endangered under IUCN-World Conservation Union criteria, and numbers fewer than 4,000 birds, occupying only about ten percent of its historic range. It is found only in six or seven counties in Colorado, and one in Utah. The Gunnison Basin in Colorado comprises over half the species' entire world range.

The Gunnison Sage-Grouse uses different habitats for breeding, nesting, brood-rearing, and wintering at various times of the year. Breeding ground habitat is dominated by low, open vegetation with sagebrush areas. Nesting takes place in sagebrush. Brood-rearing habitat is along the edges of and into meadows and riparian areas. Winter habitat is determined primarily by snow depth. Sage-grouse eat only sagebrush leaves during the winter and often can only find exposed plants in drainages with specific characteristics. Other areas used during the winter include wind-swept

mesas and ridge tops. For the grouse, all these habitats are important and in need of conservation.

The pressing threats to the Gunnison Sage-Grouse continue to be the loss, degradation, and fragmentation of habitat from incompatible land uses, invasive species and the use of off-road vehicles. ABC and other conservation groups are calling on FWS and the Bureau of Land Management to develop a regional management plan to address the multiple management challenges protecting the species' vast, but fragile habitat.

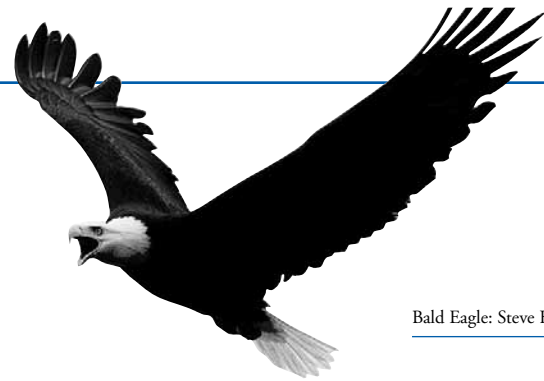
In March 2010, FWS decided that a similar bird, the Greater Sage-Grouse, was also warranted but precluded from listing. There are 250 species on the ESA Candidate List, some of which have been there for 30 years.

"The refusal to recognize the immediate need to list the Gunnison Sage-Grouse and instead consign it to a waiting room for a potentially indefinite period is a huge mistake on the part of the Administration," said David Younkman, Chief Conservation Officer for ABC. "The Endangered Species Act is there to protect our most at-risk species. If ever there was a bird at risk, it's the Gunnison Sage Grouse."

Controversy Continues Over Arizona Bald Eagle Listing

In October, the Center for Biological Diversity (CBD) and Maricopa Audubon Society filed suit in federal court over the U.S. Fish and Wildlife Service's decision not to list the Arizona population of the Bald Eagle under the Endangered Species Act (ESA). Under a previous court order, the Service had reviewed the status of the Sonoran Desert eagles, which number approximately 50 pairs, and concluded that they did not warrant listing as a Distinct Population Segment. As a result, temporary ESA protections previously ordered by a court judge were lifted.

The two environmental groups have filed an injunction to have those temporary protections reinstated for a further 18 months to allow their listing lawsuit to be heard, a move being challenged by the Service. CBD contends that the Arizona population is reproductively, geographically,



Bald Eagle: Steve Hildebrand, FWS

biologically, and behaviorally distinct, and at risk from ongoing habitat loss. The Fish and Wildlife Service asserts that the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act provide sufficient protection for the eagle, but CBD argues that these statutes do not specifically protect habitat, such as that now at risk from a proposed project to withdraw water from an aquifer below the Upper Verde River to meet local drinking water needs. The Bald Eagle was delisted from the ESA in June 2007. A Bald Eagle Monitoring Plan was released in June 2010.

Land Purchase in Klickitat Protects Key Lewis's Habitat

The Columbia Land Trust (CLT) and ABC have announced the purchase of 338 acres of land in Klickitat County, Washington that will provide high-quality habitat for a variety of birds, including the high-priority Lewis's Woodpecker.

This property is the third in the Klickitat River Conservation Area to be conserved by ABC and CLT. The partnership began in 2005 with the purchase of 100 acres of the Giersch Ranch, followed in 2008 by the purchase of 160 acres on the Margerum Ranch. Part of the funding for this recent and the two earlier acquisitions was provided by a Neotropical Migratory Bird Conservation Act grant from the U.S. Fish and Wildlife Service.

"ABC is thrilled to help protect another piece of key Lewis's Woodpecker habitat in this area. Our partnership with Columbia Land Trust and the Fish and Wildlife Service has served conservation interests, wildlife, and

the local community very well," said Bob Altman, ABC's Northern Pacific Rainforest Bird Conservation Coordinator.

"We're excited to be a part of this conservation strategy for migrating songbirds that ABC is coordinating, which links Washington State habitat to Central America," said Glenn Lamb, CLT Executive Director.

The purchased land is in south-central Washington State and contains Oregon white oak and ponderosa pine woodland and mixed conifer forest, along with meadows and riparian habitat along Bowman Creek, a tributary of Canyon Creek and the Little Klickitat River, making it excellent Lewis's Woodpecker habitat. Seasonal and perennial streams and a few isolated wet meadows are located within the property, providing habitat for water-loving plants and animals in this otherwise arid landscape.

The property lies within the Klickitat River Conservation Area, where



Lewis's Woodpecker: Greg Lavaty

CLT has protected more than 3,000 acres, and is adjacent to the State of Washington's 14,700-acre Klickitat Wildlife Area, other state-protected lands, and private conservation land.

The Lewis's Woodpecker is designated as a "Red" species on the U.S. WatchList of birds of conservation concern, meaning that it is a top national conservation priority.

Dakota Grassland Conservation Area Proposed

An important program to protect key grassland and wetland complexes in the core of the U.S. Prairie Pothole region has been proposed by the U.S. Fish and Wildlife Service. It is called the Dakota Grasslands Conservation Area, and would dedicate \$588 million from the Land and Water Conservation Fund to protect more than 240,000 acres of wetlands and 1.7 million acres of privately-owned grasslands in North Dakota, South Dakota, and eastern Montana.

Conservation would occur through the purchase of conservation easements from willing landowners. This program is meant to serve as a critical



Baird's Sparrow: Greg Lavaty

piece of a broader conservation strategy targeting more than 10 million acres of grassland habitat in the Prairie Potholes over the next few decades. Without such efforts, it is estimated that one-third to one-half of these critical habitats will be converted to other uses within 35 years.

Prairie potholes are seasonal, primarily freshwater wetlands found in North and South Dakota, Wisconsin, Minnesota, and other states in the upper Midwest and into Canada. This formerly glaciated landscape is pockmarked with an immense number of depressions, which fill with snowmelt and rain in the spring. In addition to

continued on page 16

Habitat Restored for Woodcock and Warblers

More than 118,000 acres of critical habitat for the American Woodcock have been restored during the first year following designation of a new National Fish and Wildlife Foundation (NFWF) keystone initiative, far exceeding the original goal of 20,000 acres. According to Scot Williamson of the Wildlife Management Institute (WMI), conservation efforts for the woodcock have been ongoing for several years, but NFWF's Early Successional Habitat Keystone Initiative designation has allowed a variety of partners to expand woodcock habitat restoration geographically to the benefit of a variety of other species dependent on early-successional habitat, including the Golden-winged Warbler.

American Woodcock are dependent on young forest, which has disappeared increasingly in the past 40 years. As a result, the species' population has declined 1-2% per year since the early 1970s. Concurrently, Golden-winged Warbler populations have declined even more precipitously and it is now one of the most threatened, non-federally listed species in the eastern United States.

Forest management efforts vary by region, but include creating young forests by logging, brush-cutting, controlled burning, and removal of invasive shrubs in areas where American Woodcock breed, winter, and migrate. The long-term goal is to increase habitat in all 16 Bird Conservation Regions where the American Woodcock is found, which will also benefit more than 80 species of conservation concern in the Eastern United States.

American Bird Conservancy is working with WMI through the Appalachian Mountains Joint Venture to help implement NFWF's Early Successional Habitat Keystone



American Woodcock: FWS



Female Golden-winged Warbler: Fundación ProAves, www.proaves.org

Initiative. Several of the Joint Venture partners, through a NFWF grant, are developing habitat prescriptions for the Golden-winged Warbler in Pennsylvania and Maryland, so future early-successional work can maximize benefits for both species where they overlap.

In addition to habitat creation and restoration, numerous public and private conservation partners including WMI, U.S. Fish and Wildlife Service, National Resources Conservation Service, state agencies, and private landowners are developing Best Management Plans, creating demonstration areas, educating land managers and private landowners, and developing new opportunities for funding in order to increase species' populations in young forests.

Grassland Conservation, from page 15

being known as North America's "duck factory", the Prairie Pothole region and the habitats covered in the project are the core of the global range of several U.S. WatchList birds. Ninety percent of the global population of the Baird's Sparrow breeds in the Prairie Potholes, and 86% of the Sprague's Pipit. These areas are also crucially important to the Short-eared Owl, Long-billed Curlew, Marbled Godwit, Nelson's Sparrow, and McCown's Longspur. Most of these birds have seen significant declines in available habitat throughout their ranges.

"It will be impossible to stem the tide of grassland bird declines without implementing widespread conservation strategies in the Prairie Pothole region," said Dan Casey,

Northern Rockies Coordinator for ABC. "Working with willing landowners to acquire conservation easements will not only protect these crucial wetland and grassland habitats, it will help maintain traditional land uses and lifestyles of the prairies. Similar work is needed wherever native prairie can still be found."

Although the official public comment period for the project's initial environmental analysis ended in mid-January, the opportunity to comment will continue for those on the mailing list for the draft land protection plan. Email dgca_comments@fws.gov to request to be added to this list. A fact sheet on the project is available at: www.fws.gov/audubon/dakotagrassland.html.

New Population of Nihoa Millerbird to be Established

In order to reduce the risk of extinction of the critically endangered Nihoa Millerbird, a small group of the songbirds will be transported from their last remaining home on the 173-acre island of Nihoa in the Hawaiian archipelago to Laysan Island, about 645 miles away.

Scientists have long been concerned that restriction to a single island puts the Millerbird at a high risk of extinction from natural disasters, invasive species, disease, or other factors, and have recommended such a translocation to another nearby island for over 30 years. Recent involvement by ABC and the National Fish and Wildlife Foundation have helped catalyze this process, with biologists in Hawai'i leading the preparations.

Laysan Island was selected as the most suitable release site because Millerbirds were naturally present there until 1923. The island's vegetation was destroyed by humans and introduced rabbits, causing three endemic birds to go extinct: the Laysan Millerbird, Laysan Rail, and Laysan Honeycreeper. Since the eradication of the rabbits, the FWS conducted extensive habitat restoration, and when biologists from FWS, Honolulu Zoo, and ABC visited during a March 2010 site assessment, they found sufficient suitable habitat on Laysan to



Nihoa Millerbird: R. Kohley

support Millerbirds. Laysan also has no predators, mosquitoes, or avian disease, which make the main Hawaiian Islands unsuitable as release sites.

ABC and FWS have been working on the translocation "blueprint", describing how the birds will be moved from Nihoa to Laysan and monitored after their release. The goal is to move 24 Millerbirds to Laysan in September 2011, with subsequent translocations building upon this effort until a viable population on Laysan is achieved.

ABC and FWS biologists captured 12 Millerbirds in September 2010, and



Nihoa Island: Chris Farmer, ABC

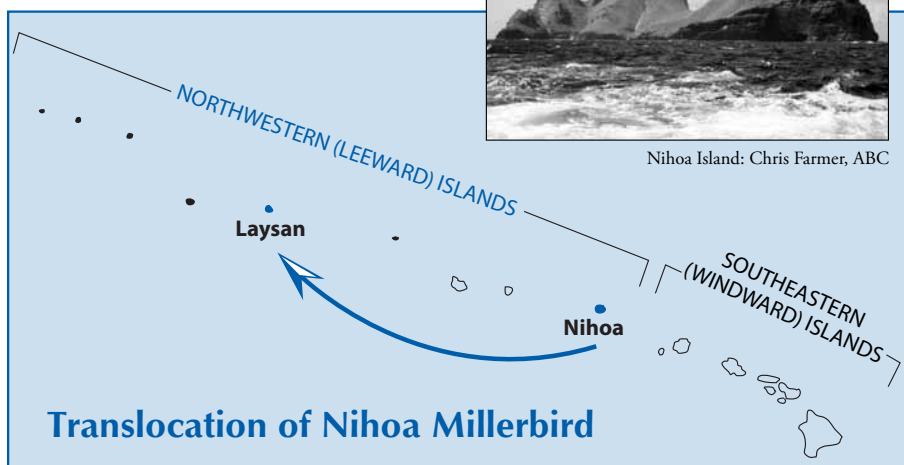
held them in small transport cages for eight days. Safely supporting this insectivorous bird in captivity during the holding and transport time was a significant concern. However, all the birds acclimated to captivity, and maintained their body weight on a diet of live-caught flies and frozen arthropods. Each bird was re-sighted in the wild after it was released, indicating there was no short-term effect of captivity. This result bodes well for the overall success of the project. While on Nihoa, the biological team also conducted the annual island-wide survey of Nihoa Millerbirds and Nihoa Finches, and banded additional Millerbirds for continuing



Nihoa Millerbird in temporary captivity. All the birds captured for this project were returned to the wild unharmed. Photo: R. Kohley

survival and behavioral studies. The Nihoa Millerbird has shown large annual population fluctuations, ranging from 30–800 birds since monitoring began in 1967. The 2010 survey estimated there were approximately 500 Millerbirds left.

Biologists are currently focused on securing the necessary charter boat transportation, permits, personnel, and funding for the translocation.



Read a first-hand account of this project, written by ABC's Chris Farmer, on our new blog! Visit <http://abcbirds.wordpress.com>

Tourists Glimpse Mysterious Peruvian Owl



Long-whiskered Owllet, Abra Patricia, Peru.
Photo: Roger Ahlman

Recently, several groups of bird-watchers have been treated to a once-in-a-lifetime sighting in Peru when they observed the rare Long-whiskered Owllet, a species previously seen only by a handful of people.

This owllet is so rare that it was not discovered until 1976, and since then, the bird seems to generally prefer to be out of sight, including a 26-year period

without any confirmed sightings at all. But in a seven-week period between September and November 2010, six tour groups, including visitors from the USA, Canada, the UK, Holland, Costa Rica, and Sweden, saw the bird near the Owllet Ecolodge at the Abra Patricia Reserve in northern Peru, where the species' habitat has been protected by ABC and its Peruvian partner ECOAN.

“The fact that the Long-whiskered Owllet is nocturnal, only lives in this limited area, and exists in very small numbers means that the visitors had a very exciting, unique birding experience. We are now starting to understand more about this bird's habits, and with continued conservation efforts, we hope more people will be able to see it,” said Sara Lara, International Programs Director for ABC.

Abra Patricia was first established in 2005 by ECOAN with support from ABC. It now totals over 7,400 acres with an adjacent 17,000-acre conservation concession. The reserve features the Owllet Ecolodge along with many miles of excellent hiking trails, hummingbird feeders, and a canopy observation tower. Reserve rangers discovered a new owllet territory roughly 1.5 miles from the lodge in July 2010. During July and August, ECOAN prepared new trails to access this area, which facilitated the recent owl sightings.

Access to the trail is tightly controlled. Group size is restricted to six people maximum, and visitors must be accompanied by reserve rangers. If owllets do not respond to taped playback of an owl calling after two attempts, visitors are moved on to a different territory in order to minimize disturbance to these birds.

To learn more about the reserve and ecolodge and to book your trip, visit www.conservationbirding.org.

Yellow-eared Parrot Numbers Reach a 12-Year High

The numbers of Yellow-eared Parrot, a species once feared extinct, have increased to their highest levels since it was discovered in 1998. At that time just 81 birds were found in one flock surviving in a remote, mountainous area of Colombia, and the bird was considered critically endangered under IUCN-World Conservation Union criteria. In May 2010, the species was downgraded to endangered, recognizing the success of intensive conservation efforts led by the Colombian conservation group Fundación ProAves in partnership with ABC, Conservation International-Colombia, and Loro Parque Fundación of Spain.

A new survey now shows that the bird has reached historically high population levels. The parrots have just had the most successful breeding season on record, with 291 chicks fledged from 131 nests, bring the total population to 1,076 individuals.

ProAves implemented several major initiatives to help save the Yellow-eared Parrot. In 2009, the Parrot Conservation Corridor was established to protect the species, and has in-

cluded the strategic acquisition of over 10,000 acres of habitat accompanied by significant, ongoing reforestation. A nest box program has provided critical new nest sites for the bird. Another important conservation effort has involved conserving the wax palm, Colombia's national tree, which provides key habitat for the parrot. These palms are also in danger of extinction due to over-harvesting of their fronds for Palm Sunday celebrations, which was placing stress on the tree and also on parrot populations. ProAves successfully instituted a campaign, supported by the Colombian Catholic church, to educate local celebrants on the problem and to substitute the fronds of a plentiful, introduced palm.



Yellow-eared Parrots in nest box.
Fundación ProAves, www.proaves.org

Rare Bird Protected by Groundbreaking Land Deal in Peru

For the first time in Peru, conservationists have purchased privately owned lands within a national protected area and then donated them to the national government. Twenty-nine privately owned properties totaling nearly 1,200 acres within Peru's Allpahuayo Mishana National Reserve were donated in December 2010 to the Servicio Nacional de Areas Naturales Protegidas por el Estado (SERNANP), the government agency that administers national protected areas.

The 143,500-acre Allpahuayo Mishana National Reserve is located only 15 miles from the city of Iquitos in northern Peru, and protects rare white-sand forests that are home to threatened and unique Amazonian plants and animals.

"This reserve is one of the most important places for birds in Peru, supporting a community of 19 white sand forest-dependent bird species, and is the only home for the critically endangered Iquitos Gnatcatcher," said Daniel Lebbin, Conservation Biologist

with ABC, which was one of the key supporters of the acquisitions.

When the Allpahuayo Mishana National Reserve was created, much of the land remained under private ownership. Timber extraction, charcoal production, and land clearance for agriculture on privately owned in-holdings within the reserve continue to damage forests and reduce habitat for threatened wildlife. The protected area was first declared as a Reserve Zone in 1999, and elevated to a National Reserve in 2004.

With support from ABC, ConocoPhillips, the National Fish and Wildlife Foundation, and the Robert W. Wilson Charitable Trust, ProNaturaleza (a leading Peruvian conservation organization) purchased the land from willing sellers in the eastern portion of the Reserve where the Iquitos Gnatcatchers live. They then worked with a coalition including the Peruvian government via SERNANP and other environmental groups, such as Friends of Allpahuayo Mishana (ACAAM) and Club Amigos



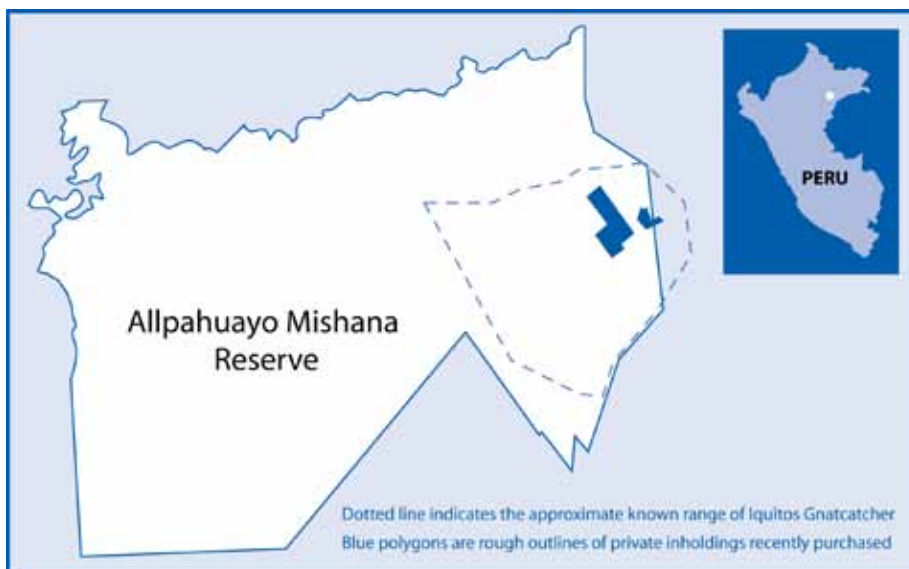
Iquitos Gnatcatcher: José Álvarez Alonso

de la Baturalaza (CANATURA, a group conducting environmental education), among others to make the donation. ACAAM also purchased private property along the reserve's border, which will help protect additional forests.

"This experience is a clear example of joint work between public and private institutions benefiting the management of the Allpahuayo Mishana National Reserve, the pride of Iquitos," said Martin Alcalde, Executive Director of ProNaturaleza. "We hope to build on this success to purchase more in-holdings if additional funds become available."

"The donation of this land to SERNANP allows us to better manage it for conservation," said Carlos F. Rivera Gonzales, the head of Allpahuayo Mishana National Reserve.

The Iquitos Gnatcatcher was only first scientifically described in 2005, and is currently ranked as Critically Endangered under IUCN-World Conservation Union criteria due to its restricted range (less than eight square miles) and tiny population (perhaps fewer than 50 pairs), and the threat that deforestation poses to its remaining white sand forest habitat. The Allpahuayo Mishana National Reserve is recognized by the Alliance for Zero Extinction as one of 587 sites worldwide where conservation is essential to prevent species extinctions.



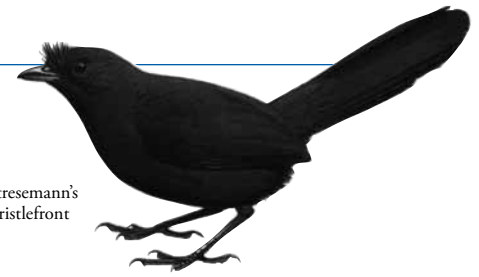
Changes to Brazilian Forestry Code Threaten to Undo Past Protections

A set of proposed changes to the Forestry Code of Brazil threaten to undo existing forest protection and hamper efforts to reduce greenhouse gas emissions caused by deforestation. Changes in the Code could also significantly affect bird conservation by reducing landowner requirements to protect remaining natural habitat, and by increasing deforestation rates.

The attacks on the Forestry Code come from an unlikely alliance of politicians from the left and right, fueled by a backlash to a campaign by the U.S. conservation group Avoided Deforestation Partners. Their slogan, “farms here [in the US], forests there [in Brazil],” has angered some Brazilians, who feel it requires them to make economic sacrifices while U.S. farmers profit.

Important features of the existing Forestry Code include a requirement for landowners to maintain riparian buffers of 100 feet, protect habitats on steep slopes and hilltops, and maintain a portion of their property in natural habitat, usually forest. The portion of land they must protect, known as the “Legal Reserve,” varies by region, from 20% in some semi-arid regions to as high as 80% in Amazonia. The proposed changes to the Code include reducing the riparian buffers to 50 feet and cutting the Legal Reserve requirements by as much as 50%.

Stresemann's Bristlefront



A group of Brazilian scientists published a letter in the July 16, 2010 issue of *Science*, indicating that the changes to the Code “will benefit sectors that depend on expanding frontiers by clear-cutting forests and savannas and will reduce mandatory restoration of native vegetation illegally cleared since 1965.” The scientists also declared that these changes would impact biodiversity, causing the extinction of as many as 100,000 species of plants and animals.

Strengthened requirements in the code and improved enforcement in recent years have been credited with a two-thirds reduction in deforestation rates in Brazil. Although the most notable successes have been in the Amazonian region, it has also been an important tool in reducing deforestation in the Atlantic Forest region, home to 84 threatened birds and nine AZE species (see opposite page), including the Stresemann's Bristlefront. The Atlantic Forest region has already lost more than 90% of its habitat, and most of the remnants are highly fragmented.

The proposed changes to the Forestry Code will likely be considered in the Brazilian Congress in mid-2011. It is still not clear whether Brazil's new President, Dilma Rousseff, will support or oppose the proposed changes. Brazilian conservation organizations have recently tried to have scientists and conservationists included in the ongoing discussions about modifications to the law.

Excavation Destroying Paraguayan Wetland IBA

Despite three designations reflecting its environmental importance, and a fourth in negotiation, the Asunción Bay wetlands area in Paraguay is being excavated by construction crews. In October 2010, excavation began on the banks of the Río Paraguay opposite the capital city of Asunción. The intent of the excavation is to make way for a waterfront project to “clean” the banks of the river, deepen the waters near shore, and remove washed-in silt. The project was moving ahead despite the area having been declared as the Ecological Reserve Banco San Miguel and Bahía de Asunción in 2005. In addition, the area has been declared an Important Bird Area by the conservation organization Guyra Paraguay and BirdLife International, and is also a Western Hemisphere Shorebird Reserve Network site, recognizing the significance of the site as a migration stopover for large numbers of Buff-



Buff-breasted Sandpiper: Mark Hoffman

breasted Sandpipers, and its importance to more than 280 other species of birds. Authorities had recognized that the work will disrupt the shorebird habitat, but claim the effects will be temporary, and that the final result would be improved habitat – an assertion challenged by conservationists. The project is expected to end in December 2011.

Alliance for Zero Extinction Releases New Data, Provides Key Tool for Saving Global Diversity

The Alliance for Zero Extinction, chaired by ABC Vice President Mike Parr, has raised its profile in recent months.

AZE was formed in 2000, and launched globally in 2005 and consists of 68 non-governmental biodiversity conservation organizations working to prevent species extinctions by identifying and safeguarding the places where species evaluated to be Endangered or Critically Endangered under IUCN-World Conservation Union criteria are restricted to single remaining sites. To date, AZE has identified sites for mammals, birds, amphibians, reptiles, conifers, and reef-building corals, providing a tool to defend against many of the most predictable species losses. Country-based initiatives representing partnerships of government agencies and non-government organizations have been developed in Brazil and Colombia to accelerate the protection of AZE sites. Other countries, such as Mexico and Peru are developing similar initiatives.

Worldwide Extinction Prevention Sites Identified

New data released by AZE pinpoints 587 single sites where 920 of the world's most endangered species are restricted—places that if properly protected could help avert an imminent global extinction crisis. The AZE data are accompanied by a map that graphically illustrates the location of each of these sites. The new data result from the efforts of a network of hundreds of scientists and conservationists around the world.

“The new data and map enable us to instantly pinpoint the locations of the world's key wildlife extinction epicenters. It allows us to see at a

glance where we need to focus efforts to prevent imminent extinctions and preserve Earth's precious biodiversity,” said Parr.

Only half of the sites identified enjoy any formal protection, and of those, half are only partially protected.

“Protecting the remaining unprotected AZE sites, through locally appropriate means, is an urgent strategic global biodiversity conservation priority,” added Parr.

Protecting an AZE site can often prevent multiple extinctions, as some of these sites host more than one highly threatened species. The sites with the most AZE species are the Sierra de Juarez with 22 species, and Veracruz Volcanoes with 16 species, both in Mexico. Massif de la Hotte, Haiti is third with 15 species, followed by Sierra Nevada de Santa Marta National

Natural Park, Colombia, with 12 species. The countries with the most AZE sites are: Mexico (68), Colombia (46), Peru (34), Indonesia (31), Brazil (27), and China (23).

To view the new map and data, visit www.zeroextinction.org.

World Governments Agree on Zero Extinction

The new AZE data and map were released in conjunction with the Convention on Biological Diversity conference in Nagoya, Japan, where representatives of 193 of the world's countries gathered to determine how to protect Earth's biodiversity.

At the convention, the parties agreed on a zero-tolerance target for species loss. The decision was adopted along with a new, more ambitious Strategic Plan to halt biodiversity loss by 2020.

World Bank/GEF Announce Support to End Extinctions

At the Nagoya meeting, the World Bank and Global Environment Facility announced a new initiative to halt species extinctions. The new partnership will respond to requests from developing countries for assistance in their efforts to protect key sites identified by AZE. Over the next four years, a new AZE strategic global extinction threat map (similar to the one just produced) will be used to target action.

Together, these data resources represent a straightforward means for countries and international donors such as the GEF and the World Bank to effectively address the issue of imminent species loss, a central component of biodiversity conservation.

The World Bank Group will serve as the lead implementing agency of the GEF, and will work with the AZE alliance members and government partners.

Groups such as ABC are already undertaking projects to save AZE species by working with in-country partners such as Fundación ProAves in Colombia, ECOAN in Peru, and Fundación Jocotoco in Ecuador, Fundação Biodiversitas in Brazil, and Fundación Armonia in Bolivia, five members of ABC's newly created International Partner Network.

Birds in Brief

The Neotropical Migratory Bird Conservation Act (NMBCA) and the 111th Congress

The Senate NMBCA reauthorization bill championed by Senator Cardin and Senator Crapo, was part of a larger package called S. 303 “America’s Great Outdoors Act of 2010” that many had hoped would be passed in the closing days of the 111th Congress. The bill would have increased the NMBCA authorization levels from the current ceiling of \$6.5 million to \$10 million.

First established in 2000, the NMBCA supports voluntary partnerships through a matching grant program to fund projects promoting long-term conservation of neotropical migrants in the U.S., Canada, Latin America, and the Caribbean.

Unfortunately, as soon as the bill was introduced, Senate Republicans objected to its size and the limited time they had for consideration, and threatened to bring the Senate to a screeching halt by reading the entire 1,000-page bill on the Senate floor. As a result, Senator Reid withdrew the bill, and moved different parts of it under unanimous consent (a procedure where a matter is considered agreed to if no Senator on the floor objects).

Unfortunately, NMBCA was not able to be considered by the full Senate for a vote. As a result, the authorization for the program has lapsed leaving the funding susceptible to elimination in the new Congress.

Bicknell's Thrush: Bill Hubick



Get the Scoop on Protecting the Bicknell's Thrush

The rare Bicknell's Thrush will benefit from sales of a special ice cream in the Dominican Republic. Ice cream manufacturer Helados Bon has announced a new flavor called Choco Maple that was inspired by the threatened songbird. The flavor includes organic chocolate and maple, respectively representing elements of the thrush's wintering and breeding range. A portion of each sale will be used to protect Bicknell's Thrush habitat.



The Bicknell's Thrush was once considered a subspecies of the Gray-cheeked Thrush. It has a fragmented and limited breeding range in montane and maritime forest habitats in the Catskills and Adirondacks of New York and the higher peaks of northern New England, Quebec, New Brunswick, and Nova Scotia. It winters only in the Greater Antilles, with the bulk of the population in the Dominican Republic.

Three Endangered Whooping Cranes Shot in Georgia

Necropsies indicate that three cranes found dead near Albany, Georgia, on Dec. 30, 2010, were shot. The three banded cranes were part of a group of five birds that had been released

earlier in the year in the area, and were equipped with radio transmitters. They had last been tracked to Hamilton County, Tennessee, where they roosted with three other cranes, before being discovered and reported by hunters some 300 miles away.

The dead cranes were part of the Whooping Crane Eastern Partnership effort to reintroduce the species into the eastern United States. The program includes the high-profile project utilizing ultralight aircraft to teach cranes a migration route behind ultralight aircraft, although the dead birds in this case were not part of that effort.

The U.S. Fish and Wildlife Service is conducting a joint investigation into the deaths with the Georgia Department of Natural Resources. In addition to protections under the Endangered Species Act, Whooping Cranes are also protected by state laws and the federal Migratory Bird Treaty Act. Anyone with information on the deaths is asked to contact U.S. Fish and Wildlife Service Special Agent Terry Hasting at 404-763-7959 (ext. 233). A \$20,800 reward is being offered for information leading to arrest and conviction of the perpetrators.

There are about 570 whooping cranes left in the world, with 400 in the wild, about 100 of which are in the eastern migratory population.



Whooping Crane: Greg Lavaty



Sandhill Crane Hunts Begin

In September 2010, Minnesota began a limited hunting season on Greater Sandhill Cranes; both Tennessee and Kentucky are now exploring proposals for similar hunts.

The entire population of Sandhill Cranes (all subspecies combined) totals over 600,000 birds. The population of Greater Sandhill Cranes is estimated to be 80,000-100,000 birds. The Greater Sandhill Crane is currently hunted in all or portions of 13 other states, three Canadian provinces, and parts of Mexico.

As with waterfowl, Sandhill Crane hunting management involves the expertise of a technical committee consisting of representatives from each state and province in the appropriate migratory flyway. This committee reviews population levels and other relevant biological data, constructs population models, and provides recommendations that result in publication and implementation of a management plan for each flyway. On completion of the plan and approval by the respective Flyway Council and then U.S. Fish and Wildlife Service, the states can then petition the Service to grant a hunting season.

The Management Plan for the eastern population of Sandhill Cranes was finalized and approved by the U.S. Fish and Wildlife Service in 2010. The plan outlines a science-based, conservative framework for implementing a hunting season (complete with monitoring) for the cranes within the United States and Canada.

Bright Lights Offer Dim Future for Birds

In the middle of October, the town of Islip, New York, passed an ordinance intended to reduce light pollution, following the example of over fifty other municipalities in the state (see a list at http://selene-ny.org/ordinances.asp?&MMN_position=6:6). These cities and towns have taken action that will save energy, cut costs, and reduce greenhouse gas emissions, while saving the lives of hundreds of thousands of migrating birds. This town-by-town approach is necessary because, although the New York State Assembly has passed light pollution bills by wide, bipartisan margins, for the last three years, political stalemate in the Senate has prevented these bills becoming law.

The issue is a deadly important one for birds. Night-migrating songbirds have a complex relationship with light. They depend on relatively dim light

from the stars and moon for navigation, which can be obscured by rain and fog. Artificial lights appearing below the birds as they fly can confuse them, and they may become trapped in beacons of light such as those atop communication towers or in beams such as those used to highlight monuments. For example, operators of the 9/11 Memorial repeatedly shut down the giant spotlights to prevent birds becoming trapped in the light columns. Birds may also be attracted by light pollution emanating from everything from parking lots to empty office windows. As they search for food during the next day in or around buildings and homes, they must navigate through a maze of glass and many become victims of daytime collisions. Seabirds that move between their nesting colonies and the sea at night are also vulnerable to light attraction, often followed by collisions with man-made structures.

Some communities in North America have responded by creating Lights Out programs and passing regulations to minimize light pollution. Lights Out programs can be voluntary or mandated, and aim to get buildings to turn off all unnecessary lighting during spring and fall migration periods. Lighting regulations or guidelines specify fixtures and lighting designs that cut off automatically, don't waste light, and eliminate glare. While Islip's ordinance is currently under attack by those who fear decreased security or disruption of business, the experience of other towns in the area has proved these fears to be unfounded.



Artificial lights appearing below birds as they fly can confuse them, and they may become trapped, such as these birds shown circling within the lights of the 9-11 Memorial in New York City. Photo: Dan Nguyen, Flickr.com

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HELP SAVE HAWAIIAN BIRD SPECIES!



It is unacceptable that the wealthiest nation in the history of the world allows its 50th state, Hawai'i, to be the epicenter of bird extinctions. America can – and should – be a model for endangered species conservation. What the bird conservation community has learned and accomplished in saving species such as the Bald Eagle, Kirtland's Warbler, Brown Pelican, and Red-cockaded Woodpecker, we now must apply to saving Hawai'i's 42 remaining endemic bird species.

The good news is that we are not starting from scratch. Over the last ten years, conservation efforts have slowed the rate of decline for some of Hawai'i's birds. With stepped-up actions and resources, and your help, we can change the fate of more than a dozen Hawaiian bird species, including the Palila, Newell's Shearwater, Maui Parrotbill, Nihoa Millerbird, and more.

To achieve this goal, ABC is leading a multi-partner, multi-year, conservation initiative to protect core habitat, reduce threats such as power lines and wind farms, and engage local communities to champion protection of their native birds.

Can you help us in Hawai'i? We are working with the National Fish and Wildlife Foundation to help recover these endangered species and their native habitats, but we need to raise \$70,000 in matching funds for our ongoing work.

Donate today using the enclosed envelope, and make a difference for imperiled Hawaiian birds. Visit www.abcbirds.org