



THE WILDLIFE SOCIETY

5410 Grosvenor Lane • Bethesda, MD 20814-2144

Tel: (301) 897-9770 • Fax: (301) 530-2471

E-mail: tws@wildlife.org

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Paul Schmidt

Assistant Director for Migratory Birds and State Programs

U.S. Fish and Wildlife Service

1849 C St., N.W.

Mailstop 3238

Washington, DC 20240

Via mail and email

RE: Final Rule to Remove the Rusty Blackbird and Mexican Crow from the Blackbird Depredation Order and the Requirement to Use Nontoxic Shot to Control Any Species Under the Order [FWS-R9-MB-2008-0064; 91200-1231-9BPP]

Dear Mr. Schmidt:

The Wildlife Society (TWS) is writing to commend the Service on the regulation that removes the Rusty Blackbird (*Euphagus carolinus*) and the Mexican (Tamaulipas) Crow (*Corvus imparatus*) from the blackbird depredation order [75 FR 75153 et seq.]. Of particular significance is the provision that requires use of nontoxic shot for control of blackbird species that remain subject to the depredation order. TWS recognizes that lead is known to be a broad-spectrum toxicant to humans and wildlife and advocates the replacement of lead-based ammunition and fishing tackle with nontoxic products wherever possible. TWS applauds the Service for its biologically sound decision toward phasing-out these toxic products and urges the Service to resist calls to modify or reverse this decision.

TWS, founded in 1937, is a non-profit scientific and educational association representing over 10,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. TWS's mission is to represent and serve the professional community of scientists, managers, educators, technicians, planners, and others who work actively to study, manage, and conserve wildlife and its habitats worldwide.

As noted in the final rule, long-term evidence demonstrates population declines of both the Rusty Blackbird and Mexican Crow throughout a significant portion of their ranges. Such trends warrant additional measures to safeguard these species, avoid further declines, and prevent a need for greater protective measures. The Service's decision to remove these species from the blackbird depredation order is a significant and proactive measure that is in line with the spirit of the Migratory Bird Treaty Act (MBTA). The provision provides additional benefits to these blackbird species, as well as other bird and wildlife species that share the same habitat, through

limited allowance of the use of lead shot to control species that remain on the depredation order. Lead in the environment poses unnecessary and avoidable threats to wildlife. We believe these are logical and responsible measures to reduce and eventually prevent greater accumulation of this toxic substance in the water and land resources utilized by both humans and wildlife.

This provision will likely continue to face opposition, regardless of evidence that other species protected under the MBTA stand to benefit from reduced levels of lead in the environment. Both private and governmental organizations have previously expressed opposition to restrictions on lead shot and it is likely that political pressure will build to reverse the Service's science-based decision.

However, we believe the science-based decision of the Service as set forth in this final rule is sound. The detrimental effects of accidental ingestion of lead through contaminated prey or contaminated sediments ingested along with prey items have been demonstrated in songbirds, raptors, scavengers such as vultures and condors, the common loon, small mammals, and other wildlife and pose an unnecessary threat.

Therefore, the Service should not weaken its requirement for nontoxic shot or bullets, as the rule already offers an exemption enabling sufficient flexibility for situations where alternatives do not exist. TWS advocates the replacement of lead-based ammunition with nontoxic products, but recognizes complete replacement may not be possible under some circumstances; the phase-out should be ambitious but practical. Again, TWS urges the Service to stand by its rule to manage blackbird species under the depredation order with a minimal contribution of lead to our environment.

Thank you for considering the views of wildlife professionals. For your use and reference we have included a copy of TWS's 2008 technical review, *Sources and Implications of Lead Ammunition and Fishing Tackle on Natural Resources*, to provide additional information and scientific citation, if needed, to assist the Service in maintaining this rule.

Sincerely,



Thomas J. Ryder
President

Enclosure