



3 February 2005

John L. Trapp  
Division of Migratory Bird Management  
U.S. Fish and Wildlife Service  
4401 North Fairfax Drive  
Mail Stop 4107  
Arlington, VA 22203  
Transmitted via Facsimile: 703-358-2272

Re: Draft List of Species to Which the Migratory Bird Treaty Act Does Not Apply

Dear Mr. Trapp:

On behalf of The Humane Society of the United States (HSUS) and our more than 8 million members and constituents, I appreciate this opportunity to provide comments on the Draft List of Species to Which the Migratory Bird Treaty Act Does Not Apply (70 FR 372). Here, we present evidence regarding possible natural occurrences within the United States of species on the Draft List.

The Notice of Availability indicates, under “What Criteria Did We Use To Identify Bird Species Not Protected by the MBTA?” that the Draft List includes species that meet four criteria. Two of the criteria require that, first, “all ... known occurrences in the United States can be confidently attributed solely to intentional or unintentional human-assisted introductions to the wild” and, second, that “there is no credible evidence of its natural occurrence in the United States unaided by direct or indirect human assistance.”

These two criteria are especially problematic because it is not uncommon for many bird species to show up unexpectedly far from what is considered their usual range. This is especially true for those species or populations that migrate long distances or those that are otherwise relatively mobile (e.g. those that regularly or occasionally “irrupt” well outside of their usual or known range). Some species are capable of transoceanic journeys that may, for example, allow for a migratory Old World species to turn up in the Aleutian Islands, other parts of Alaska, or on the east coast of Canada or the United States. Many of the Old World species included on the Draft List are migratory and occur in parts of Europe and Asia that are also occupied by species that have arrived, apparently unassisted, in the United States. Behavioral and physiological traits that may allow (or may have already allowed) any of these species to reach the United States unaided by humans (e.g. by crossing an ocean or by reaching Alaska via

northeastern Siberia) are not discussed in the Notice for any of the species on the Draft List.

Some Central and South American species included on the Draft List occupy areas—such as central or northern Mexico, Cuba, or Trinidad and Tobago—from which they might easily reach California, Arizona, New Mexico, Texas, or Florida, even if they are not long-distance migrants. Such inter-American movements might be precipitated by local or regional shortages of food or nesting habitat, which could, in turn, result from changing land-use patterns in the country or region of origin, or through weather-related or climatic events such as changes in the amount of precipitation. Again, the Notice provides no information on the behavioral ecology of any of the species included on the Draft List that would allow for a determination of the likelihood that these species could reach (or could have already reached) the United States unaided by humans.

The cattle egret (*Bubulcus ibis*)—referred to in the Notice as an example of a species that has colonized the United States relatively recently through natural means—provides an important lesson for any attempt to determine the origin of an unusual species occurring in the United States. The highly migratory cattle egret is thought to have arrived in South America from its original native range in Africa by the 1870s,<sup>1</sup> apparently (according to some sources) as a result of prevailing winds or storms.<sup>2</sup> From South America, the cattle egret traveled to the West Indies, and on to Florida. By the 1960s it had expanded and was nesting in southern Canada and California.<sup>3</sup> This colonization event may be well-understood and accepted now, but prior to the arrival of the cattle egret, ornithologists might have considered such a natural colonization to be unlikely. Inclusion on the Draft List of a species capable of natural occurrence—or even natural colonization—in the United States will undermine the entire purpose of the Migratory Bird Conventions, which is to protect birds that naturally travel between countries. Though the Notice specifically excludes the cattle egret from the Draft List due to the fact that it clearly arrived here unaided by humans, similar natural occurrences may occur—or may have already occurred—by other species on the Draft List.

For several of the species on the Draft List, the available documentation clearly shows past introduction(s) to the United States by humans. Many of these species are kept as pets or in zoos or other captive facilities and have either escaped or have been intentionally released. However, many of the introduced species appear to have been introduced (or have escaped) only on the Hawaiian Islands, and not on the mainland where, for some, natural occurrence may be a possibility. For other species the evidence of past introductions anywhere in the United States is not so clear. Regardless of the evidence of past introductions or escapes, or the prevalence of some species in captive facilities, many species on the Draft List may be capable of reaching the United States without human assistance; and, for a few species, such natural “vagrancy” may have already occurred.

The Notice does not describe the scientific justification for the inclusion of 112 of the 113 species on the Draft List. This deficiency leaves the public unable to assess the validity of inclusion of any of these species on the Draft List. We reviewed the available literature (including sources cited in the Notice and available for photocopying) and found that, for many species, minimal, if any,

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<sup>1</sup> Robbins, C.S. 1995. Non-native birds. In: E.T. LaRoe, G.S. Farris, C.E. Puckett, P.D. Doran, and M.J. Mac (Eds.), *Our Living Resources: A Report to the Nation on the Distribution, Abundance, and Health of U.S. Plants, Animals, and Ecosystems*. U.S. Department of the Interior, National Biological Service, Washington, DC

<sup>2</sup> Berger, A.J. 1981. *Hawaiian Birdlife*, 2<sup>nd</sup> Edition. University of Hawaii Press, Honolulu, HI.

<sup>3</sup> Robbins, C.S. 1995. *Ibid.*

information is available regarding migratory movements, irruptive movements, locations of reported vagrancy, or other characteristics relevant to the likelihood of natural occurrences in the United States.

Our review of the available literature did, however, reveal a great deal of uncertainty among ornithologists as to the origins of birds sighted or collected within the United States, as well as general agreement on the ability of many bird species to reach areas far outside their normal ranges unassisted by humans. In addition, we found evidence suggesting that a number of species included on the Draft List may be especially likely to reach the United States unassisted by humans, as well as evidence that some species may have already occurred naturally in the United States.

Below, we detail relevant findings from available literature for several of the families and individual species included on the Draft List. Our discussion below is not all-inclusive, simply due to a lack of information for many species and families, and is only intended to draw attention to the clearest and best-documented examples of species that may be capable of natural occurrence in the United States. The results of our review argue strongly for (1) a more careful analysis of the scientific literature to determine the likelihood of past or future natural occurrences and (2) a revision of the Draft List, as determined by this analysis.

## **Family Anatidae**

### Relevant Family Characteristics

Ducks, geese, and swans are often highly migratory; even those species that are not long-distance migrants may make opportunistic or nomadic movements, probably related to food abundance in many cases. Weller (2001) indicates that, “In part because of their powerful flight, their long migrations, and their extensive ranges in the Northern Hemisphere, waterfowl regularly appear far outside their normal ranges.”<sup>4</sup> Weller also points out that waterfowl kept in captivity frequently escape, which “often makes it difficult to determine whether unusual species are of natural or captive origin.” The author then describes the occurrence in the western Aleutians, elsewhere in Alaska, and even further south along the Pacific coast of North America, of seven duck and goose species, all of which are native to much of Eurasia, or to parts of eastern Asia. And, on the Atlantic coast of North America, Weller notes that, “the Pink-footed Goose (*Anser brachyrhynchus*), which breeds in Iceland, Svalbard (Sptizbergen), and Greenland and winters in western Europe, has been found on several occasions. Most records from eastern Canada are likely to involve wild birds. Reports from farther south are more difficult to evaluate.” He goes on to note that “White-cheeked Pintails (*Anas bahamensis*), of the West Indies and South America, have been found regularly in Florida, where they are generally considered to have a wild origin.” He refers to records of a number of Eurasian species—including the red-breasted goose (*Branta ruficollis*), common shelduck (*Tadorna tadorna*), and ruddy shelduck (*Tadorna feruginea*), all of which are included on the Draft List—occurring within the United States that “are presumed to refer to escaped birds.” However, the uncertainty and the potential for mistakes in determining the origins of some of these birds clearly exist. In fact, as Weller point out, “The migratory patterns and history of vagrancy from areas where escapees are unlikely (for example, Greenland), however, make some of these species potential candidates for natural occurrence in North America.”

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<sup>4</sup> Weller, M. W. 2001. Ducks, geese, and swans. Pp. 190 – 211. In: C. Elphick, J.B. Dunning, Jr., and D.A. Sibley (Eds.), National Audubon Society, *The Sibley Guide to Bird Life and Behavior*. Alfred A. Knopf, Inc., New York.

## Species on the Draft List

- *Anser indicus* (bar-headed goose): Though populations of this species have apparently declined in its usual native range, it once ranged extensively across central Asia, including Mongolia, China, and the Tibetan Plateau. It exhibits at least some migratory movements as it winters in India and Pakistan.<sup>5</sup> The American Ornithologists' Union, in describing the probable captive origin of one individual recorded in the United States, noted that "the wandering of this central Asiatic species to North America is not beyond the realm of possibility."<sup>6</sup>
- *Branta ruficollis* (red-breasted goose): This goose breeds in Siberia and winters primarily on the shores of the Black Sea. Vagrants have been reported over most of central and western Europe, in all Scandinavian countries, in Israel and Egypt, and occasionally in China, northern India, and Irkutsk and Chukotsk Peninsula in Siberia.<sup>7</sup> Chukotsk Peninsula is approximately 50 – 60 miles west of Alaska's Seward Peninsula and 40 – 50 miles west of St. Lawrence Island. It is perhaps for this reason that Weller (2001) did not rule out natural occurrence of *B. ruficollis* in North America. Certainly, for a species that is capable of getting within 60 miles of the United States, it may only be a matter of time before a natural occurrence will be recorded within the United States.
- *Cygnus olor* (mute swan): According to some sources,<sup>8</sup> a swan fossil found in Malheur County, Oregon and described as *Cygnus paloregonus* has morphological traits that suggest a closer relationship to *C. olor* than to *C. buccinator* or *C. columbianus*. We agree that, at this time, it is not clear whether *C. paloregonus* is synonymous with *C. olor*, whether *C. paloregonus* is an immediate ancestor of *C. olor* or is a closely related taxon with a shared common ancestor, or whether the morphological similarities between these two taxa may have arisen through a process such as convergence rather than shared recent ancestry. The Notice points out that, even if there were "clear and indisputable evidence that *paloregonus* was synonymous with *olor*, thus possibly representing an early incursion of a population of *Cygnus olor* into North America that subsequently became extinct, that evidence would not obviate the fact that all current populations of the mute swan in North America are derived from introduced stocks that were released or escaped...." However, while there is certainly convincing evidence that some *C. olor* populations have been introduced into the United States in relatively recent times, the criteria used by the USFWS in determining whether to include a species on the Draft List require that "all *known* occurrences," not "all *current* occurrences" be attributable to intentional or unintentional human-assisted introductions to the wild.
- *Dendrocygna viduata* (white-faced whistling duck): This species inhabits tropical regions of both Africa and Central and South America, and therefore might be expected to be relatively sedentary. However, the African populations do sometimes make extensive seasonal movements. Less is known about the South American populations, but they have occurred as far north as Trinidad and

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<sup>5</sup> Madge, S. and Burn, H. 1988. *Waterfowl: An identification guide to the ducks, geese and swans of the world*. Houghton Mifflin Comptonay, New York.

<sup>6</sup> American Ornithologists' Union. 1983. Checklist of North American birds: The species of birds of North America from the Arctic through Panama, including the West Indies and Hawaiian Islands. 6<sup>th</sup> edition. Washington, DC. 877 pp.

<sup>7</sup> Madge, S. and Burn, H. 1988. *Ibid.*

<sup>8</sup> Howard, H. 1964. Fossil Anseriformes. In: Delacour, J. (Ed.), *The Waterfowl of the World, Volume Four*. Country Life Limited, London.

as vagrants in the West Indies.<sup>9</sup> Because other birds are known (or suspected) of having colonized North America by moving from the West Indies into Florida (see above, regarding *Anas bahamensis*, and several examples below, such as the Columbidae), it appears reasonable that *D. viduata* may reach the United States by the same route, should conditions (such as fluctuations in food availability) result in irruptions to the north.

- *Tadorna ferruginea* (ruddy shelduck): This species is kept in captivity and has been reported to have escaped from zoos and private collections. *T. ferruginea* breeds across a large portion of Europe and Asia, including southeast Europe, northwest Africa, China, and Mongolia. Most of this population migrates south for winter, as far as Ethiopia and into East Asia. Vagrants have occurred widely in Europe and Asia.<sup>10</sup> The American Ornithologists' Union has referred to this species as "casual" (irregular occurrences) in New Jersey,<sup>11</sup> and, before that, as "accidental" in both New Jersey and North Carolina.<sup>12</sup> The AOU Checklists describing *T. ferruginea* as "casual" or "accidental" to the eastern United States did *not* indicate that the reports pertained to escaped birds. More recent AOU Checklists<sup>13</sup> suggest that reports of this species in North America are "probably" escapes, but no explanation is provided for this change in the description. Another source<sup>14</sup> describes an individual *T. ferruginea* observed in Florida as "seen repeatedly and photographed.... Although this bird bore no legband and was strong of flight, it is best considered an escape." This source goes on to describe "other birds, undoubtedly escapes" that have also been reported. The uncertain origins of the first (photographed) report, as well as reports described in the AOU Checklists, suggest that this species may have already occurred naturally in the United States. At the very least, this species may be capable of arriving in the United States unaided in the future.

- *Tadorna tadorna* (common shelduck): *T. tadorna* breeds in northwest Europe, central Asia, China, and Mongolia. Some populations appear to migrate south after breeding, as far south as northern Africa, and occasionally in Korea and Japan. Vagrants have been reported as far northwest as Iceland and as far to the east as Japan, Taiwan, and the Philippines.<sup>15</sup> The American Ornithologists' Union has referred to this species as "accidental" in Massachusetts.<sup>16</sup> Blake (1973),<sup>17</sup> in his list of "introductions, transplants, and invaders," lists this species as an "invader" to North America; he defines an "invader" as a species that is "self-introduced" and that, "as far as known, it will have passed a barrier (sometimes major) without human assistance...." This ("invader") is the same designation assigned by Blake to the cattle egret (*Bubulcus ibis*). Thus it appears that there is evidence of natural occurrence of *T. tadorna* in North America.

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<sup>9</sup> Madge, S. and Burn, H. 1988. Ibid.

*Grzimek's Animal Life Encyclopedia*, 2<sup>nd</sup> edition. Volumes 8 – 11, Birds I – IV, edited by M. Hutchins, J. A. Jackson, W.J. Bock, and D. Olendorf. Farmington Hills, MI: Gale Group, 2002.

<sup>10</sup> Madge, S. and Burn, H. 1988. Ibid.

*Grzimek's Animal Life Encyclopedia*. Ibid.

<sup>11</sup> American Ornithologists' Union. 1957. Checklist of North American birds. 5<sup>th</sup> edition. Baltimore, MD. 691 pp.

<sup>12</sup> American Ornithologists' Union. 1931. Checklist of North American birds. 4<sup>th</sup> edition.

<sup>13</sup> American Ornithologists' Union. 1998. Checklist of North American birds: The species of birds of North America from the Arctic through Panama, including the West Indies and Hawaiian Islands. 7<sup>th</sup> edition. Washington, DC. 829 pp.

<sup>14</sup> Stevenson, H.M. and Anderson, B.H. 1994. *The Birdlife of Florida*. University of Florida Press, Gainesville, FL.

<sup>15</sup> Madge, S. and Burn, H. 1988. Ibid.

Peterson, R.T., Mountfort, G., and Hollom, P.A.D. 1993. *A Field Guide to Birds of Britain and Europe*. Houghton Mifflin Company, Boston.

<sup>16</sup> American Ornithologists' Union. 1957. Checklist of North American birds. 5<sup>th</sup> edition. Baltimore, MD. 691 pp.

<sup>17</sup> Blake, C.H. 1973. Introductions, transplants, and invaders. *American Birds*, 29(5): 923 – 926.

## Family Ciconiidae

### Relevant Family Characteristics

Some storks exhibit extensive migratory movements. For example, Sibley (2001)<sup>18</sup> indicates that wood storks (*Mycteria americana*) “leave the northern portions of their range in winter, and on occasion more remarkable movements occur, tied to the availability of food....” Such movements include trips from southern Florida to Massachusetts and the Yukon Territories. Sibley (2001) also describes the neotropical Jabiru (*Jabiru mycteria*), which “has been recorded several times in North America, with most records from Texas.... The species’ normal range is from southern Mexico to northern South America.”

### Species on the Draft List

- *Ciconia ciconia* (white stork): This species breeds in Europe, including western Europe, and in western portions of Asia; it winters in tropical Africa and India. A resident population also occurs in South Africa.<sup>19</sup> Grzimek (year)<sup>20</sup> notes that *C. ciconia* is “adept at soaring on thermals during long migrations along well-defined routes.” Stevenson and Anderson (1994)<sup>21</sup> refer to sightings in Florida of one individual, “the origin of which is unknown.” The potential apparently exists for this migratory Old World species to occur naturally in the United States.

## Family Cathartidae

### Species on the Draft List

- *Sarcorampus papa* (king vulture): *S. papa* typically ranges from southern Mexico to northern Argentina.<sup>22</sup> We found little information regarding movements of this species, such as the possibility for irruptions into new areas related to food availability. A species native to Mexico could conceivably move north into California, Arizona, New Mexico, or Texas, or may be capable of reaching Cuba and, from there, Florida. Stevenson and Anderson (1994)<sup>23</sup> describe a report of a population of *S. papa* in Florida in the 1700s:

In his comments on Florida birds seen, 1774 – 75, Bartram ... referred to ‘two species of vultures ... not mentioned in history.’ One was obviously the Black Vulture ... , but the description of the other, which he called *Vultur sacra*, the Painted Vulture, matches fairly well the King Vulture. Thus the comment on this

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<sup>18</sup> Sibley, D.A. 2001. Storks. Pp. 180 – 182. In: C. Elphick, J.B. Dunning, Jr., and D.A. Sibley (Eds.), National Audubon Society, *The Sibley Guide to Bird Life and Behavior*. Alfred A. Knopf, Inc., New York.

<sup>19</sup> Grzimek’s *Animal Life Encyclopedia*. Ibid.

Peterson, R.T. et al. 1993. Ibid.

<sup>20</sup> Grzimek’s *Animal Life Encyclopedia*. Ibid.

<sup>21</sup> Stevenson, H.M. and Anderson, B.H. 1994. Ibid.

<sup>22</sup> Blake, E.R. 1953. *Birds of Mexico: A Guide for Field Identification*. University of Chicago Press, Chicago. Grzimek’s *Animal Life Encyclopedia*. Ibid.

<sup>23</sup> Stevenson, H.M. and Anderson, B.H. 1994. Ibid.

subject in the AOU Check-list (1983: 101) that such reports ‘probably pertain to *Polyborus plancus*’ seem ill-advised, the description failing on many counts to portray a caracara. Because Bartram collected a specimen ... , but probably did not preserve it, and because his other identifications were accurate and his veracity unimpeachable, we believe his report probably deserves acceptance. A former Florida population of King Vultures should be no more surprising than archaeological evidence of the California Condor (*Gymnogyps californianus*) in New York or the continued presence of scrub jays and Crested Caracaras in Florida. (p. 91)

Though Stevenson and Anderson (1994) indicate that king vultures sighted recently in the United States are birds that have escaped from captivity, the above account is clear evidence of a prior occurrence of *S. papa* in Florida. There is no indication in other sources that the population reported in Florida in the 1700s originated from captivity.

## **Family Accipitridae**

### Relevant Family Characteristics

Some members of the Accipitridae Family make regular migrations and others may periodically invade areas beyond their usual ranges. Regarding irruptions or invasions, Snyder (2001)<sup>24</sup> indicates that some hawks, such as the northern goshawk and rough-legged hawk may move outside of their normal ranges in response to fluctuations in key prey species. Regarding long-distance migrants, Snyder (2001) points out that some accipitrids, both from the Old World and from Central and South America, have occurred naturally in the United States. For example, the “White-tailed Eagle (*Haliaeetus albicilla*), which occurs in Eurasia from Greenland to the Bering Sea, and Stellar’s Sea-Eagle (*H. pelagicus*) of northeastern Asia have each occurred in North America several times; most records are from islands in the Bering Sea.... Two species typically found from Mexico to South America, the Crane Hawk (*Geranospiza caerulescens*) and the Roadside Hawk (*Buteo magnirostris*), have occurred in extreme southern Texas during winter.”

### Species on the Draft List

- *Buteo polysoma* (red-backed hawk): We found little information on the range of this species or its movements, except that from the American Ornithologists’ Union (1998),<sup>25</sup> which indicates that it is an “Andean and South American species.” This Checklist also refers to a report of a bird that may have been *B. polysoma* sighted in Colorado and indicates that “the origin of the bird remains highly questionable.” Thus it is unclear whether one or more individuals of this species have already arrived in the United States and, if so, whether their occurrence was natural or human-assisted.

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<sup>24</sup> Snyder, H. 2001. Hawks and Allies. In: C. Elphick, J.B. Dunning, Jr., and D.A. Sibley (Eds.), National Audubon Society, *The Sibley Guide to Bird Life and Behavior*. Alfred A. Knopf, Inc., New York.

<sup>25</sup> American Ornithologists’ Union. 1998. Checklist of North American birds: The species of birds of North America from the Arctic through Panama, including the West Indies and Hawaiian Islands. 7<sup>th</sup> edition. Washington, DC. 829 pp.

- *Buteogallus urubitinga* (great black-hawk): Stiles and Skutch (1989)<sup>26</sup> indicate that the usual range of *B. urubitinga* extends from southern Mexico to northern Argentina. Stevenson and Anderson (1994)<sup>27</sup> and Blake (1953)<sup>28</sup> additionally include northern Mexico—including Sonora—as well as Trinidad and Tabago within the range of this species. Stevenson and Anderson (1994) refer to sightings of *B. urubitinga* in Florida: “Some reports may pertain to escapes, others, natural vagrants.” Therefore, *B. urubitinga* may have already occurred in the United States unassisted by humans and, in any case, clearly has the potential to reach the southwestern U.S., and possibly Florida.

## Family Charadriidae

### Relevant Family Characteristics

Many charadriids undertake extensive movements and appear as “accidentals” or vagrants well outside of their usual ranges. For example, Petersen (2001)<sup>29</sup> remarks that “A Collared Plover (*Charadrius collaris*), usually found in Central and South America, has occurred in Texas in May, and Little Ringed Plovers (*C. dubius*) from Eurasia have been seen in the western Aleutian Islands during late spring.” In addition, golden plovers are well known for long-distance, including transoceanic, flights, and the Mongolian plover, which breeds in Siberia, has been known to reach the east coast of North America.

### Species on the Draft List

- *Vanellus chilensis* (southern lapwing): We found little information regarding the migratory or other movements of this species. However, *V. chilensis* occurs in Central and South America, as far north as Venezuela, the Guianas, and Panama, with vagrants occurring in Trinidad. Further, Stevenson and Anderson (1994)<sup>30</sup> appear to consider natural vagrancy to the United States (Florida) a possibility. In describing sightings of this species in Florida and specimens collected, they observe that “it seems obvious from the foregoing sightings that either a larger number escaped from some aviary or that 1 or more of these birds were natural vagrants.” The authors do point out that this species is “not prone to wandering great distances” and suggest that natural vagrancy “seems unlikely,” but they do not rule out that possibility.

## Family Columbidae

### Relevant Family Characteristics

Some columbids are migratory or show vagrancy outside of their usual ranges. Even those occurring in tropical regions may occasionally occur outside of their ranges. Wells and Wells (2001)<sup>31</sup> indicate that some Caribbean doves appear to have occurred in the Florida Keys: “The

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<sup>26</sup> Stiles, F.G. and Skutch, A.F. 1989. *A Guide to the Birds of Costa Rica*. Cornell University Press, Ithaca, NY.

<sup>27</sup> Stevenson, H.M. and Anderson, B.H. 1994. *Ibid.*

<sup>28</sup> Blake, E.R. 1953. *Ibid.*

<sup>29</sup> Petersen, W.R. 2001. Plovers and lapwings. In: C. Elphick, J.B. Dunning, Jr., and D.A. Sibley (Eds.), National Audubon Society, *The Sibley Guide to Bird Life and Behavior*. Alfred A. Knopf, Inc., New York.

<sup>30</sup> Stevenson, H.M. and Anderson, B.H. 1994. *Ibid.*

<sup>31</sup> Wells, J.V. and Well, A.C. 2001. Pigeons and doves. In: C. Elphick, J.B. Dunning, Jr., and D.A. Sibley (Eds.), National Audubon Society, *The Sibley Guide to Bird Life and Behavior*. Alfred A. Knopf, Inc., New York.

Scaly-naped Pigeon (*Columba squamosa*), a Caribbean species, has two old specimen records (1898 and 1929), both from Key West, Florida. Given that its nearest source populations are in Cuba, where the species is now uncommon, further records are unlikely. The Zenaida Dove (*Zenaida aurita*) is another Caribbean species.... It was documented in southern Florida fewer than ten times between 1940 and 2000 but may once have been a resident breeder in the Florida Keys. The Ruddy Quail-Dove (*Geotrygon Montana*), which occurs from the West Indies and Mexico through South America, has also been found several times in southern Florida and, more rarely in southern Texas.” Grzimek comments, regarding doves and pigeons generally, that “A strong power of flight lets pigeons colonize distant ocean islands.... Forerunners of the Galapagos dove also had to cross more than 560 mi (900 km) of ocean to reach the Galapagos archipelago.”<sup>32</sup>

#### Species on the Draft List

- *Starnoenas cyanocephala* (blue-headed quail-dove): Though this species is now extremely rare, its distribution includes Cuba.<sup>33</sup> We found no information regarding the propensity of *S. cyanocephala* to move, either seasonally or in response to fluctuations in food availability. Nevertheless, because other Caribbean columbids have occurred naturally in Florida or in the Keys, this species may also be capable of crossing the distance between Cuba and the Florida Keys.

### **Family Trochilidae**

#### Relevant Family Characteristics

Though long-distance migration is exhibited by some trochilids, Sargent and Sargent (2001)<sup>34</sup> note that “Long-distance vagrancy is relatively common in hummingbirds, even among fairly sedentary species .... The Green Violet-ear (*Colibri thalassinus*), a Central American species that does not breed north of Mexico, has been found at scattered locations across eastern North America, as far north as southern Canada.... The Bahama Woodstar (*Calliphox evelynae*), which breeds only in the Bahamas, has been reported several times in Florida, while the Green-breasted Mango (*Anthracothorax prevostii*) of Central and South America has been observed a few times in Texas ... and once in North Carolina.” These authors also describe a number of Mexican hummingbirds that have been reported in the southeastern United States.

#### Species on the Draft List

- *Anthracothorax nigricollis* (black-throated mango): This South American species is known to range as far north as Panama, Colombia, and Trinidad and Tobago.<sup>35</sup> Stevenson and Anderson (1994) describe one individual *A. nigricollis* found in Key West and conclude that, “most probably it did not arrive there independently” because this species is considered non-migratory. However, according to Sargent and Sargent (2001, see above), even non-migratory, tropical hummingbirds may make extensive movements and show up as vagrants well outside of their usual ranges.

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<sup>32</sup> Grzimek's *Animal Life Encyclopedia*. Ibid.

<sup>33</sup> Goodwin, D. 1970. *Pigeons and Doves of the World*. Cornell University Press, Ithaca, NY.

<sup>34</sup> Sargent, R. and Sargent, M. 2001. Hummingbirds. In: C. Elphick, J.B. Dunning, Jr., and D.A. Sibley (Eds.), National Audubon Society, *The Sibley Guide to Bird Life and Behavior*. Alfred A. Knopf, Inc., New York.

<sup>35</sup> Stevenson, H.M. and Anderson, B.H. 1994. Ibid.

Therefore, further evidence of the origins of reported *A. nigracollis* is required to determine whether it has arrived in the United States unassisted.

## **Family Corvidae**

### Relevant Family Characteristics

Corvids vary widely in their migratory or other movements. As noted by McGowan (2001),<sup>36</sup> “Many corvid species are permanent residents.... Other species are migratory.... Some of the western jays ... have periodic irruptions. Perhaps stimulated by localized mast failures, these species frequently turn up in large numbers far outside their normal range and habitat.” At least one Old World corvid has been reported as a vagrant in North America and its arrival may have been unassisted by humans.

### Species on the Draft List

- *Cyanocorax sanblasianus* (San Blas jay): The usual distribution of *C. sanblasianus* includes central and southern Mexico along both the Caribbean and Pacific slopes from Guerrero and Yucatán north at least to Nayarit and Tabasco.<sup>37</sup> However, the American Ornithologists’ Union (1957), which refers to the San Blas jay by an older scientific name (*Cissilopha san-blasiana*), indicates that this species is “Accidental near Tucson, Arizona.” By 1983, the AOU refers to reports of this jay in Arizona as “possibly the result of an escaped group” with no further explanation. In 1998, the AOU explains the Arizona report as a flock of eight individuals “generally regarded as an escaped group because this species is entirely sedentary as far as is known.” Although we presume the alterations to this description over time arose due to new information regarding the movements of *C. sanblasianus*, the AOU Checklists do not cite a source. We found no other information in sources (including those cited in the Notice) regarding the extent to which this species may (or may not) exhibit periodic irruptions outside of its usual range, as has been found for some corvids, including other jays. Thus it is not clear upon what scientific basis *C. sanblasianus* is included on the Draft List.

## **Family Paridae**

### Relevant Family Characteristics

Though most members of this family are sedentary, according to Humann (2001), “many species engage in seasonal movements a short distance away from the nesting territory.... Some species, such as the Boreal and Black-capped Chickadees, stage irregular irruptive movements in which they travel many miles south of their typical winter ranges.... Sometimes called invasions, these movements are in response to food shortages.”

### Species on the Draft List

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<sup>36</sup> McGowan, K.J. Crows and jays. In: C. Elphick, J.B. Dunning, Jr., and D.A. Sibley (Eds.), National Audubon Society, *The Sibley Guide to Bird Life and Behavior*. Alfred A. Knopf, Inc., New York.

<sup>37</sup> Blake, E.R. 1953. *Ibid*.

- *Parus major* (great tit): This species has a widespread distribution in Eurasia, from western Europe to southeast Asia and China. It has exhibited vagrancy as far west as Iceland. Population movements vary, with some populations essentially resident and others—especially in the northern part of the species’ range—migratory; some populations exhibit irruptive movements depending upon breeding success and food availability.<sup>38</sup> Rottenborn and Morlan (1999)<sup>39</sup> indicate that this species is held in captivity in California and individuals sighted in California are presumed to be escaped birds. However, they acknowledge that this species may have occurred naturally elsewhere in United States and, in any case, that such a natural occurrence is possible: “Although this species is not generally thought of as a long-distant migrant, it is conceivable that a Great Tit from the northeasternmost part of the species’ range in E Asia could make it to North America by wandering to the western Aleutians; there is a record from Little Diomed Island, Alaska, 2 Sep 1988 (AOU 1998).”

## Family Emberizidae

### Relevant Family Characteristics

According to Dunning (2001),<sup>40</sup> grassquits from Mexico and the West Indies have been recorded in North America: “The Yellow-faced Grassquit (*Tiaris olivacea*) is a variable species found from Mexico to northern South America, and in the Caribbean. It has been recorded in Florida ... and in southeastern Texas.... The Black-faced Grassquit (*T. bicolor*) of the West Indies has been found in Florida.” Dunning (2001) notes that, because these grassquits and other members of the Emberizidae are kept in captivity, it may be difficult to determine the origins of these birds when they are reported in the United States. Accidentals of Eurasian species have also occurred in the Aleutian Islands.

### Species on the Draft List

- *Loxigilla violacea* (Greater Antillean bullfinch): This species is native to the Bahamas and Jamaica.<sup>41</sup> We found no information regarding this bird’s movements (e.g. whether it shows migratory or irruptive movements). However, its usual range brings this species quite close to Florida and other members of the Emberizidae may have traveled this distance unassisted by humans. It is perhaps due to the geographic proximity to the United States of this species’ usual range that Stevenson and Anderson (1994)<sup>42</sup> are not able to conclude with certainty whether *L. violacea* sighted in Florida originated as captive birds or are natural vagrants.
- *Melopyrrha nigra* (Cuban bullfinch): *M. nigra* is native to Cuba, the Isle of Pines, and Grand Cayman Island.<sup>43</sup> For this species, perhaps more so than for *L. violacea*, the origins of individuals sighted in Florida suggests possible natural occurrence. For example, the Florida Fish and Wildlife

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<sup>38</sup> Grzimek’s *Animal Life Encyclopedia*. Ibid.  
Peterson, R.T. et al. 1993. Ibid.

<sup>39</sup> Rottenborn, S.C. and Morlan, J. 1999. Report of the California Bird Records Committee: 1997 Records. Available online: <http://www.wfo-cbrc.org/cbrc/97report/97report.html>

<sup>40</sup> Dunning, J.B. 2001. New World sparrows. In: C. Elphick, J.B. Dunning, Jr., and D.A. Sibley (Eds.), National Audubon Society, *The Sibley Guide to Bird Life and Behavior*. Alfred A. Knopf, Inc., New York.

<sup>41</sup> Stevenson, H.M. and Anderson, B.H. 1994. Ibid.

<sup>42</sup> Stevenson, H.M. and Anderson, B.H. 1994. Ibid.

<sup>43</sup> Stevenson, H.M. and Anderson, B.H. 1994. Ibid.

Conservation Commission refers to a record in Monroe County, Florida in 1958: “3 seen in 2 years, Unknown if it is an escaped caged bird or a vagrant.”<sup>44</sup> Therefore, this species may have already occurred in the United States unassisted by humans.

- *Tiaris canora* (Cuban grassquit): *T. canora* is native to Cuba and Isle of Pines.<sup>45</sup> Though some sources suggest that this species is sedentary, Dunning (2001)<sup>46</sup> indicates that “Several Florida records of the Cuban grassquit (*Tiaris canora*) may be of escapees, or they may be of natural wanderers from Cuba or the Bahamas, where this species has been introduced.” Therefore, Cuban grassquits observed in the United States appear equally likely to be escapees, to have reached Florida from Cuba (where they are native) unassisted, or to have reached Florida from the Bahamas (where they have been introduced).

## Family Fringillidae

### Relevant Family Characteristics

Groth (2001) indicates that “Cardueline finches are well known for their strong tendency to roam. Most species do not have regular migration patterns and cycles.... Fluctuations in food supply exert the strongest influence on the movement of finches, which may travel great distances to find suitable foraging areas.... The dispersive lifestyle of finches is best exemplified by crossbills, which are highly nomadic and irregular, with no predictable cycles of movement.” Groth (2001) also points out that a number of species within Fringillidae that are common in Europe or Asia have been recorded as “accidentals” in North America, including Alaska and Newfoundland.

### Species on the Draft List

- *Carduelis chloris* (European greenfinch): This migratory species occurs widely across Europe and western Asia, breeding in the northern portions of their range and wintering further south.<sup>47</sup> Though it is often kept in captivity, the American Ornithologists’ Union (1998) describes two reports that may represent natural occurrences of *C. chloris* in North America: “An individual of this European finch was present and photographed at St. John, New Brunswick ... although this report as well as a more recent sight report from Quebec may represent a natural vagrant, a pattern of such vagrancy in a cage-bird species should be demonstrated before the species is removed from hypothetical status.” Though the AOU is exercising caution in assessing the origins of these two individual *C. chloris*, it cannot rule out the possibility that these birds may have reached North America (within easy reach of the United States) unassisted by humans. That this is a widely distributed migratory species within a family known for its propensity to roam, further supports the possibility of natural occurrence in the United States.

## General

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<sup>44</sup> Florida Fish and Wildlife Conservation Commission. 2004. June 4. Florida’s Exotic Wildlife. <http://www.wildflorida.org/critters/exotics/exotics.asp> (Date accessed 12/16/2004).

<sup>45</sup> Stevenson, H.M. and Anderson, B.H. 1994. Ibid.

<sup>46</sup> Dunning, J.B. 2001. Ibid.

<sup>47</sup> Grzimek’s *Animal Life Encyclopedia*. Ibid.

For a number of other species on the Draft List, we found little or no information in the sources cited within the Notice or in other general reference books regarding their usual range or movements, or the origin of individuals reported within the United States. Several species that have been reported occurring within the United States are referred to by various sources—such as Stevenson and Anderson (1994) or the checklists from the American Ornithologists' Union—as “probably escapes” or “most likely escapes.” Thus, even for the many species we do not list above, questions exist as to the origins of individuals sighted within the United States. This level of uncertainty, coupled with the lack of any scientific justification for the inclusion of 112 of these species on the Draft List, require, first, a more careful analysis of the scientific literature to determine the likelihood of past or future natural occurrences and, second, a revision of the Draft List, as determined by this analysis

Thank you for the opportunity to comment on this important matter. Should you have questions about these comments, please contact Bette Stallman at 301-258-3147.

Sincerely,

John W. Grandy, Ph.D.  
Senior Vice President  
Wildlife Programs