



Delaware Audubon

www.delawareaudubon.org

Vol. XXXII No. 1 • Winter/Spring 2010

Lawsuit Filed Against Farming at Bombay Hook NWR

Delaware Audubon and two other environmental organizations have filed a lawsuit to force Bombay Hook National Wildlife Refuge to stop contract farming on the refuge until the required environmental reviews are conducted.

The suit was filed in the U.S. District Court for Delaware by the Widener Environmental and Natural Resources Law Clinic on behalf of the Delaware Audubon Society, Public Employees for Environmental Responsibility (PEER), and the Center for Food Safety. It charges that the U.S. Fish & Wildlife Service has illegally entered into Cooperative Farming Agreements with private parties, allowing hundreds of acres to be plowed over without the environmental review required by the National Environmental Policy Act (NEPA).

It is similar to a suit brought and won last year against Prime Hook NWR in Sussex County. Kenneth T. Kristl of the Widener Environmental Law Clinic said the decision could have far-reaching impact on other National Wildlife Refuges.

Both complaints allege violations of the National Wildlife Refuge System Administration Act for failure to determine if the farming was compatible with the Refuge's purpose.

The Prime Hook lawsuit challenged the U.S. Fish and Wildlife Service's practice of allowing farming and the use of genetically modified crops within the Prime Hook NWR. The Court's March 24, 2009, order granted plaintiff's motion for summary judgment and enjoined farming until the government complied with the National Wildlife Refuge System Administration Act, NEPA, and the Administrative Procedures Act.

Former Delaware Audubon Conservation Chair Nicholas DiPasquale said, "The controversy at Prime Hook started when the refuge manager decided to allow approximately 150 acres of refuge land that had been part of a 3-year research project to be taken out of grassland and early successional habitat and put back into agricultural production. This decision was made without public notice or input."

PEER Counsel Christine Erickso said, "By definition, these refuges are to be administered to benefit wildlife, not farmers." National wildlife refuges have allowed farming for decades to help prepare seed beds for native grasslands and provide food for migratory birds. Yet farming on wildlife refuges often interferes with protection of wildlife and native grasses. Scientists also warn that genetically engineered crops can lead to increased pesticide use on refuges and can have other



Bombay Hook NWR Photo © 2009 Steven Breukelman

negative effects on birds, aquatic animals, and other wildlife. In the Prime Hook case, Judge Gregory Sleet found that "it is undisputed that farming with genetically modified crops at Prime Hook poses significant environmental risks."

"There is no question that there has been a self-serving relationship between local farmers and the refuge management over time here in Delaware, going back to when Prime Hook and Bombay Hook were first created," commented Delaware Audubon president Mark Martell. "Farming on the Delaware refuges has resulted in surplus profits for the farmers with no tangible economic or environmental benefit to the refuges. These lands were purchased from farmers and other private landowners for their ecological significance."

"The law on this is clear, and it is clear that the law has been ignored. It took local caretakers and friends of these important refuges to push for changes to refuge management practices. The original lawsuit regarding these practices at Prime Hook is a game changer and it is our fervent hope that Bombay Hook and other refuges around the country take notice."

"We simply want the Fish and Wildlife Service to follow the existing governing laws of refuge management," says Martell. "Compatibility determinations regarding food sources should be done to make the case as to what food sources are available and what is needed."

Both refuges are in the process of developing comprehensive management plans. Delaware Audubon hopes the suit will encourage the refuges to comply with existing federal laws and regulations. ■

FINANCIAL SUMMARY 2009

Officers

Balance Sheet:	31-Dec-09 Balance
Assets:	
Cash and Investments	23,330.62
Fund Liabilities:	
Unrestricted General Fund	17,202.98
Restricted Funds:	6,127.64
	<u>23,330.62</u>

HONORARY CHAIRMAN
Russell W. Peterson

PRESIDENT
Mark Martell

VICE PRESIDENT
Fred Breukelman

SECRETARY
Ellen Wright

Fund Activity Statement:

General Fund – Beg. Balance	14,097.82
+ Restricted Funds closed	0.00
+ Contributions	13,758.91
- Expenses	10,653.75
Net Fund Change:	<u>3,105.16</u>
General Fund - End Balance	17,202.98
Restricted Funds – Beg. Balance	7,141.20
+ Contributions	0.00
- Expenses	1,013.56
- Closed Funds to General	0.00
Net Fund Change:	<u>-1,013.56</u>
Restricted Funds - End Balance	6,127.64

Delaware Audubon needs volunteers!

If you are interesting in joining our Board of Directors, or helping out in any other way, please contact us.

Donate and help protect Delaware's environment:

You can make your tax-deductible contribution securely online.

Just go to

www.delawareaudubon.org/donate

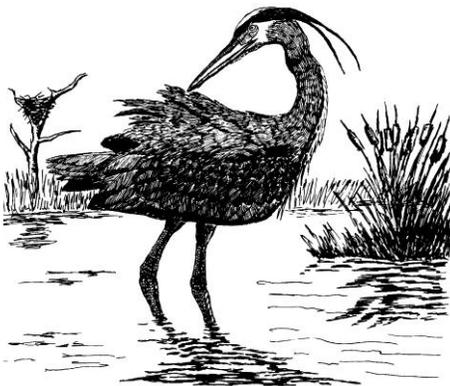


Illustration by Steven D'Annato

Join Delaware Audubon Now!

INTRODUCTORY MEMBERSHIP OFFER for New Members Only

\$20.00 - Receive Membership to National Audubon Society and Delaware Audubon Society

Name _____

Address _____

City _____ State _____ Zip _____

Phone (____) _____ Email: _____

Please make all checks payable to: "National Audubon Society" and mail to:
Delaware Audubon Society, 56 W. Main St., Suite 212B, Christiana, DE 19702

COZD900Z

NEWSLETTER DESIGN & LAYOUT..... STEVEN BREUKELMAN
PRINTING..... SPRINT QUALITY PRINTING, INC.



The Delaware Audubon Society, incorporated in 1977,
is a statewide chapter of the National Audubon Society.

☎ TELEPHONE:
302.292.3970

✉ MAILING ADDRESS:
Delaware Audubon Society
56 W. Main Street, Suite 212 B
Christiana, DE 19702-1500

✉ EMAIL ADDRESS:
dasmal@delawareaudubon.org

♻ Printed on recycled paper.

New “State of the Birds” Report Shows Climate Change Threatens Hundreds of Species

Climate change threatens to further imperil hundreds of species of migratory birds, already under stress from habitat loss, invasive species and other environmental threats, a report released by Interior Secretary Ken Salazar concludes.

The State of the Birds: 2010 Report on Climate Change, follows a comprehensive report released a year ago showing that nearly a third of the nation's 800 bird species are endangered, threatened or in significant decline.



“For well over a century, migratory birds have faced stresses such as commercial hunting, loss of forests, the use of DDT and other pesticides, a loss of wetlands and other key habitat, the introduction of invasive species, and other impacts of human development,” Salazar said. “Now they are facing a new threat—climate change—that could dramatically alter their habitat and food supply and push many species towards extinction.”

The report, a collaboration of the U.S. Fish and Wildlife Service and experts from the nation's leading conservation organizations, shows that climate changes will have an increasingly disruptive effect on bird species in all habitats, with oceanic and Hawaiian birds in greatest peril.

“Just as they did in 1962 when Rachel Carson published *Silent Spring*, our migratory birds are sending us a message about the health of our planet,” Salazar said. “That is why—for the first time ever—the Department of the Interior has deployed a coordinated strategy to plan for and respond to the impacts of climate change on the resources we manage.”

Key findings from the “State of the Birds” climate change report include:

- Oceanic birds are among the most vulnerable species because they don't raise many young each year; they face challenges from a rapidly changing marine ecosystem; and they nest on islands that may be flooded as sea levels rise. All 67 oceanic bird species, such as petrels and albatrosses, are among the most vulnerable birds on Earth to climate change.
- Birds in coastal, arctic/alpine, and grassland habitats, as well as those on Caribbean and other Pacific islands show intermediate levels of vulnerability; most birds in arid lands, wetlands, and forests show relatively low vulnerability to climate change.
- For bird species that are already of conservation concern such as the golden-cheeked warbler, whooping crane, and spectacled eider, the added vulnerability to climate change may hasten declines or prevent recovery.
- The report identified common bird species such as the American oystercatcher, common nighthawk, and northern pintail that are likely to become species of conservation concern as a result of climate change.

“Birds are excellent indicators of the health of our environment, and right now they are telling us an important story about climate change,” said Dr. Kenneth Rosenberg, director of Conservation Science at the Cornell Lab of Ornithology.

“The dangers to these birds reflect risks to everything we value: our health, our finances, our quality of life and the stability of our natural world,” said Audubon's Glenn Olson. “But if we can help the birds weather a changing climate, we can help ourselves.”

The report offers solutions that illustrate how, by working together, organizations and individuals can have a demonstrable positive impact on birds in the U.S. Specifically, the report indicates that the way lands are managed can mitigate climate change and help birds adapt to changing conditions. For example, conserving carbon-rich forests and wetlands, and creating incentives to avoid deforestation can reduce emissions and provide invaluable wildlife habitat.

The report is the product of a collaborative effort as part of the U.S. North American Bird Conservation Initiative, between federal and state wildlife agencies, and numerous scientific and conservation organizations including the National Audubon Society. ■



Delaware Audubon

56 W. Main Street, Suite 212 B
Christiana, DE 19702-1500

Nonprofit Organization
U.S. Postage
PAID
Permit # 428
Wilmington, DE

CALENDAR OF EVENTS:

April 22-25

Delmarva Birding Weekend

The Delmarva Birding Weekend is one of the most popular birdwatching events in the mid-Atlantic region. Thanks to a wide array of sponsors, participants can take part in a number of excursions during the daytime, nighttime, aboard a boat, or even while canoeing or kayaking. For more information, visit www.delmarvabirdingweekend.org

Sunday, April 25

Tri-State Bird Rescue Annual Open House

11:00 am – 3:00 pm

110 Possum Hollow Road, Newark, DE 19711

Free admission. This is a once-a-year opportunity to tour the Tri-State facility. Learn what they do, enjoy kid-friendly activities, visit exhibitors, and grab a bite to eat. For more information, visit www.tristatebird.org/events/OH2010

Saturday, May 29

Horseshoe Crab & Shorebird Festival

Downtown Milton/Prime Hook NWR

9:00 am – 4:00 pm

Free admission. Exhibits, vendors, and more. Visit us at the Delaware Audubon booth in Milton Memorial Park. For more information, visit www.historicmilton.com/events.html

Shop at Amazon.com, and Help Support Delaware Audubon!

Just go to www.delawareaudubon.org/amazon every time you shop, and a percentage of the sale will support our efforts to improve the environment in Delaware.

Delaware Audubon Merchandise Available for Sale on our Web Site

Now you can support the work of the Delaware Audubon Society – and wear our logo! Buy t-shirts, tote bags, and more. Just visit our web site at www.delawareaudubon.org and look for the “Delaware Audubon Store” link on the right side of the page.

