



A Chapter of the National Audubon Society

56 W. Main Street, Suite 212A
Christiana, DE 19702
www.delawareaudubon.org
302-292-3970

June 24, 2015

To: HB 178 Sponsors and Co-Sponsors

Rep. Mulrooney

Rep. Keeley

Rep. Lynn

Sen. McBride

House Health and Human Development Committee

Chairman Rep. Barbieri

Vice-Chairman Rep. Heffernan

Rep. Bolden

Rep. Briggs King

Rep. Dukes

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Rep. Q. Johnson

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Rep. Matthews

Rep. Miro

Rep. Osienki

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Senate Health and Social Services Committee

Chairman Sen. Hall-Long

Sen. Henry

Sen. Lavelle

Sen. Lopez

Sen. Marshall

Sen. McDowell

Sen. Peterson

Sen. Poore

From: David B. Carter, President

Delaware Audubon Society Board of Directors

Re: Suggested Amendments to HB 178 AN ACT TO AMEND TITLES 11 AND 16 OF THE DELAWARE CODE RELATING TO STERILIZATION, LIFE AND SUSTAINING CARE OF CATS

The following suggested amendments to HB178 are being sent to you on behalf of the Delaware Audubon Society Board of Directors.

Delaware Audubon Society appreciates the efforts of the Delaware Legislature to address the problems of homeless domestic pets in Delaware. Our organization promotes the Cats Indoors Program created by the American Bird Conservancy¹ to push for responsible pet

¹ <http://www.abcbirds.org/abcprograms/policy/cats/index.html>

ownership, and also advocates for habitat protection for Delaware's resident and migratory birds.

HB 178 encourages spaying, neutering, and vaccination in order to limit the number of unwanted cats and protect the public from rabies and other diseases carried by unvaccinated animals. However, we have identified some problems with the bill as it is currently drafted that place Delaware's wild bird population at risk.

To manage Delaware's feral cat population in a manner that does not place our resident and migratory bird populations at risk, and does not increase health risks for domestic cats or other wildlife, we respectfully ask for your consideration of the following amendments.

1. Define the location of community cat colonies for the protection of wild birds by prohibiting their location in Important Bird Areas and State Resource Areas. As it is currently written, the bill does not provide any guidance as to where in Delaware the most appropriate places are to locate community cat colonies. Without such guidance in the legislation, the residence of feral cat communities could be encouraged in or near sensitive wildlife areas, including the nesting and important migratory stopover locations of native birds and endangered species.

Feral and free-ranging domestic cats are non-native predators in all habitats in which they occur, and are exceptional and prolific predators of small mammals, songbirds, small reptiles, large amphibians and large insects. Scientific research on feral and free-ranging domestic cats has shown that such cats can have a significant, negative impact on bird populations. Peer reviewed scientific research has reported that unowned cats contribute to 952,000,000 to 3,065, 000,000 bird deaths each year in the United States.² Domestic cats are listed among 14 mammals in the top 100 of the world's worst invasive species.³

Important Bird Areas: Delaware contains numerous Important Bird Areas (IBAs) that provide essential habitat for one or more species of bird. IBAs include sites for breeding, wintering, and/or migrating birds.

Delaware's Coastal Zone, nearly 270,000-acres, has been designated as an IBA of Global Magnitude by American Bird Conservancy (ABC) and the National Audubon Society, co-sponsors of the Important Bird Areas Program in the United States.

White Clay Creek is an IBA of National Significance because the habitat provides for Cerulean Warbler and several other listed species, including the WatchListed Kentucky and Prairie warblers, and state listed Grasshopper Sparrow and Hooded Warbler. It is also significant as an important stopover for migrating birds.

² Loss, Scott R, Tom Will and Peter Marra, 2013. The impact of free-ranging domestic cats on wildlife of the United States. *Nature Communications* 4, 1396.

³ Lowe S., Browne M., Boudjelas S., De Poorter M. (2000) 100 of the World's Worst Invasive Alien Species A selection from the Global Invasive Species Database. Published by The Invasive Species Specialist Group (ISSG) a specialist group of the Species Survival Commission (SSC) of the World Conservation Union (IUCN), 12pp. First published as special lift-out in *Aliens* 12, December 2000. Updated and reprinted version: November 2004.

Pea Patch Island, in the Delaware Bay near Delaware City, is a Continentally Important Bird Area. It is home for the largest heronry of mixed species on the East Coast.

We ask that the bill be amended to exclude the location of community cat colonies from Important Bird Areas in Delaware, and to define those bird areas as the Delaware Coastal Zone and other sites included on the attached map. We also ask the legislature to prohibit the siting of community cat colonies within three miles of including the nesting and important migratory stopover locations of endangered species. Endangered bird species in Delaware include the following:⁴

Pied-billed Grebe (*Podilymbus podiceps*)
Northern Harrier (*Circus cyaneus*)
Broad-winged Hawk (*Buteo platypterus*)
Black-Crowned Night-Heron (*Nycticorax nycticorax*)
Yellow-Crowned Night-Heron (*Nyctanassa violacea*)
American Kestrel (*Falco sparverius*)
Red Knot (*Calidris canutus*)
Piping Plover (*Charadrius melodus*)
Short-eared Owl (*Asio flammeus*)
American Oystercatcher (*Haematopus palliatus*)
Black Rail (*Laterallus jamaicensis*)
Upland Sandpiper (*Bartramia longicauda*)
Black Skimmer (*Rynchops niger*)
Henslow's Sparrow (*Ammodramus henslowii*)
Common Tern (*Sterna hirundo*)
Forster's Tern (*Sterna forsteri*)
Least Tern (*Sterna antillarum*)
Cerulean Warbler (*Setophaga cerulea*)
Hooded Warbler BR (*Setophaga citrina*)
Swainson's Warbler (*Limnothlypis swainsonii*)
Sedge Wren (*Cistothorus platensis*)

State Resource Areas: Title 7 Delaware Code Chapter 75 Land Protection Act requires the State of Delaware to establish open space lands for protection as State Resource Areas. Delaware Audubon Society is optimistic that the State of Delaware will update our State Resource Area Maps as required under the Land Protection Act in the near future. We ask that the bill be amended to exclude community cat colonies from within the boundaries of State Resource Areas, as defined by the soon-to-be-updated Resource Area Maps. We also ask the bill prohibit the location of community cat colonies within 1 mile of State Resource Areas to prevent predation.

2. Rabies protections in the bill are vague and inadequate: The bill, as it is currently drafted, requires “community cats” to be vaccinated against rabies. There are no provisions in the bill for tracking rabies vaccinations to ensure that all cats living within a colony are vaccinated. Depending upon the vaccination given, the protective value of a rabies vaccine may last just a few years, and will lose its protective value long before the death of the cat. Yet the

⁴ <http://www.dnrec.delaware.gov/fw/NHESP/information/Pages/Endangered.aspx>

American Association for the Protection of Cruelty to Animals (ASPCA) estimates that a feral cat living in the wild can live up to ten years.⁵ Feral cats that live in colonies with caretakers may have a longer lifespan.

According to The Merck Manual, “cats are the most commonly reported rabid domestic animal in the United States. The virus is present in the saliva of rabid cats, and people have developed rabies after being bitten by a rabid cat. Reported cases in domestic cats have outnumbered those in dogs in the United States in every year since 1988.”⁶

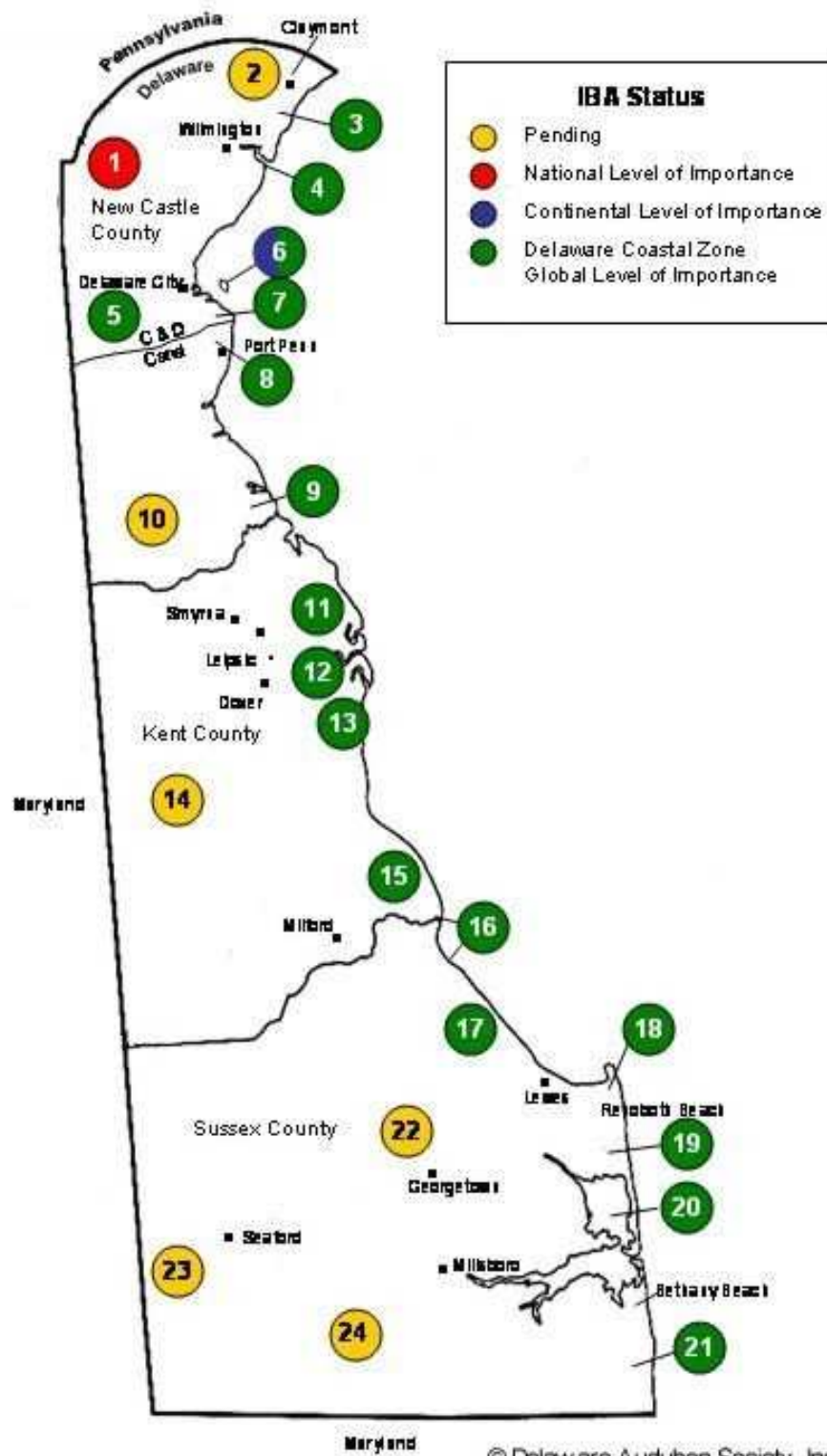
Since the definition of “community cat” in the bill requires that the cat receive a rabies vaccination, but does not consider vaccination over the lifespan of the cat, we ask that the language be clarified to provide specific direction regarding record-keeping of vaccinations. We suggest the use of a microchip to identify individual cats to aid in this record keeping, and we ask that revaccination at a veterinarian’s recommended frequency be a requirement for community cat colonies in the bill.

3. Require testing for feline leukemia and other contagious diseases. There are several contagious diseases that are carried by cats that, and if not controlled, could place domestic cats and possibly other animals at risk. We therefore ask for testing of feline leukemia, feline immunodeficiency virus (FIV), and feline panleukopenia (also known as feline distemper) prior to release. If animals test positive for these diseases, they should not be released into the wild or into a community cat colony.

⁵ <https://www.aspc.org/adopt/feral-cats-faq>

⁶ http://www.merckvetmanual.com/pethealth/cat_disorders_and_diseases/brain_spinal_cord_and_nerve_disorders_of_cats/rabies_in_cats.html

Delaware's Important Bird Areas



New Castle County:

1. White Clay Creek State Park and Preserve
2. Brandywine Creek State Park
3. Fox Point State Park
4. Russell W. Peterson Urban Wildlife Refuge
5. Lums Pond State Park
6. Pea Patch Island (Fort Delaware State Park)
7. Fort DuPont State Park
7. Dragon Run Park
7. Grass Dale Center
8. Thousand Acre Marsh
8. Augustine Wildlife Area
8. Augustine Wildlife Area - Silver Run
9. Cedar Swamp Wildlife Area
9. Taylor's Bridge
9. Woodland Beach Wildlife Area
10. Blackbird State Forest

Kent County:

11. Bombay Hook National Wildlife Refuge
12. Little Creek Wildlife Area
12. Port Mahon
12. Pickering Beach
12. Ted Harvey Conservation Area
13. Little Creek Wildlife Area
13. Kitt's Hummock
13. Ted Harvey Conservation Area - Logan Lane Tract
14. Norman G. Wilder Wildlife Area
15. Milford Neck Wildlife Area

Sussex County:

16. Mispillion Harbor Reserve
16. Slaughter Beach
16. Fowler Beach
17. Prime Hook National Wildlife Refuge
17. Broadkill Beach
18. Cape Henlopen State Park
18. Gordon's Pond
19. Delaware Seashore State Park
20. Indian River Inlet
20. Quillen's Point
20. Burton Island
20. Holt's Landing State Park
20. Assawoman Wildlife Area
21. Fenwick Island State Park
22. Redden State Forest
23. Nanticoke Wildlife Area
24. Trap Pond State Park