



DEPARTMENT of the INTERIOR

news release

FISH AND WILDLIFE SERVICE

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U.S. FISH AND WILDLIFE SERVICE ANNOUNCES MAJOR ACTIONS TO BE TAKEN REGARDING LEAD POISONING IN EAGLES AND WATERFOWL

The U.S. Fish and Wildlife Service today announced three major actions relating to the establishment of nontoxic shot zones to reduce lead poisoning in bald eagles and waterfowl. The actions concern (1) the establishment of nontoxic shot zones for bald eagle conservation, (2) announcement of the Service's intention not to open some areas to waterfowl hunting in 1986 unless States agree to approve the use of nontoxic shot on those areas, and (3) a modified proposal to establish minimum criteria for identifying and designating nontoxic shot areas.

NONTOXIC SHOT ZONES FOR BALD EAGLES

Nontoxic shot has been required for waterfowl hunting in designated areas since 1976 to prevent lead poisoning in waterfowl. Ducks and geese are known to get lead poisoning from spent lead shot pellets that they swallow while eating seeds or grit. The Service published regulations February 12 designating nontoxic shot zones in portions of 30 States during the 1985-86 waterfowl season.

The Service is now establishing new, additional nontoxic shot zones to protect bald eagles because eagles sometimes feed on sick, crippled, or dead waterfowl and may ingest lead shot contained in the bodies of such birds. The new regulation, to be published in the May 7, 1985, Federal Register, designates nontoxic shot zones in all or portions of Harrison and Pottawattamie Counties, Iowa; Stafford County, Kansas; and Potter, Sully, Hughes, Hyde, Buffalo, Lyman, Stanley, Marshall, and Charles Mix Counties in South Dakota.

The regulation follows a lengthy rulemaking process that began September 14, 1984, when the Service announced its intention to establish nontoxic shot zones to protect bald eagles and identified counties where lead poisoning in bald eagles was thought to be a problem. After reviewing biological data and public comments, the Service proposed on February 13, 1985, to establish nontoxic shot zones for eagles in all or portions of 30 counties in 8 States -- California, Illinois, Iowa, Kansas, Missouri, Oklahoma, Oregon, and South Dakota.

The Service is required by law to obtain State approval for implementation and enforcement of Federal nontoxic shot regulations. In this case, the States of Illinois, Missouri, Oklahoma, California, and Oregon declined implementation of the nontoxic shot zones proposed for bald eagles for 1985. This action does not affect nontoxic shot zones previously established for waterfowl.

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POSSIBLE HUNTING AREA RESTRICTIONS IN 1986

In a notice to be published in the May 7, 1985, Federal Register, the Fish and Wildlife Service announced its intention not to open waterfowl hunting on selected areas during the 1986-87 waterfowl hunting season unless the States involved approve the use of nontoxic shot on those areas. The areas will, however, be open to waterfowl hunting during the upcoming 1985-86 hunting season.

The areas include the portions of California, Oregon, Illinois, Missouri, and Oklahoma that the Service proposed on February 13, 1985, as nontoxic shot zones to protect bald eagles from lead poisoning. The States did not approve nontoxic shot requirements in these areas.

Also to be closed in 1986-87 are four national wildlife refuges where monitoring studies indicate a waterfowl lead poisoning problem. These refuges are Stillwater, Nevada; Benton Lake, Montana; and Tule Lake and Lower Klamath, California. The Service proposed these refuges as nontoxic shot zones for 1985 on October 30, 1984, but the respective States declined to approve the proposal.

"The U.S. Fish and Wildlife Service is responsible for conserving and managing the resources on our national wildlife refuges," explained Service Director Robert Jantzen. "And we have a special responsibility for the bald eagle, which is both an endangered species and our national symbol. We have biological data indicating lead poisoning problems in these areas, but the States have decided not to require the use of nontoxic shot. Therefore, we feel we have no choice but to refrain from opening these areas to waterfowl hunting unless the States approve use of nontoxic shot before the 1986 hunting season."

Under the Migratory Bird Treaty Act, all areas of the country are closed to migratory bird hunting unless the Fish and Wildlife Service opens them through its annual regulations. An amendment to the Interior Department's Appropriations Act precludes the Service from requiring the use of nontoxic shot without State approval. The amendment does not, however, restrict the Service's authority to leave an area closed to migratory bird hunting.

MODIFIED CRITERIA FOR IDENTIFYING AND ESTABLISHING NONTOXIC SHOT ZONES

The Fish and Wildlife Service has published a modified proposal for criteria that will be used as guidelines in determining areas where lead poisoning in waterfowl is a significant problem and nontoxic shot should be required.

In the past, nontoxic shot zones were not identified with the use of uniform criteria across the country. The Service recently proposed specific criteria for identifying lead poisoning problem areas in order to provide more uniform and scientifically sound methods for designating nontoxic shot zones. After reviewing public comments on the proposal, the Service has revised its proposal and is requesting public comments on the revision.

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Under the modified proposal, the Service will implement a "phase-in" approach to monitoring areas for lead poisoning problems and designating nontoxic shot zones. Areas with higher waterfowl harvests will be monitored first. The implementation schedule will be as follows:

<u>Harvest Level (birds per square mile)</u>	<u>Hunting Season that Monitoring is to Begin</u>	<u>Hunting Season in which Nontoxic Shot to be Re- quired in Qualifying Areas</u>
20 or more	1985-86	1987
15 or more	1986-87	1988
10 or more	1987-88	1989
5 or more	1988-89	1990

Areas that are monitored will be proposed for nontoxic shot if they are found to have a lead poisoning problem on the basis of the following criteria:

- One or more ingested shot in 5 percent or more of the gizzards examined; and either
- 2 ppm lead in 5 percent or more of the liver tissues sampled; or
- 0.2 ppm lead in 5 percent or more of the blood samples drawn or a protoporphyrin level of 40 ug/dl in 5 percent of the blood samples. Protoporphyrin measures metabolic disturbance in the hemoglobin production of the red blood cells and is an indication of degree of sickness from lead.

A sample size of 100 birds will be required. Pellets in the gizzard reflect the degree of exposure to lead shot. Lead in the liver or blood reveals that it has been assimilated in tissues.

In addition, the revised proposal allows States to use existing monitoring data, provided the data are recent. Many States have already completed extensive monitoring for some areas.

If results of monitoring studies are positive for the gizzard criterion plus either the liver, blood or protoporphyrin criterion, the monitored area will be proposed as a nontoxic shot zone. If the results are negative, the area will not be considered to have a lead poisoning problem unless three or more dead waterfowl confirmed as lead poisoned are later reported from the area. In that event, monitoring would be reinstated.

The Service's proposal does not prevent States from designating areas not meeting these criteria as nontoxic shot zones. Individual States may determine for their own management purposes to require the use of nontoxic shot. The Service will continue to honor State requests to establish nontoxic shot zones in areas not meeting established minimum Federal criteria.

Public comments on the revised criteria are invited and should be sent to the Director (MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, by June 20, 1985.