

International Status:

The species has a Global Rank of G4, i.e., apparently secure (NatureServe 2004)

Table 3. Status ranks of the Rusty Blackbird in North America according to NatureServe (2004).

World rank G4 Apparently secure

Canada N5B Secure, breeding

Yukon SNRB - No designation, breeding
Nunavut SNRB - No designation, breeding
Northwest Territories SNRB - No designation, breeding
British Columbia S5B Secure, breeding
Alberta S5B, S1N - Secure, breeding; vulnerable - nonbreeding
Saskatchewan S5B - Secure, breeding
Manitoba S4S5B - Apparently secure - Secure, breeding
Ontario S5B - Secure, breeding
Québec S5 - Secure
New Brunswick S4B - Apparently secure
Nova Scotia S3S4B - Vulnerable to apparently secure, breeding
Prince Edward Island S3B - Vulnerable, breeding
Newfoundland S3B - Vulnerable, breeding

United States N5B, N5N Secure, breeding and nonbreeding

Alaska S4B - Apparently secure
Michigan SNRN - No designation, nonbreeding
Minnesota SNRB - No designation, nonbreeding
Maine S3N - Vulnerable, nonbreeding
New Hampshire S2 - Imperiled
Vermont S3B - Vulnerable, breeding
New York S3 - Vulnerable

PIF NA Landbird Plan (Rich et al 2004) estimates global RUBL breeding population as 2M, with "fair" accuracy (same order of magnitude; 3 on a scale of 1-6, 6 being best) and "moderate" precision

1.4M revised estimate – P. Blancher

Listed on PIF Watch List as:

Moderately abundant or widespread with declines or high threats

PIF Global Scoring Criteria:

(there are also BCR by BCR scores)

PS – 3 (moderate)

BD – 1 (large range, low vulnerability)

ND - 2

TB – 2 (documented, but expected to remain stable)

Expected future conditions for breeding populations are expected to remain stable; threats assumed to be low

TN – 3 (moderate to increasing)

Slight to moderate decline in the future suitability of breeding conditions is expected. This is a broad category that implies anything amounting to “moderate threats.”

PT – 5 (50% decrease in pops over time of BBS; ≥ 2.28 decline per year over 30 years)

PIF Monitoring Criteria - RUBL is Mo2=imprecise trends & Mo3=inadequate northern coverage.

National Status

Canada:

Protection

Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds; 39 Stat. 1702; TS 628) establishes legal basis for protection of migratory birds shared by the US and Canada (Great Britain)

However, the Rusty Blackbird receives no protection under the *Migratory Birds Convention Act* in Canada . . . (An **Act** to implement a **Convention** for the protection of **migratory birds** in Canada and the United States) . . . However, MBTA in US does protect it.

PROTOCOL BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA AMENDING THE 1916 **CONVENTION** BETWEEN THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA FOR THE PROTECTION OF **MIGRATORY BIRDS** IN CANADA AND THE UNITED STATES

ARTICLE I

In order to update the listing of **migratory birds** included in the terms of this **Convention** in a manner consistent with their current taxonomic (Family and Subfamily) status, Article I of the **Convention** is deleted and replaced by the following:

The High Contracting Powers declare that the **migratory birds** included in the terms of this **Convention** shall be as follows:

1. **Migratory Game Birds**:

Anatidae, or waterfowl (ducks, geese and swans); Gruidae, or cranes (greater and lesser sandhill and whooping cranes); Rallidae, or rails (coots, gallinules and rails); Charadriidae, Haematopodidae, Recurvirostridae, and Scolopacidae, or shorebirds (including plovers and lapwings, oystercatchers, stilts and avocets, and sandpipers and allies); and Columbidae (doves and wild pigeons).

2. **Migratory Insectivorous Birds**:

Aegithalidae (long-tailed tits and bushtits); Alaudidae (larks); Apodidae (swifts); Bombycillidae (waxwings); Caprimulgidae (goatsuckers); Certhiidae (creepers); Cinclidae (dippers); Cuculidae (cuckoos); Emberizidae (including the emberizid sparrows, wood-warblers, tanagers, cardinals and grosbeaks and allies, bobolinks, meadowlarks, and orioles, **but not including blackbirds**); Fringillidae (including the finches and grosbeaks); Hirundinidae (swallows); Laniidae (shrikes); Mimidae (catbirds, mockingbirds, thrashers, and allies); Motacillidae (wagtails and pipits); Muscicapidae (including the kinglets, gnatcatchers, robins, and thrushes); Paridae (titmice); Picidae (woodpeckers and allies); Sittidae (nuthatches); Trochilidae (hummingbirds); Troglodytidae (wrens); Tyrannidae (tyrant flycatchers); and Vireonidae (vireos).

3. Other ← Migratory → Nongame ← Birds →:

Alcidae (auks, auklets, guillemots, murrelets, and puffins); Ardeidae (bitterns and herons); Hydrobatidae (storm petrels); Procellariidae (petrels and shearwaters); Sulidae (gannets); Podicipedidae (grebes); Laridae (gulls, jaegers, and terns); and Gaviidae (loons).

- This was from the 1994 amendment to the original 1916 convention, but it's unclear to me why blackbirds receive protection in the US, and not Canada, if the language specifically excludes them
- Presumably can be killed in Canada anytime, esp. during control programs . . . not sure what programs are in place or whether they target rusties or other blackbirds at times or in areas where Rusties could be taken??

Occurrence

Prince Edward Island, Nova Scotia, New Brunswick, Newfoundland and Labrador,

NF, LAB and NS subspecies is *E. c. nigrans*.
Rest of range is *E. c. carolinus*

Québec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut

Habitat

Boreal biome - forest wetlands, such as slowmoving streams, peat bogs, sedge meadows, marshes, swamps, beaver ponds and pasture edges.

Population size

- An estimate of the Canadian population, which comes from the Canadian BBS and the Canadian Breeding Bird Census Database (Kennedy *et al.* 1999), suggests a population of approximately 1.4 million individuals. This estimate is based on Canada including approximately 70% of the global breeding
- global population of 2 million (revised 1.4M) individuals (Blancher 2003).

**Committee on the Status of Endangered Wildlife in Canada
(COSEWIC)
Bird Species Subcommittee**

- The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) was created in 1977 as a result of a recommendation at the Federal-Provincial Wildlife Conference held in 1976. It arose from the need for a single, official, scientifically sound, national listing of wildlife species at risk. In 1978, COSEWIC designated its first species and produced its first list of Canadian species at risk. Species designated at meetings of the full committee are added to the list. On June 5th 2003, the *Species at Risk Act* (SARA) was proclaimed. SARA establishes COSEWIC as an advisory body ensuring that species will continue to be assessed under a rigorous and independent scientific process.
- Comprised of Federal, Provincial and Territorial govt wildlife agencies.

**COSEWIC Assessment and Status Report on the Rusty Blackbird *Euphagus carolinus*
in Canada**

Status

RUBL is designated a **Species of Special Concern**:

Special Concern (SC) - A wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats.

time period for becoming threatened or endangered?

Given that 70% of the breeding range of the Rusty Blackbird is located in Canada (Blancher 2003), it is currently considered a species of high responsibility in terms of conservation in Canada (Dunn *et al.* 1999; Downes *et al.* 2000).

Don't know what "standing" this gives National or Provincial government agencies in working on Rusties??? Likely none, COSWEIC just provides an independent assessment of status.

Endangered (E) A wildlife species facing imminent extirpation or extinction.

Threatened (T) A wildlife species likely to become endangered if limiting factors are not reversed.

Reason for designation

More than 70% of the breeding range of the species is in Canada's boreal forest. The species has experienced a severe decline that appears to be ongoing, albeit at a slower rate. There is no evidence to suggest that this trend will be reversed. Known threats occur primarily on the winter range, and include habitat conversion (ag and urban) and blackbird control programs in the United States.

Habitat loss caused by wetland conversion to agricultural land on wintering grounds

- Some additional localized habitat loss on breeding grounds because of activities such as wetland conversion, creation of hydroelectric reservoirs
- Bird control programs on wintering grounds

Extent of occurrence = 7.6 million km² (2.9 million mi²) breeding range, most of it in AK and Canada. Canada comprises about 70% of estimated global breeding population (110K to 1.4M estimated) and approx 70% of breeding range. Area of actual occurrence (i.e. habitat) is unknown). Most of habitat is on public lands (which presumably means the opposite of private lands in US??), only fraction of this is protected = 9%

Status history

Designated Special Concern in April 2006. Assessment based on a new status report.

United States:

Legal Protection

MBTA – protected under implementing regs of bilateral treaty with Canada for protection of migratory birds

Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds; 39 Stat. 1702; TS 628), as amended -- This 1916 treaty adopted a uniform system of protection for certain species of birds which migrate between the United States and Canada, in order to assure the preservation of species either harmless or beneficial to man. Sets certain dates for closed seasons on migratory birds. Prohibits hunting insectivorous birds, but allows killing of birds under permit when injurious to agriculture. Implementing legislation for the United States was accomplished by enactment of the Migratory Bird Treaty Act in 1918 (16 USC 703-711; 40 Stat. 755)

50 CFR 21 Migratory Bird Permits allows for the take of birds otherwise protected under MBTA.

Part 21 - This part also provides certain exceptions to permit requirements for public, scientific, or educational institutions, and establishes **depredation orders** which provide limited exceptions to the Migratory Bird Treaty Act (16 U.S.C. 703-712).
[54 FR 38150, Sept. 14, 1989]

21.43 Depredation order for blackbirds, cowbirds, grackles, crows and magpies.

A Federal permit shall not be required to control yellow-headed red-winged, **rusty**, and Brewer's blackbirds, cowbirds, all grackles, crows, and magpies, **when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance:** Provided:

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

(b) That any person exercising any of the

privileges granted by this section shall permit at all reasonable times including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(c) That nothing in this section shall be construed to authorize the killing of such birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State concerned .

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 47525, Nov. 15, 1989]

- no other Federal legal status

Occurrence

Breeding Range – Alaska, Michigan, Minnesota, Maine, Vermont, New Hampshire, New York

Winter Range - The winter range of the Rusty Blackbird includes southern Massachusetts, southeastern New York, southeastern Pennsylvania, southwestern Virginia, northern Ohio, southeastern Michigan, southeastern Wisconsin, central Iowa, central Kansas, central Oklahoma; and the remaining Atlantic coast states. The Rusty Blackbird also winters locally and sporadically in very small numbers in the southern part of most Canadian provinces (Avery 1995; Figure 1).

Birds of Conservation Concern

EXECUTIVE SUMMARY (in parts)

The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service (USFWS) to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act of 1973.” *Birds of Conservation Concern 2002* (*BCC 2002*) is the most recent effort to carry out this mandate. The overall goal of this report is to accurately identify the migratory and non-migratory bird species (beyond those already designated as Federally threatened or endangered) that represent our highest conservation priorities and draw attention to species in need of conservation action.

BCC 2002 encompasses three distinct geographic scales—North American Bird Conservation Initiative (NABCI) Bird Conservation Regions (BCRs), USFWS Regions, and National—and is primarily derived from assessment scores from three major bird conservation plans: Partners in Flight, the United States Shorebird Conservation Plan, and the North American Waterbird Conservation Plan.

While all of the bird species included in *BCC 2002* are priorities for conservation action, this list makes no finding with regard to whether they warrant consideration for ESA listing. Our goal is to prevent or remove the need for additional ESA bird listings by implementing proactive management and conservation actions. We recommend that these lists be consulted in accordance with Executive Order 13186, “Responsibilities of Federal Agencies To Protect Migratory Birds.” This report should also be used to develop research, monitoring, and management initiatives. *BCC 2002* is intended to stimulate coordinated and collaborative proactive conservation actions among Federal, State, and private partners.

Rusty Blackbird on BCC 2002 lists:

- Region 3 – Great Lakes Region (breeding)
- BCR 22 – Eastern Tallgrass Prairie (breeding)
- 24 – Central Hardwoods (nonbreeding)
- 26 – Mississippi Alluvial Valley
- 29 – Piedmont

BCC 2007 is being developed, and takes into account much of new attention being given boreal birds in general, and rusty blackbird specifically. Before this iteration, the plight of rusties was largely overlooked. Now being considered for all breeding and nonbreeding BCRs, Regions where occurs, and National list.

- 2 – Western AK
- 4 – NW Interior Forest
- 5 – N. Pacific Forest
- 6 – entirely within Canada (but ranks as PIF CC species for this BCR)
- 7 – entirely within Canada (but ranks as PIF CC species for this BCR)
- 8 – entirely within Canada (but ranks as PIF CC species for this BCR)
- 10 – Northern Rockies
- 12 – Boreal Hardwood Transition
- 13 – Lower Great Lakes/ St. Lawrence Plain
- 14 – Atlantic Northern Forest

FWS Focal Species

Also being considered as USFWS Focal Species – informal, nonregulatory designation within FWS (DOI) for performance and accountability. Focal species programs being carried out.

Beginning in 2005, the Migratory Bird Program of the U.S. Fish and Wildlife Service (Service) is initiating a new strategy to better measure its success in achieving its bird conservation priorities and mandates. The Service remains committed to landscape-scale, integrated bird conservation for the full array of species of management concern, and has developed the focal species strategy to provide the increased accountability required from all federal agencies. The focal species strategy involves campaigns for selected species to provide explicit, strategic, and adaptive sets of conservation actions required to return the species to healthy and sustainable levels.

Control

Effects of control (from COSEWIC report)- Between 1974 and 1992, Red-winged Blackbird and European Starling control programs were responsible for the extermination of 100,000 Rusty Blackbirds, which was 1% of the total number of birds killed in roosts (Dolbeer *et al.* 1997). Although blackbird control is currently carried out in several American states there are no studies showing the number of Rusty Blackbirds exterminated by these programs.

State/Provincial Status

See State NatureServe ranks above . . .

State/Province listings:

States - Species of Special Concern in ME, NH and VT (as of 2001). Not listed in any other states. (Ken's spreadsheet)

Provinces/Territories - Not considered listed to be at risk in most provinces. General status assessments published in 2000 considered the Rusty Blackbird Sensitive in the Northwest Territories, Prince Edward Island and Newfoundland and secure in all other provinces and territories, except Nunuvut, where its status was undetermined (Canadian Endangered Species Conservation Council 2001).

Listed in State Comprehensive Wildlife Conservation Strategies??

