

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 10**

[FWS-R9-MB-2007-0109;91200-1231-9BPP]

RIN 1018-AB72

**General Provisions; Revised List of Migratory Birds****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, revise the List of Migratory Birds by both adding and removing numerous species. Reasons for the changes to the list include correcting previous mistakes including misspellings, adding species based on new evidence of occurrence in the United States or U.S. territories, removing species no longer known to occur within the United States, and changing names based on new taxonomy. The net increase of 175 species (186 added and 11 removed) brings the total number of species protected by the Migratory Bird Treaty Act (MBTA) to 1007. We regulate most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds. An accurate and up-to-date list of species protected by the MBTA is essential for regulatory purposes.

**DATES:** This rule is effective March 31, 2010.**FOR FURTHER INFORMATION CONTACT:** Terry Doyle, Wildlife Biologist, Division of Migratory Bird Management, at 703-358-1799.**SUPPLEMENTARY INFORMATION:****What Statutory Authority Does the Service Have for This Rulemaking?**

We have statutory authority and responsibility for enforcing the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-711), the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712), and the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-j). The MBTA implements Conventions between the United States and four neighboring countries for the protection of migratory birds, as follows:

(1) *Canada:* Convention for the Protection of Migratory Birds, August 16, 1916, United States-Great Britain (on behalf of Canada), 39 Stat. 1702, T.S. No. 628;

(2) *Mexico:* Convention for the Protection of Migratory Birds and Game

Mammals, February 7, 1936, United States-United Mexican States (Mexico), 50 Stat. 1311, T.S. No. 912;

(3) *Japan:* Convention for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1972, United States-Japan, 25 U.S.T. 3329, T.I.A.S. No. 7990; and

(4) *Russia:* Convention for the Conservation of Migratory Birds and Their Environment, United States-Union of Soviet Socialist Republics (Russia), November 26, 1976, 92 Stat. 3110, T.I.A.S. 9073.

**What Is the Purpose of This Rulemaking?**

Our purpose is to inform the public of the species protected by the MBTA and its implementing regulations. These regulations are found in Title 50, Code of Federal Regulations (CFR), Parts 10, 20, and 21. We regulate most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds. An accurate and up-to-date list of species protected by the MBTA is essential for regulatory purposes.

**Why Is This Amendment of the List of Migratory Birds Necessary?**

The amendment is needed to: (1) Add two species covered by the Japanese and Russian Conventions that were mistakenly omitted from previous lists; (2) add 29 species of accidental or casual occurrence documented prior to April 1985, but not included in prior lists; (3) add 65 species based on new distributional records documenting their occurrence in the United States since April 1985; (4) add 24 species that occur naturally in the United States only in Hawaii; (5) add 28 species that occur naturally in the United States only in the Pacific island territories of American Samoa, Baker and Howland Islands, Guam, or the Northern Mariana Islands; (6) add 38 species newly recognized as a result of taxonomic changes; (7) remove 10 species not known to occur within the boundaries of the United States or its territories; (8) remove one species that is now treated as a subspecies; (9) change the common (English) names of 48 species to conform with accepted use; (10) change the scientific names of 66 species to conform with accepted use; (11) change the common and scientific names of seven species to conform with accepted use; (12) change the scientific names of four species in the alphabetical list to conform with accepted use and to correct inconsistencies between the alphabetical and taxonomic lists; (13) correct errors in the common (English)

name of two species; (14) correct errors in the scientific names of three species in the taxonomic list; and (15) change the status of one taxon from protected subspecies to non-protected species (due to lack of natural occurrence in the United States or its territories). In accordance with the Migratory Bird Treaty Reform Act of 2004 (Pub. L. 108-447) (MBTRA), we also reaffirm our determination of March 15, 2005 (70 FR 12710), that the Mute Swan (*Cygnus olor*), which was never formally listed in 50 CFR 10.13 but was briefly treated as protected by the MBTA as the result of a court order (*Hill v. Norton*, 275 F.3d 98 (D.C. Cir. 2001)), is no longer afforded protection because it is nonnative and human-introduced. See *Fund for Animals v. Norton*, 374 F. Supp. 2d 91 (D. D.C. 2005, denying injunction because of the clear language of the MBTRA). The District Court's judgment was later affirmed on appeal (*Fund for Animals v. Kempthorne*, 472 F.3d 872, D.C. Cir. 2006).

The List of Migratory Birds (50 CFR 10.13) was last revised on April 5, 1985 (50 FR 13710). In a proposed rule published May 9, 1995 (60 FR 24686), we suggested updating the List of Migratory Birds by adding 20 species, removing 1 species, and revising the common (English) or scientific names of 23 previously listed species to conform to the most recent nomenclature. The proposed amendments were necessitated by five published supplements to the 6th (1983) edition of the American Ornithologists' Union's (AOU's) *Check-list of North American birds*. Knowing that additional amendments would be necessary following the anticipated publication of a 7th edition of the *Check-list*, we elected to delay publication of a final rule until after the appearance of the revised *Check-list*. The 1995 proposed rule generated just two public comments, from the American Ornithologists' Union and the Association of Scientific Collections. The comments of those organizations, mostly editorial in nature, are reflected in this document, as appropriate.

Following publication of the 7th edition of the *Check-list* in July 1998, administrative workloads and staff shortages prevented work on a final rule until September 2000. A followup proposed rule was deemed necessary because of the five-year delay since publication of the initial proposed rule, and the many new changes necessitated by the 7th edition of the *Check-list*. In a second proposed rule published October 12, 2001 (66 FR 52282), we suggested adding 30 species, removing one species, and revising the common

(English) or scientific names of 78 previously-listed species to conform to accepted use.

Of the 116 letters received on the proposed rule of October 12, 2001, 109 dealt solely with the presumed protective status of the Mute Swan (*Cygnus olor*) under the MBTA. Of the remaining seven letters, three provided comments of a general nature (including recommendations for adding or deleting certain species); two expressed general support without offering specific comments; one questioned the legality of extending MBTA protection to species that do not cross State or international boundaries; and one expressed concern about the harvest of MBTA-protected shorebirds in the Caribbean. These comments remain part of the public record and were incorporated, as appropriate, into this final rule.

Because of the delay since publication of the 2001 proposed rule, plus the many new changes necessitated by six published supplements (AOU 2000, 2002, 2003, 2004, 2005, 2006) to the 7th edition of the *Check-list*, we published a third proposed rule on August 24, 2006 (71 FR 50194). This allowed the public to review and comment on all of the desired changes that have come to light since publication of the 1995 and 2001 proposed rules. In addition, this final rule incorporates the changes in the AOU supplement published in 2007.

#### What Scientific Authorities Are Used To Amend the List of Migratory Birds?

Although bird names (common and scientific) are relatively stable, staying current with standardized use is necessary to avoid confusion in communications. In making our determinations, we primarily relied on the American Ornithologists' Union's *Check-list of North American birds* (AOU 1998), as amended (AOU 1999, 2000, 2002, 2003, 2004, 2005, 2006 and 2007), on matters of taxonomy, nomenclature, and the sequence of species and other higher taxonomic categories (orders, families, subfamilies) for species that occur in North America. For the few species that occur outside the geographic area covered by the *Check-list*, we relied primarily on Monroe and Sibley (1993). Though we primarily rely on the above checklists, when informed taxonomic opinion is inconsistent or controversial, we evaluate available published and unpublished information and come to our own conclusion regarding the validity of taxa.

#### What Criteria Are Used To Identify Individual Species Protected by the MBTA?

A species qualifies for protection under the MBTA by meeting one or more of the following four criteria:

(1) It is a species covered by the Canadian Convention of 1916, as amended in 1996, by virtue of meeting the following three criteria: (a) It belongs to a family or group of species named in the Canadian Convention, as amended; (b) specimens, photographs, videotape recordings, or audiotape recordings provide convincing evidence of natural occurrence in the United States or its territories; and (c) the documentation of such records has been recognized by the AOU or other competent scientific authorities.

(2) It is a species covered by the Mexican Convention of 1936, as amended in 1972, by virtue of meeting the following three criteria: It (a) belongs to a family or group of species named in the Mexican Convention, as amended; (b) specimens, photographs, videotape recordings, or audiotape recordings provide convincing evidence of natural occurrence in the United States or its territories; and (c) the documentation of such records has been recognized by the AOU or other competent scientific authorities.

(3) It is a species listed in the annex to the Japanese Convention of 1972, as amended.

(4) It is a species listed in the appendix to the Russian Convention of 1976.

In accordance with the MBTRA, we have not listed species whose occurrences in the United States are solely the result of intentional or unintentional human-assisted introduction(s). We hereby adopt the definition of "human-assisted introduction" as used in the notice implementing the MBTRA (70 FR 12710): "An intentional introduction is one that was purposeful—for example, the person(s) or institution(s) involved intended for it to happen. An unintentional introduction is one that was unforeseen or unintended, for example, the establishment of self-sustaining populations following repeated escapes from captive facilities."

#### How Do the Scientific Names Used Here Compare to Those That Appear in the Japanese and Russian Conventions?

The Japanese and Russian Conventions list individual species of birds that are covered. For 37 of these species, the scientific (genus or species) name currently recognized by scientific authorities (AOU 1998, 1999; Monroe

and Sibley 1993) differs from that which appears in the Conventions. The following cross-reference provides a linkage between the scientific names used in this list and those that appear in the annex to the Japanese Convention and the appendix to the Russian Convention. The first name is the modern equivalent proposed here, and the second name is that which appears in one or both of the Conventions. These changes modernize the regulatory list without revising either the Japanese or the Russian Convention (indicated by J and R, respectively):

*Accipiter gularis* (Japanese Sparrowhawk) is listed as *Accipiter virgatus* (J & R);  
*Actitis hypoleucos* (Common Sandpiper) is listed as *Tringa hypoleucos* (J & R);  
*Aethia psittacula* (Parakeet Auklet) is listed as *Cyclorhynchus psittacula* (R);  
*Anas americana* (American Wigeon) is listed as *Mareca americana* (J);  
*Anas clypeata* (Northern Shoveler) is listed as *Spatula clypeata* (J);  
*Anas penelope* (Eurasian Wigeon) is listed as *Mareca penelope* (J);  
*Anous minutus* (Black Noddy) is listed as *Anous tenuirostris* (J);  
*Anthus rubescens* (American Pipit) is listed as *Anthus spinoletta* (J & R);  
*Branta bernicla* (Brant) incorporates *Branta nigricans* (R);  
*Calidris alba* (Sanderling) is listed as *Crocethia alba* (J);  
*Calidris subminuta* (Long-toed Stint) is listed as part of *Calidris minutilla* (J);  
*Carduelis flammea* (Common Redpoll) is listed as *Acanthis flammea* (J);  
*Carduelis hornemanni* (Hoary Redpoll) is included as part of *Carduelis flammea* (J), and is listed as *Acanthis hornemanni* (R);  
*Charadrius morinellus* (Eurasian Dotterel) is listed as *Eudromias morinellus* (J & R);  
*Chen caerulescens* (Snow Goose) is listed as *Anser caerulescens* (J);  
*Chen canagica* (Emperor Goose) is listed as *Anser canagicus* (J), and *Philacte canagica* (R);  
*Cygnus columbianus* (Tundra Swan) incorporates *Cygnus bewickii* (R);  
*Egretta sacra* (Pacific Reef-Egret) is listed as *Demigretta sacra* (J);  
*Ficedula narcissina* (Narcissus Flycatcher) is listed as *Muscicapa narcissina* (J);  
*Fratercula cirrhata* (Tufted Puffin) is listed as *Lunda cirrhata* (J & R);  
*Gallinago gallinago* (Common Snipe) is listed as *Capella gallinago* (R);  
*Gallinago megala* (Swinhoe's Snipe) is listed as *Capella megala* (R);  
*Gallinago stenura* (Pin-tailed Snipe) is listed as *Capella stenura* (R);

*Heteroscelus brevipes* (Gray-tailed Tattler) is included as part of *Tringa incana* (J);

*Heteroscelus incanus* (Wandering Tattler) is listed as *Tringa incana* (J);

*Luscinia calliope* (Siberian Rubythroat) is listed as *Erithacus calliope* (J);

*Melanitta fusca* (White-winged Scoter) incorporates *Melanitta deglandi* (J);

*Mergellus albellus* (Smew) is listed as *Mergus albellus* (J & R);

*Milvus migrans* (Black Kite) is listed as *Milvus korschun* (R);

*Numenius borealis* (Eskimo Curlew) is included as part of *Numenius minutus* (J);

*Phalaropus lobatus* (Red-necked Phalarope) is listed as *Lobipes lobatus* (R);

*Phoebastria albatrus* (Short-tailed Albatross) is listed as *Diomedea albatrus* (J & R);

*Phoebastria immutabilis* (Laysan Albatross) is listed as *Diomedea immutabilis* (J & R);

*Phoebastria nigripes* (Black-footed Albatross) is listed as *Diomedea nigripes* (J & R);

*Pterodroma hypoleuca* (Bonin Petrel) is listed as *Pterodroma leucoptera* (R);

*Tachycineta bicolor* (Tree Swallow) is listed as *Iridoprocne bicolor* (R); and

*Turdus obscurus* (Eyebrowed Thrush) is listed as *Turdus pallidus* (R).

#### How Do the Changes Affect the List of Migratory Birds?

The amendments (186 additions, 11 removals, 121 name changes, and 9 corrections) affect a grand total of 327 species and result in a net addition of 175 species to the List of Migratory Birds, increasing the species total from 832 to 1007. Of the 175 species that we add to the list, 38 were previously covered under the MBTA as subspecies of listed species. These amendments can be logically arranged in the following 15 categories:

(1) Add two species that are included in the Appendix of the Russian Convention and in the Annex to the Japanese Convention, respectively; the omission of these species in previous lists was an oversight. These species also qualify for protection under the Canadian and Mexican Conventions as members of the families Anatidae and Laridae, respectively:

Duck, Spot-billed, *Anas poecilorhyncha*; and

Gull, Black-tailed, *Larus crassirostris*.

(2) Add 29 species based on review and acceptance by AOU (prior to April 1985) of distributional records documenting their occurrence in the United States, Puerto Rico, or the U.S. Virgin Islands. These species belong to

families covered by the Canadian and/or Mexican Conventions. They were excluded from the 1985 list because their occurrence was viewed as accidental or casual, a criterion no longer viewed as inconsistent with the MBTA or its underlying Conventions. A species of accidental or casual occurrence is one whose normal range is far enough removed from the United States as to make regular occurrence unlikely or improbable (AOU 1983). For each species, we list the State(s) in which it has been recorded plus the relevant AOU publication(s):

Albatross, Shy, *Thalassarche cauta*—Washington (AOU 1982, 1983, 1997, 1998);

Albatross, Wandering, *Diomedea exulans*—California (AOU 1982, 1983, 1998);

Bunting, Blue, *Cyanocompsa parellina*—Louisiana, Texas (AOU 1982, 1983, 1998);

Bunting, Gray, *Emberiza variabilis*—Alaska (AOU 1982, 1983, 1998);

Bunting, Little, *Emberiza pusilla*—Alaska (AOU 1982, 1983, 1998);

Chaffinch, Common, *Fringilla coelebs*—Maine to Massachusetts (AOU 1982, 1983, 1998);

Crake, Paint-billed, *Neocrex erythrops*—Texas, Virginia (AOU 1982, 1983, 1998);

Curlew, Eurasian, *Numenius arquata*—Massachusetts, New York (AOU 1982, 1983, 1998);

Flycatcher, La Sagra's, *Myiarchus sagrae*—Alabama, Florida (AOU 1982, 1983, 1998);

Flycatcher, Variegated, *Empidonomus varius*—Maine, Tennessee (AOU 1982, 1983, 1998);

Gull, Belcher's, *Larus belcheri*—Florida (AOU 1982, 1983, 1998, 2003);

Hawk, Roadside, *Buteo magnirostris*—Texas (AOU 1982, 1983, 1998);

Hummingbird, Bumblebee, *Atthis heloisa*—Arizona (AOU 1982, 1983, 1998);

Martin, Southern, *Progne elegans*—Florida (AOU 1982, 1983, 1998);

Mockingbird, Bahama, *Mimus gundlachii*—Florida (AOU 1982, 1983, 1998);

Petrel, Black-winged, *Pterodroma nigripennis*—Hawaii (AOU 1982, 1983, 1998);

Petrel, Jouanin's, *Bulweria fallax*—Hawaii (AOU 1982, 1983, 1998);

Pewee, Hispaniolan, *Contopus hispaniolensis*—Puerto Rico (AOU 1983, 1995, 1998);

Pipit, Tree, *Anthus trivialis*—Alaska (AOU 1982, 1983, 1995);

Rail, Spotted, *Pardirallus maculatus*—Pennsylvania, Texas (AOU 1982, 1983, 1998);

Scops-Owl, Oriental, *Otus sunia*—

Alaska (AOU 1982, 1983, 1998);

Shearwater, Streaked, *Calonectris*

*leucomelas*—California (AOU 1982, 1983, 1998);

Shrike, Brown, *Lanius cristatus*—

Alaska, California (AOU 1982, 1983, 1998);

Swift, Short-tailed, *Chaetura brachyura*—U.S. Virgin Islands (AOU 1983, 1998);

Tern, Large-billed, *Phaetusa simplex*—

Illinois, New Jersey, Ohio (AOU 1983, 1998);

Vireo, Thick-billed, *Vireo crassirostris*—

Florida (AOU 1983, 1998);

Warbler, Dusky, *Phylloscopus fuscatus*—Alaska, California (AOU 1982, 1983, 1998);

Warbler, Fan-tailed, *Euthlypis lachrymosa*—Arizona (AOU 1982, 1983, 1998); and

Warbler, Wood, *Phylloscopus sibilatrix*—Alaska (AOU 1982, 1983, 1998).

(3) Add 65 species based on review and acceptance by AOU (since April 1985) of new distributional records documenting their occurrence in the United States, Puerto Rico, or the U.S. Virgin Islands. These species belong to families covered by the Canadian and/or Mexican Conventions and most are considered to be of accidental or casual occurrence. For each species, we list the State(s) in which it has been recorded plus the relevant publication(s):

Albatross, Black-browed, *Thalassarche melanophris*—Virginia (AOU 2002);

Albatross, Light-mantled, *Phoebastria palpebrata*—California (AOU 1997, 1998);

Bluetail, Red-flanked, *Tarsiger cyanurus*—Alaska (AOU 1995, 1998);

Bunting, Pine, *Emberiza leucocephalos*—Alaska (AOU 1995, 1998);

Bunting, Yellow-breasted, *Emberiza aureola*—Alaska (AOU 1989, 1998);

Bunting, Yellow-throated, *Emberiza elegans*—Alaska (AOU 2000);

Carib, Purple-throated, *Eulampis jugularis*—U.S. Virgin Islands (AOU 1998);

Catbird, Black, *Melanoptila glabrirostris*—Texas (AOU 1998);

Duck, Muscovy, *Cairina moschata*—

Texas (AOU 1998);

Egret, Little, *Egretta garzetta*—

Massachusetts, New Hampshire, Puerto Rico, Virginia (AOU 1998);

Elaenia, Greenish, *Myiopagis viridicata*—Texas (AOU 1989, 1998);

Falcon, Red-footed, *Falco vespertinus*—

Massachusetts, (AOU 2007);

Flycatcher, Piratic, *Legatus leucophalus*—Florida, New Mexico, Texas (AOU 2002);

- Flycatcher, Social, *Myiozetetes similis*—Texas (AOU 2006);
- Flycatcher, Tufted, *Mitrephanes phaeocercus*—Texas (AOU 1998);
- Forest-Falcon, Collared, *Micrastur semitorquatus*—Texas (AOU 1998)
- Frog-Hawk, Gray, *Accipiter soloensis*—Hawaii (AOU 1997, 1998);
- Gallinule, Azure, *Porphyrio flavirostris*—New York (AOU 1991, 1998, 2002);
- Golden-Plover, European, *Pluvialis apricaria*—Alaska (Western Birds 2001);
- Goose, Lesser White-fronted, *Anser erythropus*—Alaska (AOU 1995, 1998);
- Gull, Gray-hooded, *Larus cirrocephalus*—Florida (AOU 2002);
- Gull, Kelp, *Larus dominicanus*—Indiana, Louisiana, Maryland, Texas (AOU 2002);
- Gull, Yellow-legged, *Larus michahellis* (= *cachinnans*)—Maryland (AOU 1993, 1998, 2007);
- Hawk, Crane, *Geranospiza caerulescens*—Texas (AOU 1998);
- Hobby, Eurasian, *Falco subbuteo*—Alaska (AOU 1985, 1995, 1998);
- Hummingbird, Cinnamon, *Amazilia rutila*—Arizona, New Mexico (AOU 1998);
- Hummingbird, Xantus's, *Hylocharis xantusii*—California (AOU 1998);
- Mango, Green-breasted, *Anthracothorax prevostii*—Texas (AOU 1998);
- Martin, Brown-chested, *Progne tapera*—Massachusetts (AOU 1985, 1995, 1998);
- Mockingbird, Blue, *Melanotis caerulescens*—Arizona, Texas (AOU 1998);
- Nightingale-Thrush, Black-headed, *Catharus mexicanus*—Texas (AOU 2006);
- Nightingale-Thrush, Orange-billed, *Catharus aurantiirostris*—Texas (AOU 2002);
- Owl, Mottled, *Ciccaba virgata*—Texas (AOU 1989, 1998);
- Owl, Stygian, *Asio stygius*—Texas (AOU 2002);
- Petrel, Bermuda, *Pterodroma cahow*—North Carolina (AOU 1998);
- Petrel, Great-winged, *Pterodroma macroptera*—California (AOU 2004);
- Petrel, Stejneger's, *Pterodroma longirostris*—California, Hawaii (AOU 1989, 1998);
- Pewee, Cuban, *Contopus caribaeus*—Florida (AOU 2004);
- Plover, Collared, *Charadrius collaris*—Texas (AOU 1998);
- Pond-Heron, Chinese, *Ardeola bacchus*—Alaska (AOU 2000);
- Reef-Heron, Western, *Egretta gularis*—Massachusetts (AOU 1985, 1998);
- Robin, Siberian Blue, *Luscinia cyane*—Alaska (AOU 1987, 1998);
- Robin, White-throated, *Turdus assimilis*—Texas (AOU 1998);
- Sandpiper, Green, *Tringa ochropus*—Alaska (AOU 1985, 1998);
- Shearwater, Cape Verde, *Calonectris edwardsii*—North Carolina (AOU 2006);
- Silky-flycatcher, Gray, *Ptilogonys cinereus*—Texas (AOU 1998);
- Siskin, Eurasian, *Carduelis spinus*—Alaska (AOU 1995, 1998);
- Stilt, Black-winged, *Himantopus himantopus*—Alaska (AOU 1985, 1998);
- Stonechat, *Saxicola torquatus*—Alaska (AOU 1987, 1998, 2004);
- Storm-Petrel, Black-bellied *Fregatta tropica*—North Carolina (AOU 2006);
- Storm-Petrel, Ringed, *Oceanodroma hornbyi*—California (AOU 2007);
- Swallow, Mangrove, *Tachycineta albilinea*—Florida (AOU 2005);
- Swift, Alpine, *Apus melba*—Puerto Rico (AOU 1998);
- Tanager, Flame-colored, *Piranga bidentata*—Arizona, Texas (AOU 1987, 1998);
- Tern, Great Crested, *Thalasseus bergii*—Hawaii (AOU 1991, 1998, 2006);
- Tern, Whiskered, *Chlidonias hybrida*—Delaware, New Jersey (AOU 1997, 1998, 2003);
- Tityra, Masked, *Tityra semifasciata*—Texas (AOU 1998);
- Turtle-Dove, Oriental, *Streptopelia orientalis*—Alaska (AOU 1991, 1998);
- Vireo, Yucatan, *Vireo magister*—Texas (AOU 1987, 1998);
- Wagtail, Citrine, *Motacilla citreola*—Alabama (AOU 1995, 1998);
- Warbler, Crescent-chested, *Parula superciliosa*—Arizona (AOU 1987, 1998);
- Warbler, Lanceolated, *Locustella lanceolata*—Alaska, California (AOU 1985, 1998);
- Warbler, Yellow-browed, *Phylloscopus inornatus*—Alaska (AOU 2002);
- Whitethroat, Lesser, *Sylvia curruca*—Alaska (AOU 2004); and
- Woodpecker, Great Spotted, *Dendrocopos major*—Alaska (AOU 1987, 1998).
- (4) Add 24 species that belong to families covered by the Canadian and/or Mexican Conventions, but occur naturally in the United States only in Hawaii:
- Akekee, *Loxops caeruleirostris*
- Akepa, *Loxops coccineus*
- Akiakio, Greater, *Hemignathus ellisianus*
- Akiapolaau, *Hemignathus munroi*
- Akikiki, *Oreomystis bairdi*
- Akohekohe, *Palmeria dolei*
- Alauahio, Maui, *Paroreomyza montana*
- Alauahio, Oahu, *Paroreomyza maculata*
- Amakihi, Hawaii, *Hemignathus virens*
- Amakihi, Kauai, *Hemignathus kauaiensis*
- Amakihi, Oahu, *Hemignathus flavus*
- Anianiau, *Magnumma parva*
- Apapane, *Himatione sanguinea*
- Creeper, Hawaii, *Oreomystis mana*
- Finch, Laysan, *Telespiza cantans*
- Finch, Nihoa, *Telespiza ultima*
- Iiwi, *Vestiaria coccinea*
- Kakawahie, *Paroreomyza flammea*
- Millerbird, *Acrocephalus familiaris*
- Nukupuu, *Hemignathus lucidus*
- Ou, *Psittirostra psittacea*
- Palila, *Loxioides bailleui*
- Parrotbill, Maui, *Pseudonestor xanthophrys*
- Poo-uli, *Melanprosops phaeosoma*
- (5) Add 28 species that belong to families covered by the Canadian and/or Mexican Conventions, but occur naturally in the United States only in the Pacific island territories of American Samoa, Baker and Howland Islands, Guam, or the Northern Mariana Islands (Pratt *et al.* 1987). We also list the territory or territories in which each species is known to occur:
- Bittern, Black, *Ixobrychus flavicollis* (Guam);
- Cormorant, Little Pied, *Phalacrocorax melanoleucos* (Northern Marianas);
- Crake, Spotless, *Porzana tabuensis* (American Samoa);
- Crow, Mariana, *Corvus kubaryi* (Guam, Northern Marianas);
- Duck, Pacific Black, *Anas superciliosa* (American Samoa);
- Fruit-Dove, Crimson-crowned, *Ptilinopus porphyraceus* (American Samoa);
- Fruit-Dove, Many-colored, *Ptilinopus perousii* (American Samoa);
- Fruit-Dove, Mariana, *Ptilinopus roseicapilla* (Guam, Northern Marianas);
- Greenshank, Nordmann's, *Tringa guttifer* (Guam);
- Ground-Dove, Friendly, *Gallicolumba stairi* (American Samoa);
- Ground-Dove, White-throated, *Gallicolumba xanthonura* (Guam, Northern Marianas);
- Heron, Gray, *Ardea cinerea* (Northern Marianas);
- Imperial-Pigeon, Pacific, *Ducula pacifica* (American Samoa);
- Kingfisher, Collared, *Todirhamphus chloris* (American Samoa, Northern Marianas);
- Kingfisher, Micronesian, *Todirhamphus cinnamominus* (Guam);
- Oystercatcher, Eurasian, *Haematopus ostralegus* (Guam);
- Petrel, Gould's, *Pterodroma leucoptera* (American Samoa);
- Petrel, Phoenix, *Pterodroma alba* (Baker and Howland Islands);
- Petrel, Tahiti, *Pterodroma rostrata* (American Samoa);

- Rail, Buff-banded, *Gallirallus philippensis* (American Samoa); Rail, Guam, *Gallirallus owstoni* (Guam); Reed-Warbler, Nightingale, *Acrocephalus luscinius* (Northern Marianas, formerly Guam); Storm-Petrel, Matsudaira's, *Oceanodroma matsudairae* (Guam, Northern Marianas); Storm-Petrel, Polynesian, *Nesofregata fuliginosa* (American Samoa); Storm-Petrel, White-bellied, *Fregetta grallaria* (American Samoa); Swampphen, Purple, *Porphyrio porphyrio* (American Samoa); Swiftlet, Mariana, *Aerodramus bartschi* (Guam, Northern Marianas); and Swiftlet, White-rumped, *Aerodramus spodiopygius* (American Samoa).
- (6) Add 38 species because of recent taxonomic changes in which taxa formerly treated as subspecies have been determined to be distinct species. Given that each of these species was formerly treated as subspecies of a listed species, these additions will not change the protective status of any of these taxa, only the names by which they are known. In each case, we reference the AOU publication(s) supporting the change:
- Bean-Goose, Tundra, *Anser serrirostris* (formerly treated as subspecies of *Anser fabalis*, Taiga Bean-Goose [=Bean Goose]) [AOU 2007];
- Coot, Hawaiian, *Fulica alai* (formerly treated as subspecies of *Fulica americana*, American Coot) [AOU 1993, 1998];
- Flicker, Gilded, *Colaptes chrysoides* (formerly treated as subspecies of *Colaptes auratus*, Northern Flicker) [AOU 1995, 1998];
- Flycatcher, Cordilleran, *Empidonax occidentalis* (formerly treated as subspecies of *Empidonax difficilis*, Western [=Pacific-slope] Flycatcher) [AOU 1989, 1998];
- Gnatcatcher, California, *Polioptila californica* (formerly treated as subspecies of *Polioptila melanura*, Black-tailed Gnatcatcher) [AOU 1989, 1998];
- Golden-Plover, Pacific, *Pluvialis fulva* (formerly treated as subspecies of *Pluvialis dominica*, Lesser [=American] Golden-Plover) [AOU 1993, 1998];
- Grebe, Clark's, *Aechmophorus clarkii* (formerly treated as subspecies of *Aechmophorus occidentalis*, Western Grebe) [AOU 1985, 1998];
- Heron, Green, *Butorides virescens* (formerly treated as subspecies of *Butorides striatus*, Green-backed [=Striated] Heron) [AOU 1993, 1998];
- Kamoa, *Myadestes myadestinus* (formerly treated as subspecies of *Phaeornis obscurus*, Hawaiian Thrush [=Omao]) [AOU 1985, 1998];
- Kite, White-tailed, *Elanus leucurus* (formerly treated as subspecies of *Elanus caeruleus*, Black-shouldered Kite) ([AOU 1983, 1993, 1998]);
- Loon, Pacific, *Gavia pacifica* (formerly treated as subspecies of *Gavia arctica*, Arctic Loon) [AOU 1985, 1998];
- Magpie, Black-billed, *Pica hudsonia* (formerly treated as subspecies of *Pica pica*, Black-billed [=Eurasian] Magpie) [AOU 2000];
- Murrelet, Long-billed, *Brachyramphus perdix*—formerly treated as a subspecies of *Brachyramphus marmoratus*, Marbled Murrelet (AOU 1997);
- Olomao, *Myadestes lanaiensis* (formerly treated as subspecies of *Phaeornis obscurus*, Hawaiian Thrush [=Omao]) [AOU 1985, 1998];
- Oriole, Bullock's, *Icterus bullockii* (formerly treated as subspecies of *Icterus galbula*, Northern [=Baltimore] Oriole) [AOU 1995, 1998];
- Petrel, Hawaiian, *Pterodroma sandwichensis* (formerly treated as subspecies of *Pterodroma phaeopygia*, Dark-rumped [=Galapagos] Petrel) [AOU 2002];
- Petrel, White-necked, *Pterodroma cervicalis* (formerly treated as subspecies of *Pterodroma externa*, White-necked [=Juan Fernandez] Petrel) [AOU 1991, 1998];
- Pipit, American, *Anthus rubescens* (formerly treated as subspecies of *Anthus spinoletta*, Water Pipit (AOU 1989, 1998);
- Rosy-Finch, Black, *Leucosticte atrata* (formerly treated as subspecies of *Leucosticte arctoa*, Rosy Finch) [AOU 1993, 1998];
- Rosy-Finch, Brown-capped, *Leucosticte australis* (formerly treated as subspecies of *Leucosticte arctoa*, Rosy Finch) [AOU 1993, 1998];
- Rosy-Finch, Gray-crowned, *Leucosticte tephrocotis* (formerly treated as subspecies of *Leucosticte arctoa*, Rosy Finch) [AOU 1993, 1998];
- Sapsucker, Red-naped, *Sphyrapicus nuchalis* (formerly treated as subspecies of *Sphyrapicus varius*, Yellow-bellied Sapsucker) [AOU 1985, 1998];
- Scrub-Jay, Island, *Aphelocoma insularis* (formerly treated as subspecies of *Aphelocoma coerulescens*, Scrub [=Florida] Jay [=Scrub-Jay]) [AOU 1995, 1998];
- Scrub-Jay, Western, *Aphelocoma californica* (formerly treated as subspecies of *Aphelocoma coerulescens*, Scrub [=Florida] Jay [=Scrub-Jay]) [AOU 1995, 1998];
- Snipe, Wilson's, *Gallinago delicata* (formerly treated as subspecies of *Gallinago gallinago*, Common Snipe) [AOU 2002];
- Sparrow, Nelson's Sharp-tailed, *Ammodramus nelsoni* (formerly treated as subspecies of *Ammodramus caudacutus*, Sharp-tailed [=Saltmarsh Sharp-tailed] Sparrow) [AOU 1995, 1998];
- Spindalis, Puerto Rican, *Spindalis portoricensis* (formerly treated as subspecies of *Spindalis zena*, Stripe-headed [=Western] Tanager [=Spindalis]) [AOU 2000];
- Thrush, Bicknell's, *Catharus bicknelli* (formerly treated as subspecies of *Catharus minimus*, Gray-cheeked Thrush) [AOU 1995, 1998];
- Titmouse, Black-crested, *Baeolophus atricristatus* (formerly treated as subspecies of *Parus* [=Baeolophus] *bicolor*, Tufted Titmouse) [AOU 2002];
- Titmouse, Juniper, *Baeolophus ridgwayi* (formerly treated as subspecies of *Parus* [=Baeolophus] *inornatus*, Plain [=Oak] Titmouse) [AOU 1997, 1998];
- Towhee, California, *Pipilo crissalis* (formerly treated as subspecies of *Pipilo fuscus*, Brown [=Canyon] Towhee) [AOU 1989, 1998];
- Towhee, Spotted, *Pipilo maculatus* (formerly treated as subspecies of *Pipilo erythrophthalmus*, Rufous-sided [=Eastern] Towhee) [AOU 1995, 1998];
- Vireo, Cassin's, *Vireo cassinii* (formerly treated as subspecies of *Vireo solitarius*, Solitary [=Blue-headed] Vireo) [AOU 1997, 1998];
- Vireo, Plumbeous, *Vireo plumbeus* (formerly treated as subspecies of *Vireo solitarius*, Solitary [=Blue-headed] Vireo) [AOU 1997, 1998];
- Vireo, Yellow-green, *Vireo flavoviridis* (formerly treated as subspecies of *Vireo olivaceus*, Red-eyed Vireo) [AOU 1987, 1998];
- Wagtail, Eastern Yellow, *Motacilla tschutschensis* (formerly treated as subspecies of *Motacilla flava*, Yellow Wagtail) [AOU 2004];
- Woodpecker, American Three-toed, *Picoides dorsalis* (formerly treated as subspecies of *Picoides tridactylus*, Three-toed [=Eurasian Three-toed] Woodpecker) [AOU 2003]; and
- Woodpecker, Arizona, *Picoides arizonae* (formerly treated as subspecies of *Picoides stricklandi*, Strickland's Woodpecker) [AOU 2000].
- (7) Remove 10 species based on revised taxonomic treatments and new distributional evidence confirming that their known geographic ranges lie entirely outside the political boundaries of the United States and its territories. In each case, we reference the AOU publication(s) supporting these changes:

- Finch, Rosy, *Leucosticte arctoa* (AOU 1993, 1998);
- Heron, Green-backed (=Striated), *Butorides striatus* (AOU 1993, 1998);
- Kite, Black-shouldered, *Elanus caeruleus* (AOU 1983, 1993, 1998);
- Magpie, Black-billed (=Eurasian), *Pica pica* (AOU 2000);
- Noddy, Lesser, *Anous tenuirostris* (AOU 1998; treated as conspecific with Black Noddy, *Anous minutus*);
- Petrel, Dark-rumped (=Galapagos), *Pterodroma phaeopygia* (AOU 2002);
- Pipit, Water, *Anthus spinoletta* (AOU 1983, 1989, 1998);
- Wagtail, Yellow, *Motacilla flava* (AOU 2004);
- Woodpecker, Strickland's, *Picoides stricklandi* (AOU 2000); and
- Woodpecker, Three-toed (=Eurasian Three-toed), *Picoides tridactylis* (AOU 2003).
- (8) Remove one former species that is now treated as a subspecies:
- Wagtail, Black-backed, *Motacilla lugens* (*lugens* will remain protected as a subspecies of *Motacilla alba*, White Wagtail) [AOU 2005].
- (9) Revise the common (English) names of 48 species to conform to the most recent nomenclatural treatment. These revisions do not change the protective status of any of these taxa, only the names by which they are known. In each case, we reference the published source(s) for the name change:
- Barn-Owl, Common, *Tyto alba*, becomes Owl, Barn (AOU 1989, 1998);
- Bittern, Chinese, *Ixobrychus sinensis*, becomes Bittern, Yellow (AOU 1991, 1998);
- Crow, Mexican, *Corvus imparatus*, becomes Crow, Tamaulipas (AOU 1997, 1998);
- Curlew, Least, *Numenius minutus*, becomes Curlew, Little (AOU 1987, 1998);
- Flycatcher, Gray-spotted, *Muscicapa griseisticta*, becomes Flycatcher, Gray-streaked (AOU 2004);
- Flycatcher, Western, *Empidonax difficilis*, becomes Flycatcher, Pacific-slope (AOU 1989, 1998);
- Golden-Plover, Lesser, *Pluvialis dominica*, becomes Golden-Plover, American (AOU 1993, 1998);
- Goose, Bean, *Anser fabalis*, becomes Bean-Goose, Taiga (AOU 2007)
- Goose, Ross', *Chen rossii*, becomes Goose, Ross's (AOU 1998);
- Gull, Common Black-headed, *Larus ridibundus*, becomes Gull, Black-headed (AOU 1995, 1998);
- Gull, Ross', *Rhodostethia rosea*, becomes Gull, Ross's (AOU 1998);
- Hawk, Asiatic Sparrow, *Accipiter gularis*, becomes Sparrowhawk, Japanese (Monroe and Sibley 1993);
- Hawk, Harris', *Parabuteo unicinctus*, becomes Hawk, Harris's (AOU 1998);
- Hawk-Owl, Northern, *Surnia ulula*, becomes Owl, Northern Hawk (AOU 1989, 1998);
- Heron, Pacific Reef, *Egretta sacra*, becomes Reef-Egret, Pacific (Monroe and Sibley 1993);
- Hoopoe, *Upupa epops*, becomes Hoopoe, Eurasian (AOU 1998);
- Jay, Gray-breasted, *Aphelocoma ultramarina*, becomes Jay, Mexican (AOU 1995, 1998);
- Jay, Scrub, *Aphelocoma coerulescens*, becomes Scrub-Jay, Florida (AOU 1995, 1998);
- Kite, American Swallow-tailed, *Elanoides forficatus*, becomes Kite, Swallow-tailed (AOU 1995, 1998);
- Murrelet, Xantus', *Synthliboramphus hypoleucus*, becomes Murrelet, Xantus's (AOU 1998);
- Nightjar, Jungle, *Caprimulgus indicus*, becomes Nightjar, Gray (AOU 2004);
- Oldsquaw, *Ciangula hyemalis*, becomes Duck, Long-tailed (AOU 2000);
- Oriole, Black-cowled, *Icterus dominicensis*, becomes Oriole, Greater Antillean (AOU 2000);
- Oriole, Northern, *Icterus galbula*, becomes Oriole, Baltimore (AOU 1995, 1998);
- Petrel, White-necked, *Pterodroma externa*, becomes Petrel, Juan Fernandez (AOU 1991, 1998);
- Plover, Great Sand, *Charadrius leschenaultii*, becomes Sand-Plover, Greater (AOU 2004);
- Plover, Mongolian, *Charadrius mongolus*, becomes Sand-Plover, Lesser (AOU 2004);
- Reed-Bunting, Common, *Emberiza schoeniclus*, becomes Bunting, Reed (AOU 1995, 1998);
- Reed-Bunting, Pallas', *Emberiza pallasi*, becomes Bunting, Pallas's (AOU 1995, 1998);
- Sandpiper, Spoonbill, *Eurynorhynchus pygmeus*, becomes Sandpiper, Spoon-billed (AOU 2004);
- Skylark, Eurasian, *Alauda arvensis*, becomes Lark, Sky (AOU 1995, 1998);
- Sparrow, Harris', *Zonotrichia querela*, becomes Sparrow, Harris's (AOU 1998);
- Sparrow, Sharp-tailed, *Ammodramus caudacutus*, becomes Sparrow, Saltmarsh Sharp-tailed (AOU 1995, 1998);
- Starling, Ashy, *Sturnus cineraceus*, becomes Starling, White-cheeked (Monroe and Sibley 1993);
- Starling, Violet-backed, *Sturnus philippensis*, becomes Starling, Chestnut-cheeked (Monroe and Sibley 1993);
- Stint, Rufous-necked, *Calidris ruficollis*, becomes Stint, Red-necked (AOU 1995);
- Storm-Petrel, Sooty, *Oceanodroma tristrami*, becomes Storm-Petrel, Tristram's (AOU 1989, 1998);
- Swift, Antillean Palm, *Tachornis phoenicobia*, becomes Palm-Swift, Antillean (AOU 1983, 1998);
- Tanager, Stripe-headed, *Spindalis zena*, becomes Spindalis, Western (AOU 2000);
- Teal, Falcated, *Anas falcata*, becomes Duck, Falcated (AOU 1997, 1998);
- Thrush, Eye-browed, *Turdus obscurus*, becomes Thrush, Eyebrowed (AOU 1989, 1998);
- Towhee, Brown, *Pipilo fuscus*, becomes Towhee, Canyon (AOU 1989, 1998);
- Towhee, Rufous-sided, *Pipilo erythrophthalmus*, becomes Towhee, Eastern (AOU 1995, 1998);
- Tree-Pipit, Olive, *Anthus hodgsoni*, becomes Pipit, Olive-backed (AOU 1995, 1998);
- Trogon, Eared, *Euptilotis neoxenus*, becomes Quetzal, Eared (AOU 2002);
- Vireo, Solitary, *Vireo solitarius*, becomes Vireo, Blue-headed (AOU 1997, 1998);
- Warbler, Elfin Woods, *Dendroica angelae*, becomes Warbler, Elfin-woods (AOU 1998); and
- Woodpecker, Lewis', *Melanerpes lewis*, becomes Woodpecker, Lewis's (AOU 1998).
- (10) Revise the scientific names of 66 species to conform to the most recent nomenclatural treatment. These revisions do not change the protective status of any of these taxa, only the names by which they are known. In each case, we reference the AOU publication(s) documenting the name change:
- Actitis macularia* (Spotted Sandpiper) becomes *Actitis macularius* (AOU 2004);
- Ajaia ajaja* (Roseate Spoonbill) becomes *Platalea ajaja* (AOU 2002);
- Amphispiza quinquestriata* (Five-striped Sparrow) becomes *Aimophila quinquestriata* (AOU 1997, 1998);
- Casmerodius albus* (Great Egret) becomes *Ardea alba* (AOU 1995, 1998);
- Catharacta maccormicki* (South Polar Skua) becomes *Stercorarius maccormicki* (AOU 2000);
- Catharacta skua* (Great Skua) becomes *Stercorarius skua* (AOU 2000);
- Catoptrophorus semipalmatus* (Willet) becomes *Tringa semipalmata* (AOU 2006);
- Ceryle alcyon* (Belted Kingfisher) becomes *Megaceryle alcyon* (AOU 2007);
- Ceryle torquatus* (= *Ceryle torquata*) (Ringed Kingfisher) becomes *Megaceryle torquata* (AOU 2004, 2007);

- Columba fasciata* (Band-tailed Pigeon) becomes *Patagioenas fasciata* (AOU 2003);
- Columba flavirostris* (Red-billed Pigeon) becomes *Patagioenas flavirostris* (AOU 2003);
- Columba inornata* (Plain Pigeon) becomes *Patagioenas inornata* (AOU 2003);
- Columba leucocephala* (White-crowned Pigeon) becomes *Patagioenas leucocephala* (AOU 2003);
- Columba squamosa* (Scaly-naped Pigeon) becomes *Patagioenas squamosa* (AOU 2003);
- Contopus borealis* (Olive-sided Flycatcher) becomes *Contopus cooperi* (AOU 1997, 1998);
- Cuculus saturatus* (Oriental Cuckoo) becomes *Cuculus optatus* (AOU 2006);
- Cyclorhynchus psittacula* (Parakeet Auklet) becomes *Aethia psittacula* (AOU 1997, 1998);
- Delichon urbica* (Common House-Martin) becomes *Delichon urbicum* (AOU 2004);
- Diomedea albatrus* (Short-tailed Albatross) becomes *Phoebastria albatrus* (AOU 1997, 1998);
- Diomedea chlororhynchus* (Yellow-nosed Albatross) becomes *Thalassarche chlororhynchus* (AOU 1997, 1998);
- Diomedea immutabilis* (Laysan Albatross) becomes *Phoebastria immutabilis* (AOU 1997, 1998);
- Diomedea nigripes* (Black-footed Albatross) becomes *Phoebastria nigripes* (AOU 1997, 1998);
- Guiraca caerulea* (Blue Grosbeak) becomes *Passerina caerulea* (AOU 2002);
- Heteroscelus brevipes* (Gray-tailed Tattler) becomes *Tringa brevipes* (AOU 2006);
- Heteroscelus incanus* (Wandering Tattler) becomes *Tringa incana* (AOU 2006);
- Helmitheros vermivora* (Worm-eating Warbler) becomes *Helmitheros vermivorum* (AOU 2004);
- Hirundo fulva* (Cave Swallow) becomes *Petrochelidon fulva* (AOU 1997, 1998);
- Hirundo pyrrhonota* (Cliff Swallow) becomes *Petrochelidon pyrrhonota* (AOU 1997, 1998);
- Muscicapa narcissina* (Narcissus Flycatcher) becomes *Ficedula narcissina* (AOU 1991, 1998);
- Nesochen sandvicensis* (Hawaiian Goose) becomes *Branta sandvicensis* (AOU 1993, 1998);
- Nyctea scandiaca* (Snowy Owl) becomes *Bubo scandiaca* (AOU 2003);
- Nycticorax goisagi* (Japanese Night-Heron) becomes *Gorsachius goisagi* (Monroe and Sibley 1993);
- Nycticorax violaceus* (Yellow-crowned Night-Heron) becomes *Nyctanassa violacea* (AOU 1998);
- Orthorhynchus cristatus* (Antillean Crested Hummingbird) becomes *Orthorhynchus cristatus* (AOU 1987);
- Otus asio* (Eastern Screech-Owl) becomes *Megascops asio* (AOU 2003);
- Otus kennicottii* (Western Screech-Owl) becomes *Megascops kennicottii* (AOU 2003);
- Otus nudipes* (Puerto Rican Screech-Owl) becomes *Megascops nudipes* (AOU 2003);
- Otus trichopsis* (Whiskered Screech-Owl) becomes *Megascops trichopsis* (AOU 2003);
- Oxyura dominica* (Masked Duck) becomes *Nomonyx dominicus* (AOU 1997, 1998);
- Parus atricapillus* (Black-capped Chickadee) becomes *Poecile atricapillus* (AOU 1997, 1998, 2003);
- Parus bicolor* (Tufted Titmouse) becomes *Baeolophus bicolor* (AOU 1997, 1998);
- Parus carolinensis* (Carolina Chickadee) becomes *Poecile carolinensis* (AOU 1997, 1998);
- Parus gambeli* (Mountain Chickadee) becomes *Poecile gambeli* (AOU 1997, 1998);
- Parus hudsonicus* (Boreal Chickadee) becomes *Poecile hudsonica* (AOU 1997, 1998, 2000);
- Parus rufescens* (Chestnut-backed Chickadee) becomes *Poecile rufescens* (AOU 1997, 1998);
- Parus sclateri* (Mexican Chickadee) becomes *Poecile sclateri* (AOU 1997, 1998);
- Parus wollweberi* (Bridled Titmouse) becomes *Baeolophus wollweberi* (AOU 1997, 1998);
- Phalaropus fulicaria* (Red Phalarope) becomes *Phalaropus fulicarius* (AOU 2002);
- Polyborus plancus* (Crested Caracara) becomes *Caracara cheriway* (AOU 1993, 1998, 2000);
- Porphyryla martinica* (Purple Gallinule) becomes *Porphyrio martinica* (AOU 2002);
- Saurothera vieilloti* (Puerto Rican Lizard-Cuckoo) becomes *Coccyzus vieilloti* (AOU 2006);
- Seiurus aurocapillus* (Ovenbird) becomes *Seiurus aurocapilla* (AOU 2003);
- Sterna albifrons* (Little Tern) becomes *Sternula albifrons* (AOU 2006);
- Sterna aleutica* (Aleutian Tern) becomes *Onychoprion aleuticus* (AOU 2006);
- Sterna anaethetus* (Bridled Tern) becomes *Onychoprion anaethetus* (AOU 2006);
- Sterna antillarum* (Least Tern) becomes *Sternula antillarum* (AOU 2006);
- Sterna caspia* (Caspian Tern) becomes *Hydroprogne caspia* (AOU 2006);
- Sterna elegans* (Elegant Tern) becomes *Thalasseus elegans* (AOU 2006);
- Sterna fuscata* (Sooty Tern) becomes *Onychoprion fuscatus* (AOU 2006);
- Sterna lunata* (Gray-backed Tern) becomes *Onychoprion lunatus* (AOU 2006);
- Sterna maxima* (Royal Tern) becomes *Thalasseus maximus* (AOU 2006);
- Sterna nilotica* (Gull-billed Tern) becomes *Gelochelidon nilotica* (AOU 2006);
- Sterna sandvicensis* (Sandwich Tern) becomes *Thalasseus sandvicensis* (AOU 2006);
- Sula bassanus* (Northern Gannet) becomes *Morus bassanus* (AOU 1989, 1998);
- Tiaris olivacea* (Yellow-faced Grassquit) becomes *Tiaris olivaceus* (AOU 2004); and
- Toxostoma dorsale* (Crissal Thrasher) becomes *Toxostoma crissale* (AOU 1985, 1998).
- (11) Revise the common (English) and scientific names of seven species to conform with the most recent nomenclatural treatment. These revisions do not change the protective status of any of these taxa, only the names by which they are known. In each case, we reference the publication(s) supporting the name change:
- Cormorant, Olivaceous, *Phalacrocorax olivaceus*, becomes Cormorant, Neotropical, *Phalacrocorax brasilianus* (AOU 1991, 1998);
- Egret, Plumed, *Egretta intermedia*, becomes Egret, Intermediate, *Mesophoyx intermedia* (Monroe and Sibley 1993);
- Night-Heron, Malay, *Nycticorax melanolophus*, becomes Night-Heron, Malayan, *Gorsachius melanolophus* (Monroe and Sibley 1993);
- Thrush, Hawaiian, *Phaeornis obscurus*, becomes Omao, *Myadestes obscurus* (AOU 1985, 1998);
- Thrush, Small Kauai, *Phaeornis palmeri*, becomes Puaiohi, *Myadestes palmeri* (AOU 1985, 1998);
- Tit, Siberian, *Parus cinctus*, becomes Chickadee, Gray-headed, *Poecile cincta* (AOU 1998, 2000); and
- Titmouse, Plain, *Parus inornatus*, becomes Titmouse, Oak, *Baeolophus inornatus* (AOU 1997, 1998).
- (12) Revise incorrect or invalid scientific names of four species in the alphabetical list to reflect the most recent nomenclatural treatment and to correct inconsistencies between the alphabetical and taxonomic lists:
- Kittiwake, Black-legged, *Larus tridactyla*, becomes *Rissa trydactyla* (AOU 1998);

Kittiwake, Red-legged, *Larus brevirostris*, becomes *Rissa brevirostris* (AOU 1998);  
 Skimmer, Black, *Rhynchops niger*, becomes *Rynchops niger* (AOU 1998); and  
 Thrush, Wood, *Hylocichla minima*, becomes *Hylocichla mustelina* (AOU 1998).

(13) Revise the common (English) name of two species in the alphabetical and taxonomic lists to correct misspellings:

Bittern, Schrenk's, *Ixobrychus eurhythmus*, becomes Bittern, Schrenck's (Monroe and Sibley 1993); and

Redstart, Slaty-throated, *Myioborus miniatus*, becomes Redstart, Slate-throated (AOU 1998).

(14) Revise the scientific names of three species in the taxonomic list to correct misspellings and inconsistencies between the alphabetical and taxonomic lists:

*Sialis curruoides* (Mountain Bluebird) becomes *Sialia curruoides* (AOU 1998);

*Sialis mexicana* (Western Bluebird) becomes *Sialia mexicana* (AOU 1998); and

*Sialis sialis* (Eastern Bluebird) becomes *Sialia sialis* (AOU 1998).

(15) Change the status of one taxon from protected subspecies to non-protected species (because there is no known natural occurrence of the newly recognized species in the United States or its territories). In accordance with the AOU (1998), the Barbary Falcon has been treated as a subspecies (*pelegrinoides*) of the Peregrine Falcon (*Falco peregrinus*) in 50 CFR 10.13. We defer to the taxonomic treatment of Monroe and Sibley (1993) in recognizing *F. peregrinus pelegrinoides* as a distinct species, *Falco pelegrinoides*, the Barbary Falcon. This brings our treatment of this taxon into conformity with that adopted by the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), thereby removing an inconsistency between the MBTA (50 CFR 10.13) and CITES (50 CFR 23.23) lists. This simple taxonomic change does not add or remove any species from the list:

*Falco peregrinus pelegrinoides*, formerly considered a subspecies of the Peregrine Falcon, is changed to *Falco pelegrinoides*, Barbary Falcon

(Monroe and Sibley 1993).

The Barbary Falcon is not subject to the MBTA because its known geographic range lies entirely outside the political boundaries of the United States and its territories. This does not change the legal status of any other subspecies of the Peregrine Falcon, all of which will continue to be protected under the MBTA.

We continue to consider all previously recognized subspecies of the Canada Goose (*Branta canadensis*) as one species.

As a general practice, we use the AOU as a key source for taxonomic decisions. However, for species that are hunted, we may see a higher level of certainty about taxonomic changes before modifying hunting regulations and management plans, and communicating those changes to the public.

The AOU recently adopted nomenclature that divides the 11 subspecies of the previously-recognized single Canada Goose species into two species groups, Canada Goose and Cackling Goose (*Branta hutchinsii*) (AOU 2004). However, we choose to include the four subspecies AOU now considers Cackling Goose in the listing of Canada Goose, rather than include them in a separate species. Some waterfowl specialists do not agree that the data on which the AOU relied warranted the separation into two species. The AOU recommendation is based on research in large part supported by analysis of mitochondrial DNA (Van Wagner and Baker 1986, Shields and Wilson 1987, Quinn *et al.* 1991, Paxinos *et al.* 2002, Scribner *et al.* 2003). These studies suggest a difference between Cackling and Canada Geese primarily based on maternally inherited nonrecombinant mitochondrial DNA (mtDNA). We believe the mtDNA analyzed from geese in the geographic areas sampled indicate a substantial evolutionary distance between groups the AOU classifies as Cackling and Canada Geese. However, the nuclear (recombinant) microsatellite DNA (nuDNA) assessment presented in Scribner *et al.* (2003: Fig. 3) suggests either that the nuDNA has not yet sorted (nuDNA takes approximately four times as long to consolidate as does mtDNA [Zink and Barrowclough 2008]), or that this historical division is not being maintained because hybridization is occurring. An assessment of the nuDNA group samples from the North Slope of

Alaska (now considered *B. h. taverneri*, a subspecies of Cackling Goose, by the AOU) suggests that this group is most closely paired with samples from South Central Alaska (*B. c. parvipes*, considered a subspecies of Canada Goose by the AOU). These results are consistent with those reported by Van Wagner and Baker (1990). If Cackling and Canada Geese are hybridizing, it is unclear what the outcome will be. Consequently, FWS is concerned whether the sample size and geographic distribution of specimens obtained for genetic analysis was adequate to determine the extent of hybridization. We suggest additional analysis of samples collected at several potential zones of integration to reduce this uncertainty, including the north slope of Alaska (*B. h. taverneri* and *B. c. parvipes*), and Arctic Canada (*B. h. hutchinsii* and *B. c. parvipes*, and *B. h. hutchinsii* and *B. c. interior*). Some of this work is already underway.

Issues related to monitoring and assessment of the proposed two species/Canada Goose complex also need to be resolved to ensure that the continuity in status assessments is maintained. We are also reluctant to begin informing the public, both hunters and non-hunters alike, of the implications of this change until further studies confirm that this separation is warranted. Additional research on Canada/Cackling Goose taxonomy and breeding distribution is currently being conducted and better techniques for field and harvest identification are in development. We will consider this additional information when it is available, at which time we may reconsider our decision. In any case, we emphasize that, regardless of name, goose subspecies identified as Cackling Goose by the AOU remain protected under the Migratory Bird Treaty Act as Canada Goose.

For ease of comparison, changes are summarized in the following table (numbers reference the categories treated above). Species whose names have been revised (categories 9–14) appear in both the left-hand column (old name removed) and right-hand column (new name added). To ensure that these two separate actions appear on the same line of the table, we employ brackets to identify old (removed) or new (added) names that are listed in correct alphabetical order elsewhere in the table:

Removed (alphabetically)	Added (alphabetically)
	Akekee, <i>Loxops caeruleirostris</i> (4). Akepa, <i>Loxops coccineus</i> (4).



Removed (alphabetically)	Added (alphabetically)
Albatross, Black-footed, <i>Diomedea nigripes</i> (10) .....	Akialoa, Greater, <i>Hemignathus ellisianus</i> (4).
Albatross, Laysan, <i>Diomedea immutabilis</i> (10) .....	Akiapolaau, <i>Hemignathus munroi</i> (4).
Albatross, Short-tailed, <i>Diomedea albatrus</i> (10) .....	Akikiki, <i>Oreomystis bairdi</i> (4).
Albatross, Yellow-nosed, <i>Diomedea chlororhynchos</i> (10) .....	Akohekohe, <i>Palmeria dolei</i> (4).
Auklet, Parakeet, <i>Cyclorhynchus psittacula</i> (10) .....	Alauahio, Maui, <i>Paroreomyza montana</i> (4).
Barn-Owl, Common, <i>Tyto alba</i> (9) .....	Alauahio, Oahu, <i>Paroreomyza maculate</i> (4).
Bittern, Chinese, <i>Ixobrychus sinensis</i> (9) .....	Albatross, Black-browed, <i>Thalassarche melanophris</i> (3).
Bittern, Schrenk's, <i>Ixobrychus eurhythmus</i> (13) .....	Albatross, Black-footed, <i>Phoebastria nigripes</i> (10).
Bluebird, Eastern, <i>Sialis sialis</i> (14) .....	Albatross, Laysan, <i>Phoebastria immutabilis</i> (10).
Bluebird, Mountain, <i>Sialis currucoides</i> (14) .....	Albatross, Light-mantled, <i>Phoebetria palpebrata</i> (3).
Bluebird, Western, <i>Sialis mexicana</i> (14) .....	Albatross, Short-tailed, <i>Phoebastria albatrus</i> (10).
[see Reed-Bunting, Pallas'] .....	Albatross, Shy, <i>Thalassarche cauta</i> (2).
[see Reed-Bunting, Common] .....	Albatross, Wandering, <i>Diomedea exulans</i> (2).
Caracara, Crested, <i>Polyborus plancus</i> (10) .....	Albatross, Yellow-nosed, <i>Thalassarche chlororhynchos</i> (10).
Chickadee, Black-capped, <i>Parus atricapillus</i> (10) .....	Amakihi, Hawaii, <i>Hemignathus virens</i> (4).
Chickadee, Boreal, <i>Parus hudsonicus</i> (10) .....	Amakihi, Kauai, <i>Hemignathus kauaiensis</i> (4).
Chickadee, Carolina, <i>Parus carolinensis</i> (10) .....	Amakihi, Oahu, <i>Hemignathus flavus</i> (4).
Chickadee, Chestnut-backed, <i>Parus rufescens</i> (10) .....	Anianiau, <i>Magumma parva</i> (4).
[see Tit, Siberian] .....	Apapane, <i>Himatione sanguinea</i> (4).
Chickadee, Mexican, <i>Parus sclateri</i> (10) .....	Auklet, Parakeet, <i>Aethia psittacula</i> (10).
Chickadee, Mountain, <i>Parus gambeli</i> (10) .....	[see Owl, Barn].
Cormorant, Olivaceous, <i>Phalacrocorax olivaceus</i> (11) .....	Bean-Goose, Taiga, <i>Anser fabalis</i> (9).
Crow, Mexican, <i>Corvus imparatus</i> (9) .....	Bean-Goose, Tundra, <i>Anser serrirostris</i> (6).
Cuckoo, Oriental, <i>Cuculus saturatus</i> (10) .....	Bittern, Black, <i>Ixobrychus flavicollis</i> (5).
Curlew, Least, <i>Numenius minutus</i> (9) .....	Bittern, Yellow, <i>Ixobrychus sinensis</i> (9).
[see Teal, Falcated] .....	Bittern, Schrenck's, <i>Ixobrychus eurhythmus</i> (13).
[see Oldsquaw] .....	Bluebird, Eastern, <i>Sialia sialis</i> (14).
Duck, Masked, <i>Oxyura dominica</i> (10) .....	Bluebird, Mountain, <i>Sialia currucoides</i> (14).
Egret, Great, <i>Casmerodius albus</i> (10) .....	Bluebird, Western, <i>Sialia mexicana</i> (14).
Egret, Plumed, <i>Egretta intermedia</i> (11) .....	Bluetail, Red-flanked, <i>Tarsiger cyanurus</i> (3).
[Falcon, Barbary, <i>Falco peregrinus pelegrinoides</i> (= <i>Falco pelegrinoides</i> )] (15).	Bunting, Blue, <i>Cyanocompsa parellina</i> (2).
	Bunting, Gray, <i>Emberiza variabilis</i> (2).
	Bunting, Little, <i>Emberiza pusilla</i> (2).
	Bunting, Pallas's, <i>Emberiza pallasi</i> (9).
	Bunting, Pine, <i>Emberiza leucocephalus</i> (3).
	Bunting, Reed, <i>Emberiza schoeniclus</i> (9).
	Bunting, Yellow-breasted, <i>Emberiza aureola</i> (3).
	Bunting, Yellow-throated, <i>Emberiza elegans</i> (3).
	Carib, Purple-throated, <i>Eulampis jugularis</i> (3).
	Caracara, Crested, <i>Caracara cheriway</i> (10).
	Catbird, Black, <i>Melanoptila glabrirostris</i> (3).
	Chaffinch, Common, <i>Fringilla coelebs</i> (2).
	Chickadee, Black-capped, <i>Poecile atricapillus</i> (10).
	Chickadee, Boreal, <i>Poecile hudsonica</i> (10).
	Chickadee, Carolina, <i>Poecile carolinensis</i> (10).
	Chickadee, Chestnut-backed, <i>Poecile rufescens</i> (10).
	Chickadee, Gray-headed, <i>Poecile cincta</i> (11).
	Chickadee, Mexican, <i>Poecile sclateri</i> (10).
	Chickadee, Mountain, <i>Poecile gambeli</i> (10).
	Coot, Hawaiian, <i>Fulica alai</i> (6).
	Cormorant, Little Pied, <i>Phalacrocorax melanoleucos</i> (5).
	Cormorant, Neotropic, <i>Phalacrocorax brasilianus</i> (11).
	Crake, Paint-billed, <i>Neocrex erythrops</i> (2).
	Crake, Spotless, <i>Porzana tabuensis</i> (5).
	Creeper, Hawaii, <i>Oreomystis mana</i> (4).
	Crow, Mariana, <i>Corvus kubaryi</i> (5).
	Crow, Tamaulipas, <i>Corvus imparatus</i> (9).
	Cuckoo, Oriental, <i>Cuculus optatus</i> (10).
	Curlew, Eurasian, <i>Numenius arquata</i> (2).
	Curlew, Little, <i>Numenius minutus</i> (9).
	Duck, Falcated, <i>Anas falcata</i> (9).
	Duck, Long-tailed, <i>Clangula hyemalis</i> (9).
	Duck, Masked, <i>Nomonyx dominicus</i> (10).
	Duck, Muscovy, <i>Cairina moschata</i> (3).
	Duck, Pacific Black, <i>Anas superciliosa</i> (5).
	Duck, Spot-billed, <i>Anas poecilorhyncha</i> (1).
	Egret, Great, <i>Ardea alba</i> (10).
	Egret, Intermediate, <i>Mesophoyx intermedia</i> (11).
	Egret, Little, <i>Egretta garzetta</i> (3).
	Elaenia, Greenish, <i>Myiopagis viridicata</i> (3).
	Falcon, Red-footed, <i>Falco vespertinus</i> (3).
	Finch, Laysan, <i>Telespiza cantans</i> (4).
	Finch, Nihoa, <i>Telespiza ultima</i> (4).

Removed (alphabetically)	Added (alphabetically)	
Finch, Rosy, <i>Leucosticte arctoa</i> (7) .....	[see Rosy-Finch].	
Flycatcher, Gray-spotted, <i>Muscicapa griseisticta</i> (9) .....	Flicker, Gilded, <i>Colaptes chrysoides</i> (6). Flycatcher, Cordilleran, <i>Empidonax occidentalis</i> (6). Flycatcher, Gray-streaked, <i>Muscicapa griseisticta</i> (9). Flycatcher, La Sagra's, <i>Myiarchus sagrae</i> (2). Flycatcher, Narcissus, <i>Ficedula narcissina</i> (10). Flycatcher, Olive-sided, <i>Contopus borealis</i> (10). Flycatcher, Olive-sided, <i>Contopus cooperi</i> (10). Flycatcher, Pacific-slope, <i>Empidonax difficilis</i> (9). Flycatcher, Piratic, <i>Legatus leucophalus</i> (3). Flycatcher, Social, <i>Myiozetetes similis</i> (3). Flycatcher, Tufted, <i>Mitrephanes phaeocercus</i> (3). Flycatcher, Variegated, <i>Empidonax varius</i> (2). Forest-Falcon, Collared, <i>Micrastur semitorquatus</i> (3). Frog-Hawk, Gray, <i>Accipiter soloensis</i> (3). Fruit-Dove, Crimson-crowned, <i>Ptilinopus porphyraceus</i> (5). Fruit-Dove, Many-colored, <i>Ptilinopus perousii</i> (5). Fruit-Dove, Mariana, <i>Ptilinopus roseicapilla</i> (5). Gallinule, Azure, <i>Porphyrio flavirostris</i> (3). Gallinule, Purple, <i>Porphyrio martinica</i> (10). Gannet, Northern, <i>Morus bassanus</i> (10). Gnatcatcher, California, <i>Polioptila californica</i> (6). Golden-Plover, American, <i>Pluvialis dominica</i> (9). Golden-Plover, European, <i>Pluvialis apricaria</i> (3). Golden-Plover, Pacific, <i>Pluvialis fulva</i> (6). Goose, Bean, <i>Anser fabalis</i> (9) .....	[see Bean-Goose, Taiga]. Goose, Hawaiian, <i>Branta sandvicensis</i> (10). Goose, Lesser White-fronted, <i>Anser erythropus</i> (3). Goose, Ross's, <i>Chen rossii</i> (9). Grassquit, Yellow-faced, <i>Tiaris olivaceus</i> (10). Grebe, Clark's, <i>Aechmophorus clarkii</i> (6). Greenshank, Nordmann's, <i>Tringa guttifer</i> (5). Grosbeak, Blue, <i>Passerina caerulea</i> (10). Ground-Dove, Friendly, <i>Gallicolumba stairi</i> (5). Ground-Dove, White-throated, <i>Gallicolumba xanthonura</i> (5). Gull, Belcher's, <i>Larus belcheri</i> (2). Gull, Black-headed, <i>Larus ridibundus</i> (9). Gull, Black-tailed, <i>Larus crassirostris</i> (1). Gull, Gray-hooded, <i>Larus cirrocephalus</i> (3). Gull, Kelp, <i>Larus dominicanus</i> (3). Gull, Ross's, <i>Rhodostethia rosea</i> (9). Gull, Yellow-legged, <i>Larus michahellis</i> (3). Hawk, Asiatic Sparrow, <i>Accipiter gularis</i> (9) .....
Goose, Hawaiian, <i>Nesochen sandvicensis</i> (10) .....	[see Sparrowhawk, Japanese]. Hawk, Crane, <i>Geranospiza caerulescens</i> (3). Hawk, Harris's, <i>Parabuteo unicinctus</i> (9). Hawk, Roadside, <i>Buteo magnirostris</i> (2). Hawk-Owl, Northern, <i>Surnia ulula</i> (9) .....	
Goose, Ross', <i>Chen rossii</i> (9) .....	[see Owl, Northern Hawk]. Heron, Gray, <i>Ardea cinerea</i> (5). Heron, Green, <i>Butorides virescens</i> (6). Heron, Pacific Reef, <i>Egretta sacra</i> (9) .....	
Grassquit, Yellow-faced, <i>Tiaris olivacea</i> (10) .....	[see Heron, Green]. Hobby, Eurasian, <i>Falco subbuteo</i> (3). Hoopoe, Eurasian, <i>Upupa epops</i> (9). House-Martin, Common, <i>Delichon urbica</i> (10) .....	
Grosbeak, Blue, <i>Guiraca caerulea</i> (10) .....	House-Martin, Common, <i>Delichon urbicum</i> (10). Hummingbird, Antillean Crested, <i>Orthorhynchus cristatus</i> (10). Hummingbird, Bumblebee, <i>Atthis heloisa</i> (2). Hummingbird, Cinnamon, <i>Amazilia rutila</i> (3). Hummingbird, Xantus's, <i>Hylocharis xantusii</i> (3). Iiwi, <i>Vestiaria coccinea</i> (4). Imperial-Pigeon, Pacific, <i>Ducula pacifica</i> (5). Jay, Mexican, <i>Aphelocoma ultramarina</i> (9). Jay, Scrub, <i>Aphelocoma coerulescens</i> (9) .....	
Heron, Green-backed, <i>Butorides striatus</i> (7) .....	Kakawahie, <i>Paroreomyza flammea</i> (4). Kamao, <i>Myadestes myadestinus</i> (6). Kingfisher, Collared, <i>Todirhamphus chloris</i> (5). Kingfisher, Micronesian, <i>Todirhamphus cinnamominus</i> (5). Kingfisher, Belted, <i>Megaceryle alcyon</i> (10). Kingfisher, Ringed, <i>Megaceryle torquata</i> (10). Kite, Swallow-tailed, <i>Elanoides forficatus</i> (9) .....	
Heron, Pacific Reef, <i>Egretta sacra</i> (9) .....	[see Kite, White-tailed]. Kite, White-tailed, <i>Elanus leucurus</i> (6). Kittiwake, Black-legged, <i>Larus tridactyla</i> (12). Kittiwake, Red-legged, <i>Rissa brevirostris</i> (12). Lark, Sky, <i>Alauda arvensis</i> (9). Lizard-Cuckoo, Puerto Rican, <i>Saurothera vieilloti</i> (10) .....	
Hoopoe, <i>Upupa epops</i> (9) .....		
House-Martin, Common, <i>Delichon urbica</i> (10) .....		
Hummingbird, Antillean Crested, <i>Orthorhynchus cristatus</i> (10) .....		
Jay, Gray-breasted, <i>Aphelocoma ultramarina</i> (9) .....		
Jay, Scrub, <i>Aphelocoma coerulescens</i> (9) .....		
Kingfisher, Belted, <i>Ceryle alcyon</i> (10) .....		
Kingfisher, Ringed, <i>Ceryle torquatus</i> (10) .....		
Kite, American Swallow-tailed, <i>Elanoides forficatus</i> (9) .....		
Kite, Black-shouldered, <i>Elanus caeruleus</i> (7) .....		
Kittiwake, Black-legged, <i>Larus tridactyla</i> (12) .....		
Kittiwake, Red-legged, <i>Larus brevirostris</i> (12) .....		
[see Skylark, Eurasian] .....		
Lizard-Cuckoo, Puerto Rican, <i>Saurothera vieilloti</i> (10) .....		

Removed (alphabetically)	Added (alphabetically)
Magpie, Black-billed (=Eurasian), <i>Pica pica</i> (7) .....	Loon, Pacific, <i>Gavia pacifica</i> (6). [see Magpie, Black-billed, <i>Pica hudsonia</i> ]. Magpie, Black-billed, <i>Pica hudsonia</i> (6). Mango, Green-breasted, <i>Anthracothonax prevostii</i> (3). Martin, Brown-chested, <i>Progne tapera</i> (3). Martin, Southern, <i>Progne elegans</i> (2). Millerbird, <i>Acrocephalus familiaris</i> (4). Mockingbird, Bahama, <i>Mimus gundlachi</i> (2). Mockingbird, Blue, <i>Melanotis caerulescens</i> (3). Murrelet, Long-billed, <i>Brachyramphus perdix</i> (6). Murrelet, Xantus', <i>Synthliboramphus hypoleucus</i> (9). Night-Heron, Japanese, <i>Nycticorax goisagi</i> (10). Night-Heron, Malay, <i>Nycticorax melanolophus</i> (11). Night-Heron, Yellow-crowned, <i>Nycticorax violaceus</i> (10) .....
Murrelet, Xantus', <i>Synthliboramphus hypoleucus</i> (9) .....	Murrelet, Xantus's, <i>Synthliboramphus hypoleucus</i> (9). Night-Heron, Japanese, <i>Gorsachius goisagi</i> (10). Night-Heron, Malayan, <i>Gorsachius melanolophus</i> (11). Night-Heron, Yellow-crowned, <i>Nyctanassa violacea</i> (10). Nightingale-Thrush, Black-headed, <i>Catharus mexicanus</i> (3). Nightingale-Thrush, Orange-billed, <i>Catharus aurantiirostris</i> (3). Nightjar, Gray, <i>Caprimulgus indicus</i> (9). Noddy, Lesser, <i>Anous tenuirostris</i> (7) .....
Night-Heron, Japanese, <i>Nycticorax goisagi</i> (10) .....	Nukupuu, <i>Hemignathus lucidus</i> (4). Oldsquaw, <i>Clangula hyemalis</i> (9) .....
Night-Heron, Malay, <i>Nycticorax melanolophus</i> (11) .....	[see Duck, Long-tailed]. Olomao, <i>Myadestes lanaiensis</i> (6). Omao, <i>Myadestes obscurus</i> (11). Oriole, Baltimore, <i>Icterus galbula</i> (9). Oriole, Bullock's, <i>Icterus bullockii</i> (6). Oriole, Greater Antillean, <i>Icterus dominicensis</i> (9). Ou, <i>Psittirostra psittacea</i> (4). Ovenbird, <i>Seiurus aurocapilla</i> (10) .....
Night-Heron, Yellow-crowned, <i>Nycticorax violaceus</i> (10) .....	Ovenbird, <i>Seiurus aurocapilla</i> (10). Owl, Barn, <i>Tyto alba</i> (9). Owl, Mottled, <i>Ciccaba virgata</i> (3). Owl, Northern Hawk, <i>Surnia ulula</i> (9). Owl, Snowy, <i>Bubo scandiacus</i> (10). Owl, Stygian, <i>Asio stygius</i> (3). Oystercatcher, Eurasian, <i>Haematopus ostralegus</i> (5). Palila, <i>Loxioides bailleui</i> (4). Palm-Swift, Antillean, <i>Tachornis phoenicobia</i> (9). Parrotbill, Maui, <i>Pseudonestor xanthophrys</i> (4). Petrel, Bermuda, <i>Pterodroma cahow</i> (3). Petrel, Black-winged, <i>Pterodroma nigripennis</i> (2). [see Petrel, Hawaiian]. Petrel, Gould's, <i>Pterodroma leucoptera</i> (5). Petrel, Great-winged, <i>Pterodroma macroptera</i> (3). Petrel, Hawaiian, <i>Pterodroma sandwichensis</i> (6). Petrel, Jouanin's, <i>Bulweria fallax</i> (2). Petrel, Juan Fernandez, <i>Pterodroma externa</i> (9). Petrel, Phoenix, <i>Pterodroma alba</i> (5). Petrel, Stejneger's, <i>Pterodroma longirostris</i> (3). Petrel, Tahiti, <i>Pterodroma rostrata</i> (5). Petrel, White-necked, <i>Pterodroma cervicalis</i> (6). Pewee, Cuban, <i>Contopus caribaeus</i> (3). Pewee, Hispaniolan, <i>Contopus hispaniolensis</i> (2). Red Phalarope, <i>Phalaropus fulicarius</i> (10). Pigeon, Band-tailed, <i>Columba fasciata</i> (10) .....
Nightjar, Jungle, <i>Caprimulgus indicus</i> (9) .....	Pigeon, Band-tailed, <i>Patagioenas fasciata</i> (10). Pigeon, Plain, <i>Patagioenas inornata</i> (10). Pigeon, Red-billed, <i>Patagioenas flavirostris</i> (10). Pigeon, Scaly-naped, <i>Patagioenas squamosa</i> (10). Pigeon, White-crowned, <i>Patagioenas leucocephala</i> (10) .....
Noddy, Lesser, <i>Anous tenuirostris</i> (7) .....	Pigeon, White-crowned, <i>Patagioenas leucocephala</i> (10). Pipit, Water, <i>Anthus spinoletta</i> (7) .....
Oldsquaw, <i>Clangula hyemalis</i> (9) .....	[see Pipit, American]. Pipit, American, <i>Anthus rubescens</i> (6). Pipit, Olive-backed, <i>Anthus hodgsoni</i> (9). Pipit, Tree, <i>Anthus trivialis</i> (2). Plover, Collared, <i>Charadrius collaris</i> (3). [see Sand-Plover, Greater]. [see Sand-Plover, Lesser]. Pond-Heron, Chinese, <i>Ardeola bacchus</i> (3). Poo-uli, <i>Melamprosops phaeosoma</i> (4). Puaiohi, <i>Myadestes palmeri</i> (11). Quetzal, Eared, <i>Euptilotis neoxenus</i> (9). Rail, Buff-banded, <i>Gallirallus philippensis</i> (5). Rail, Guam, <i>Gallirallus owstoni</i> (5). Rail, Spotted, <i>Pardirallus maculatus</i> (2). Redstart, Slate-throated, <i>Myioborus miniatus</i> (13). [see Bunting, Reed]. [see Bunting, Pallas's]. Reed-Warbler, Nightingale, <i>Acrocephalus luscinia</i> (5). Reef-Egret, Pacific, <i>Egretta sacra</i> (9).
[see Thrush, Hawaiian] .....	
Oriole, Northern, <i>Icterus galbula</i> (9) .....	
Oriole, Black-cowled, <i>Icterus dominicensis</i> (9) .....	
Ovenbird, <i>Seiurus aurocapillus</i> (10) .....	
[see Barn-Owl, Common] .....	
[see Hawk-Owl, Northern] .....	
Owl, Snowy, <i>Nyctea scandiaca</i> (10) .....	
[see Swift, Antillean Palm] .....	
Petrel, Dark-rumped, <i>Pterodroma phaeopygia</i> (7) .....	
Petrel, White-necked, <i>Pterodroma externa</i> (9) .....	
Phalarope, Red, <i>Phalaropus fulicaria</i> (10) .....	
Pigeon, Band-tailed, <i>Columba fasciata</i> (10) .....	
Pigeon, Plain, <i>Columba inornata</i> (10) .....	
Pigeon, Red-billed, <i>Columba flavirostris</i> (10) .....	
Pigeon, Scaly-naped, <i>Columba squamosa</i> (10) .....	
Pigeon, White-crowned, <i>Columba leucocephala</i> (10) .....	
Pipit, Water, <i>Anthus spinoletta</i> (7) .....	
[see Tree-Pipit, Olive] .....	
Plover, Great Sand, <i>Charadrius leschenaultii</i> (9) .....	
Plover, Mongolian, <i>Charadrius mongolus</i> (9) .....	
[see Thrush, Small Kauai] .....	
[see Trogon, Eared] .....	
Redstart, Slaty-throated, <i>Myioborus miniatus</i> (13) .....	
Reed-Bunting, Common, <i>Emberiza schoeniclus</i> (9) .....	
Reed-Bunting, Pallas', <i>Emberiza pallasii</i> (9) .....	
[see Heron, Pacific Reef] .....	

Removed (alphabetically)	Added (alphabetically)
	Reef-Heron, Western, <i>Egretta gularis</i> (3).
	Robin, Siberian Blue, <i>Luscinia cyane</i> (3).
	Robin, White-throated, <i>Turdus assimilis</i> (3).
	Rosy-Finch, Black, <i>Leucosticte atrata</i> (6).
	Rosy-Finch, Brown-capped, <i>Leucosticte australis</i> (6).
	Rosy-Finch, Gray-crowned, <i>Leucosticte tephrocotis</i> (6).
	Sandpiper, Green, <i>Tringa ochropus</i> (3).
Sandpiper, Spoonbill, <i>Eurynorhynchus pygmeus</i> (9) .....	Sandpiper, Spoon-billed, <i>Eurynorhynchus pygmeus</i> (9).
Sandpiper, Spotted, <i>Actitis macularia</i> (10) .....	Sandpiper, Spotted, <i>Actitis macularia</i> (10).
[see Plover, Great Sand] .....	Sand-Plover, Greater, <i>Charadrius leschenaultii</i> (9).
[see Plover, Mongolian] .....	Sand-Plover, Lesser, <i>Charadrius mongolus</i> (9).
	Sapsucker, Red-naped, <i>Sphyrapicus nuchalis</i> (6).
	Scops-Owl, Oriental, <i>Otus sunia</i> (2).
Screech-Owl, Eastern, <i>Otus asio</i> (10) .....	Screech-Owl, Eastern, <i>Megascops asio</i> (10).
Screech-Owl, Puerto Rican, <i>Otus nudipes</i> (10) .....	Screech-Owl, Puerto Rican, <i>Megascops nudipes</i> (10).
Screech-Owl, Western, <i>Otus kennicottii</i> (10) .....	Screech-Owl, Western, <i>Megascops kennicottii</i> (10).
Screech-Owl, Whiskered, <i>Otus trichopsis</i> (10) .....	Screech-Owl, Whiskered, <i>Megascops trichopsis</i> (10).
[see Jay, Scrub] .....	Scrub-Jay, Florida, <i>Aphelocoma coerulescens</i> (9).
	Scrub-Jay, Island, <i>Aphelocoma insularis</i> (6).
	Scrub-Jay, Western, <i>Aphelocoma californica</i> (6).
	Shearwater, Cape Verde, <i>Calonectris edwardsii</i> (3).
	Shearwater, Streaked, <i>Calonectris leucomelas</i> (2).
	Shrike, Brown, <i>Lanius cristatus</i> (2).
	Silky-flycatcher, Gray, <i>Ptilogonys cinereus</i> (3).
	Siskin, Eurasian, <i>Carduelis spinus</i> (3).
Skimmer, Black, <i>Rynchops niger</i> (12) .....	Skimmer, Black, <i>Rynchops niger</i> (12).
Skua, Great, <i>Catharacta skua</i> (10) .....	Skua, Great, <i>Stercorarius skua</i> (10).
Skua, South Polar, <i>Catharacta maccormicki</i> (10) .....	Skua, South Polar, <i>Stercorarius maccormicki</i> (10).
Skylark, Eurasian, <i>Alauda arvensis</i> (9) .....	[see Lark, Sky].
	Snipe, Wilson's, <i>Gallinago delicata</i> (6).
Sparrow, Five-striped, <i>Amphispiza quinquestrata</i> (10) .....	Sparrow, Five-striped, <i>Aimophila quinquestrata</i> (10).
Sparrow, Harris', <i>Zonotrichia querula</i> (9) .....	Sparrow, Harris's, <i>Zonotrichia querula</i> (9).
	Sparrow, Nelson's Sharp-tailed, <i>Ammodramus nelsoni</i> (6).
Sparrow, Sharp-tailed, <i>Ammodramus caudacutus</i> (9) .....	Sparrow, Saltmarsh Sharp-tailed, <i>Ammodramus caudacutus</i> (9).
[see Hawk, Asiatic Sparrow] .....	Sparrowhawk, Japanese, <i>Accipiter gularis</i> (9).
	Spindalis, Puerto Rican, <i>Spindalis portoricensis</i> (6).
[see Tanager, Stripe-headed] .....	Spindalis, Western, <i>Spindalis zena</i> (9).
Spoonbill, Roseate, <i>Ajaia ajaja</i> (10) .....	Spoonbill, Roseate, <i>Platalea ajaja</i> (10).
Starling, Violet-backed, <i>Sturnus philippensis</i> (9) .....	Starling, Chestnut-cheeked, <i>Sturnus philippensis</i> (9).
Starling, Ashy, <i>Sturnus cineraceus</i> (9) .....	Starling, White-cheeked, <i>Sturnus cineraceus</i> (9).
	Stilt, Black-winged, <i>Himantopus himantopus</i> (3).
Stint, Rufous-necked, <i>Calidris ruficollis</i> (9) .....	Stint, Red-necked, <i>Calidris ruficollis</i> (9).
	Stonechat, <i>Saxicola torquatus</i> (3).
	Storm-Petrel, Black-bellied, <i>Fregatta tropica</i> (3).
	Storm-Petrel, Matsudaira's, <i>Oceanodroma matsudairae</i> (5).
	Storm-Petrel, Polynesian, <i>Nesofregata fuliginosa</i> (5).
	Storm-Petrel, Ringed, <i>Oceanodroma hornbyi</i> (3).
Storm-Petrel, Sooty, <i>Oceanodroma tristrami</i> (9) .....	Storm-Petrel, Tristram's, <i>Oceanodroma tristrami</i> (9).
	Storm-Petrel, White-bellied, <i>Fregatta grallaria</i> (5).
Swallow, Cave, <i>Hirundo fulva</i> (10) .....	Swallow, Cave, <i>Petrochelidon fulva</i> (10).
Swallow, Cliff, <i>Hirundo pyrrhonota</i> (10) .....	Swallow, Cliff, <i>Petrochelidon pyrrhonota</i> (10).
	Swallow, Mangrove, <i>Tachycineta albilinea</i> (3).
	Swampphen, Purple, <i>Porphyrio porphyrio</i> (5).
	Swift, Alpine, <i>Apus melba</i> (3).
Swift, Antillean Palm, <i>Tachornis phoenicobia</i> (9) .....	[see Palm-Swift, Antillean].
	Swift, Short-tailed, <i>Chaetura brachyura</i> (2).
	Swiftlet, Mariana, <i>Aerodramus bartschi</i> (5).
	Swiftlet, White-rumped, <i>Aerodramus spodiopygius</i> (5).
	Tanager, Flame-colored, <i>Piranga bidentata</i> (3).
	[see Spindalis, Western].
Tanager, Stripe-headed, <i>Spindalis zena</i> (9) .....	Tattler, Gray-tailed, <i>Tringa brevipes</i> (10).
Tattler, Gray-tailed, <i>Heteroscelus brevipes</i> (10) .....	Tattler, Wandering, <i>Tringa incana</i> (10).
Tattler, Wandering, <i>Heteroscelus incanus</i> (10) .....	[see Duck, Falcated].
Teal, Falcated, <i>Anas falcata</i> (9) .....	Tern, Aleutian, <i>Onychoprion aleuticus</i> (10).
Tern, Aleutian, <i>Sterna aleutica</i> (10) .....	Tern, Bridled, <i>Onychoprion anaethetus</i> (10).
Tern, Bridled, <i>Sterna anaethetus</i> (10) .....	Tern, Caspian, <i>Hydroprogne caspia</i> (10).
Tern, Caspian, <i>Sterna caspia</i> (10) .....	Tern, Elegant, <i>Thalasseus elegans</i> (10).
Tern, Elegant, <i>Sterna elegans</i> (10) .....	Tern, Gray-backed, <i>Onychoprion lunatus</i> (10).
Tern, Gray-backed, <i>Sterna lunata</i> (10) .....	Tern, Great Crested, <i>Thalasseus bergii</i> (3).
	Tern, Gull-billed, <i>Gelochelidon nilotica</i> (10).
Tern, Gull-billed, <i>Sterna nilotica</i> (10) .....	Tern, Large-billed, <i>Phaetusa simplex</i> (2).
	Tern, Least, <i>Sterna antillarum</i> (10).
Tern, Least, <i>Sterna antillarum</i> (10) .....	Tern, Little, <i>Sterna albifrons</i> (10).
Tern, Little, <i>Sterna albifrons</i> (10) .....	Tern, Little, <i>Sterna albifrons</i> (10).
Tern, Royal, <i>Sterna maxima</i> (10) .....	Tern, Royal, <i>Thalasseus maximus</i> (10).

Removed (alphabetically)	Added (alphabetically)
Tern, Sandwich, <i>Sterna sandvicensis</i> (10) .....	Tern, Sandwich, <i>Thalasseus sandvicensis</i> (10).
Tern, Sooty, <i>Sterna fuscata</i> (10) .....	Tern, Sooty, <i>Onychoprion fuscatus</i> (10).
Thrasher, Crissal, <i>Toxostoma dorsale</i> (10) .....	Tern, Whiskered, <i>Chlidonias hybrida</i> (3).
Thrush, Eye-browed, <i>Turdus obscurus</i> (9) .....	Thrasher, Crissal, <i>Toxostoma crissale</i> (10).
Thrush, Hawaiian, <i>Phaeornis obscurus</i> (11) .....	Thrush, Bicknell's, <i>Catharus bicknelli</i> (6).
Thrush, Small Kauai, <i>Phaeornis palmeri</i> (11) .....	Thrush, Eyebrowed, <i>Turdus obscurus</i> (9).
Thrush, Wood, <i>Hylocichla minima</i> (12) .....	[see Omas].
Tit, Siberian, <i>Parus cinctus</i> (11) .....	[see Puaiohi].
Titmouse, Bridled, <i>Parus wollweberi</i> (10) .....	Thrush, Wood, <i>Hylocichla mustelina</i> (12).
Titmouse, Plain, <i>Parus inornatus</i> (11) .....	[see Chickadee, Gray-headed].
Titmouse, Tufted, <i>Parus bicolor</i> (10) .....	Titmouse, Black-crested, <i>Baeolophus atricristatus</i> (6).
Towhee, Brown, <i>Pipilo fuscus</i> (9) .....	Titmouse, Bridled, <i>Baeolophus wollweberi</i> (10).
Towhee, Rufous-sided, <i>Pipilo erythrophthalmus</i> (9) .....	Titmouse, Juniper, <i>Baeolophus ridgwayi</i> (6).
Tree-Pipit, Olive, <i>Anthus hodgsoni</i> (9) .....	Titmouse, Oak, <i>Baeolophus inornatus</i> (11).
Trogon, Eared, <i>Euptilotis neoxenus</i> (9) .....	Titmouse, Tufted, <i>Baeolophus bicolor</i> (10).
Vireo, Solitary, <i>Vireo solitarius</i> (9) .....	Tityra, Masked, <i>Tityra semifasciata</i> (3).
Wagtail, Black-backed, <i>Motacilla lugens</i> (8) .....	Towhee, California, <i>Pipilo crissalis</i> (6).
Wagtail, Yellow, <i>Motacilla flava</i> (7) .....	Towhee, Canyon, <i>Pipilo fuscus</i> (9).
Warbler, Elfin Woods, <i>Dendroica angelae</i> (9) .....	Towhee, Eastern, <i>Pipilo erythrophthalmus</i> (9).
Warbler, Worm-eating, <i>Helmitheros vermivora</i> (10) .....	Towhee, Spotted, <i>Pipilo maculatus</i> (6).
Willet, <i>Catoptrophorus semipalmatus</i> (10) .....	[see Pipit, Olive-backed].
Woodpecker, Lewis', <i>Melanerpes lewis</i> (9) .....	[see Quetzal, Eared].
Woodpecker, Strickland's, <i>Picoides stricklandi</i> (7) .....	Turtle-Dove, Oriental, <i>Streptopelia orientalis</i> (3).
Woodpecker, Three-toed, <i>Picoides tridactylis</i> (7) .....	Vireo, Blue-headed, <i>Vireo solitarius</i> (9).
	Vireo, Cassin's, <i>Vireo cassinii</i> (6).
	Vireo, Plumbeous, <i>Vireo plumbeus</i> (6).
	Vireo, Thick-billed, <i>Vireo crassirostris</i> (2).
	Vireo, Yellow-green, <i>Vireo flavoviridis</i> (6).
	Vireo, Yucatan, <i>Vireo magister</i> (3).
	Wagtail, Citrine, <i>Motacilla citreola</i> (3).
	[see Wagtail, Eastern Yellow].
	Wagtail, Eastern Yellow, <i>Motacilla tschutschensis</i> (6).
	Warbler, Crescent-chested, <i>Parula superciliosa</i> (3).
	Warbler, Dusky, <i>Phylloscopus fuscatus</i> (2).
	Warbler, Elfin-woods, <i>Dendroica angelae</i> (9).
	Warbler, Fan-tailed, <i>Euthlypis lachrymosa</i> (2).
	Warbler, Lanceolated, <i>Locustella lanceolata</i> (3).
	Warbler, Wood, <i>Phylloscopus sibilatrix</i> (2).
	Warbler, Yellow-browed, <i>Phylloscopus inornatus</i> (3).
	Warbler, Worm-eating, <i>Helmitheros vermivorum</i> (10).
	Whitethroat, Lesser, <i>Sylvia curruca</i> (3).
	Willet, <i>Tringa semipalmata</i> (10).
	Woodpecker, American Three-toed, <i>Picoides dorsalis</i> (6).
	Woodpecker, Arizona, <i>Picoides arizonae</i> (6).
	Woodpecker, Great Spotted, <i>Dendrocopos major</i> (3).
	Woodpecker, Lewis's, <i>Melanerpes lewis</i> (9).
	[see Woodpecker, Arizona].
	[see Woodpecker, American Three-toed].

### How Do the Changes Implemented Here Differ From Those Discussed in the Proposed Rule?

(1) Three species are added to category 2:

Tern, Large-billed, *Phaetusa simplex*;  
Warbler, Dusky, *Phylloscopus fuscatus*;  
and  
Warbler, Wood, *Phylloscopus sibilatrix*.

(2) Six species are added to category 3:

Falcon, Red-footed, *Falco vespertinus*;  
Golden-Plover, European, *Pluvialis apricaria*;  
Storm-Petrel, Ringed, *Oceanodroma hornbyi*;  
Warbler, Lanceolated, *Locustella lanceolata*;  
Warbler, Yellow-browed, *Phylloscopus inornatus*; and

Whitethroat, Lesser, *Sylvia curruca*.

(3) A new category 4 is created and 24 species are added to this category:

Akekee, *Loxops caeruleirostris*;  
Akepa, *Loxops coccineus*;  
Akialoa, Greater, *Hemignathus ellisianus*;  
Akiapolaau, *Hemignathus munroi*;  
Akikiki, *Oreomystis bairdi*;  
Akohekohe, *Palmeria dole*;  
Alauahio, Maui, *Paroreomyza montana*;  
Alauahio, Oahu, *Paroreomyza maculate*;  
Amakihi, Hawaii, *Hemignathus virens*;  
Amakihi, Kauai, *Hemignathus kauaiensis*;  
Amakihi, Oahu, *Hemignathus flavus*;  
Anianiau, *Magnumma parva*;  
Apapane, *Himatione sanguinea*;  
Creeper, Hawaii, *Oreomystis mana*;  
Finch, Laysan, *Telespiza cantans*;  
Finch, Nihoa, *Telespiza ultima*;

Iiwi, *Vestiaria coccinea*;

Kakawahie, *Paroreomyza flammea*;  
Millerbird, *Acrocephalus familiaris*;  
Nukupuu, *Hemignathus lucidus*;  
Ou, *Psittirostra psittacea*;  
Palila, *Loxioides bailleui*;  
Parrotbill, Maui, *Pseudonestor xanthophrys*; and  
Poo-uli, *Melamprosops phaeosoma*.

(4) One species is added to category 5:

Reed-Warbler, Nightingale,  
*Acrocephalus luscina*

(5) One species is removed from category 6:

Goose, Cackling, *Branta hutchinsii*.  
Recognition as a separate species deferred and will remain as subspecies of *Branta canadensis*, Canada Goose.

(6) One species is added to category 6:

Bean-Goose, Tundra, *Anser serrirostris*.

(7) One species deleted from category 7 is reinstated:

Kingbird, Loggerhead, *Tyrannus caudifasciatus*.

(8) The common name of one species is changed (category 9):

Goose, Bean, *Anser fabalis*, becomes Bean-Goose, Taiga.

(9) The scientific name of four species is changed (category 3, category 10):

Gull, Yellow-legged, *Larus cachinnans* becomes *Larus michahellis*;

Kingfisher, Belted, *Ceryle alcyon* becomes *Megaceryle alcyon*;

Kingfisher, Ringed, *Ceryle torquatus* becomes *Megaceryle torquata*; and

Hummingbird, Antillean Crested, *Orthorhynchus cristatus* becomes *Orthorhynchus cristatus*.

(10) The scientific names of six species spelled erroneously in the proposed rule are corrected to conform to the AOU Check-list (1998) and supplements:

Bunting, Reed, *Emberiza schoeniculus* becomes *Emberiza schoeniclus*;

Flycatcher, Social, *Myiozetetes similis* becomes *Myiozetetes similes*;

Owl, Snowy, *Bubo scandiaca* becomes *Bubo scandiacus*;

Pewee, Cuban, *Contopus caribeus* becomes *Contopus caribaeus*;

Tanager, Puerto Rican, *Neospingus speculariferus* becomes *Nesospingus speculariferus*; and

Warbler, Worm-eating, *Helmitheros vermivorus* becomes *Helmitheros vermivorum*.

(11) Other editorial changes:

Crake, Paint-billed (category 2)—Louisiana is deleted from, and

Virginia added to, the known range;

Ground-Dove, White-throated (category 5)—American Samoa is deleted from, and Guam and the Northern Marianas are added to, the known range;

Gull, Kelp (category 3)—Indiana and Texas are added to the known range;

Murrelet, Long-billed—moved from category 3 to category 6;

Shrike, Brown (category 2)—California is added to the known range;

Storm-Petrel, Ringed (category 2)—Alaska is deleted from, and California added to, the known range; and the family Cathartidae, and its included species, is moved from the Ciconiiformes to the beginning of the Falconiformes, as they were on the 1985 list.

#### How Is the List of Migratory Birds Organized?

The species are listed in two formats to suit the needs of different segments

of the public: Alphabetically in 50 CFR 10.13(c)(1) and taxonomically in 50 CFR 10.13(c)(2). In the alphabetical listing, species are listed by common (English) group names, with the scientific name of each species following the English group name. This format, similar to that used in modern telephone directories, is most useful to members of the lay public. In the taxonomic listing, species are listed in phylogenetic sequence by scientific name, with the English name following the scientific name. To help clarify species relationships, we also list the higher-level taxonomic categories of Order, Family, and Subfamily. This format follows the sequence adopted by the AOU (1998, 2004) and is most useful to ornithologists and other scientists.

#### What Species Are Not Protected by the Migratory Bird Treaty Act?

The MBTA does not apply to:

(1) Nonnative species introduced into the United States or its territories by means of intentional or unintentional human assistance that belong to families or groups covered by the Canadian, Mexican, or Russian Conventions, in accordance with the MBTRA. See 70 FR 12710 (March 15, 2005) for a partial list of nonnative human-introduced bird species in this category. Note, though, that native species that are introduced into parts of the United States where they are not native are still protected under the MBTA regardless of where they occur in the U.S. or its territories.

(2) Nonnative human-introduced species that belong to families or groups not covered by the Canadian, Mexican, or Russian Conventions, including Tinamidae (tinamous), Cracidae (chachalacas), Megapodiidae (megapodes), Phasianidae (grouse, ptarmigan, and turkeys), Turnicidae (buttonquails), Odontophoridae (New World quail), Pteroclididae (sandgrouse), Psittacidae (parrots), Dicruridae (drongos), Rhamphastidae (toucans), Musophagidae (turacos), Bucerotidae (hornbills), Bucorvidae (ground-hornbills), Pycnonotidae (bulbuls), Pittidae (pittas), Irenidae (fairy-bluebirds), Timaliidae (babblers), Zosteropidae (white-eyes), Sturnidae (starlings; except as listed in the Japanese Convention), Passeridae (Old World sparrows), Ploceidae (weavers), Estrildidae (estrildid finches), and numerous other families not currently represented in the United States or its territories.

(3) Native species that belong to families or groups represented in the United States, but which are not expressly mentioned by the Canadian, Mexican, or Russian Conventions, including the Megapodiidae

(megapodes), Phasianidae (grouse, ptarmigan, and turkeys), Odontophoridae (New World quail), Burhinidae (thick-knees), Glareolidae (pratincoles), Psittacidae (parrots), Todidae (todies), Meliphagidae (honeyeaters), Monarchidae (monarchs), Timaliidae (wrenit), and Coerebidae (bananaquit). It should be noted that this rule supersedes the 70 FR 12710 notice to the extent that they are inconsistent. Specifically, the Mexican Convention lists the family Sylviidae (which includes and subfamily Sylviinae) and the family Fringillidae (which includes the subfamily Depanidinae). Thus, all members of these two subfamilies are now included on this list.

Partial lists of the species included in categories 2 and 3 are available at <http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/MBTAProtectedNonprotected.html>.

#### Responses to Public Comments

On August 24, 2006, we published in the **Federal Register** (71 FR 50194) a proposed rule to revise the list of migratory birds at 50 CFR 10.13. We solicited public comments on the proposed rule for 60 days, ending on October 23, 2006. The comment period was reopened on December 14, 2006 (71 FR 75188), extending the comment period to December 29, 2006. Any comments submitted from October 24, 2006, to the extension date were considered in this final rule.

We received 69 comment letters in response to the proposed rule; 32 letters were from 21 identified agencies, organizations, or private firms (includes 10 separate letters from one firm, and two from an organization). The following text discusses the substantive comments received and provides our responses to those comments.

Comment. *The American Samoa Department of Marine and Wildlife Resources, and the Office of the Governor of American Samoa objected to the inclusion of 14 species native to American Samoa. They argued a "complete absence of a scientific basis for inclusion in a treaty based on the concept of "shared migratory" species" and "lack of demonstrated biological need for protection." They also felt that the Service "did not consider the extent to which the stringent requirement of the new federal regulation will affect the daily activities of our people," and emphasized that "All species proposed for listing are fully protected under Chapter 8, Title 24, of the American Samoa Administrative Code."*

Response: We recognize and appreciate the positive steps taken by

the government of American Samoa to protect its native wildlife resources. The Service looks forward to continuing a close working relationship with the Department of Marine and Wildlife Resources, and pledges to consult with that agency before undertaking any action on any species covered by this rule that might affect the people of American Samoa.

Our determination that these species merit protection under the MBTA is based strictly on legal, not biological, considerations. Unlike the Endangered Species Act, the MBTA requires no "demonstrated biological need for protection." Furthermore, the MBTA and implementing regulations provide considerable flexibility for managing bird populations, including establishment of hunting seasons (where deemed appropriate), the control of nuisance bird populations, and the issuance of permits allowing appropriate use by humans.

Applying the protection of the MBTA to these 14 species will not affect the people of American Samoa to any greater or lesser degree than the protection of more than 900 other species of migratory birds affects the residents of the other 13 territories, 50 States, and the District of Columbia.

We find this action to be consistent with the protection of bird species native to other U.S. territories (*i.e.*, Hawaii prior to Statehood, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands) that belong to families covered by the Canadian and Mexican Conventions. Under those Conventions, any species that belongs to a covered family is protected anywhere and everywhere that it might occur in the U.S. and its territories, regardless of its biological or migratory status.

We note that each of the 14 species added to the list from American Samoa belong to one of seven families expressly covered by the Canadian or Mexican Conventions: Anatidae (ducks), Procellariidae (petrels), Hydrobatidae (storm-petrels), Rallidae (rails), Columbidae (pigeons), Apodidae (swifts), Alcedinidae (kingfishers). Examples of related species from the Hawaiian Islands that have historically been protected under the MBTA include Hawaiian Duck, Hawaiian Petrel, Tristram's Storm-Petrel, and Hawaiian Coot.

Finally, we note that several other species of birds native to American Samoa, notably petrels, shearwaters, tropicbirds, boobies, frigatebirds, shorebirds, and terns and noddies, have long been protected under the MBTA without presenting undue regulatory

burdens on the government and residents of American Samoa.

*Comment. The Atlantic Flyway Council, Florida Fish and Wildlife Conservation Commission, South Florida Water Management District, Everglades National Park, and The Nature Conservancy all raised concerns about adding the Purple Swamphen on grounds that Federal protection would "compromise efforts to remove" this species from south Florida, where it has become established in recent years and is now viewed as an "undesirable exotic."*

*Response:* We are aware that adding the Purple Swamphen to the list of MBTA-protected species (because of its occurrence as a native species in American Samoa) will have the undesirable consequence of affording similar protection to the introduced population now established in south Florida. We agree that this species "has the capacity to become a serious invasive problem."

Fortunately, the MBTA provides mechanisms that allow for the prudent management of species that are causing, or are about to cause, economic or ecological damage. In the case of the Purple Swamphen in south Florida, we believe that a depredation order targeting this species in selected geographic areas will address the concerns raised by the above agencies and organizations. Depredation orders allow specified species of birds to be taken at specified times and places and under specified conditions without need of a Federal permit; they are designed expressly for the types of control actions envisioned in this instance. The Service recognizes the urgency of the problem, and today has finalized a rule allowing control of Purple Swamphens anywhere in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands that they are found.

*Comment. The Atlantic Flyway Council, Florida Fish and Wildlife Conservation Commission, South Carolina Department of Natural Resources, Texas Parks and Wildlife, Wisconsin Department of Natural Resources, Everglades National Park, The Nature Conservancy, a member of the Brevard County (Florida) Board of County Commissioners, and three residents of Palm City, Florida, expressed concerns about adding the Muscovy Duck because of various kinds of damages that the birds have been documented to inflict on private properties.*

*Response:* The Service has concluded that the Muscovy Duck warrants protection under the MBTA because of

the recent northward expansion of wild birds into extreme south Texas, where breeding has been confirmed. The unfortunate consequence of this is that all Muscovy Ducks in the U.S., regardless of their origin and status, will also receive the protection of the MBTA.

The Muscovy Duck has a long history of having been intentionally introduced to localities throughout the U.S. Small flocks of domestic or semi-domestic birds are found on farm ponds, in municipal parks, or in zoological parks in captive, semi-captive, and semi-wild conditions. Where present, these birds are largely or entirely dependent on human assistance for their survival, especially in the form of food handouts.

In some parts of the southern U.S. (in Florida, especially), birds have escaped or been released, and have subsequently formed feral populations in close association with humans. In Florida, for example, feral populations have been confirmed breeding and have apparently been self-sustaining for more than 10 years, with breeding now documented in all 67 of Florida's counties.

Muscovy Ducks can foul backyards, patios, swimming pools, bathing beaches, golf courses, and docks with their droppings. Their aggressive behavior can prevent landowners from using their own properties, or citizens from using public recreation facilities. To alleviate this problem, today we have revised 50 CFR part 21 to prohibit sale of muscovy ducks for hunting, and to authorize a depredation order allowing their removal without a permit in locations in which the species does not occur naturally in the contiguous United States, Alaska, and Hawaii, and in U.S. territories and possessions.

*Comment. The American Bird Conservancy and a private individual expressed their concern that the Hawaiian honeycreepers were excluded from the list. They countered the Service's justification for excluding this group by arguing that, "The fact that the Drepanidinae is not expressly mentioned in the treaties is irrelevant because the taxonomic status of the group has been changed and it now falls under a family that is included under the MBTA, the Fringillidae."*

*Response:* Species included in the subfamily Drepanidinae (which includes the Hawaiian honeycreepers) are added to the list under the family Fringillidae. This addition is consistent with the latest edition of the AOU Checklist of North American Birds on matters of taxonomy and also meets the criteria for qualifying as an MBTA-protected species requiring that a species belongs to a family or group of species named in one of the MBTA's

underlying Conventions. In addition, Millerbird (*Acrocephalus familiaris*) and Nightingale Reed-Warbler (*Acrocephalus luscinia*) have been added to the list under the Sylviidae family (subfamily Sylviinae), another family specifically named in the Mexican Convention of 1936.

Comment. *International Zoological Imports and their legal counsel questioned the inclusion of Eurasian Bullfinch and Hawfinch on the list, citing, for example, beliefs that (a) "their geographic ranges lie entirely outside the United States and its territories," (b) they are "nonnative," and (c) they "have only an accidental/casual presence in the United States, and accidental/casual birds are not covered by the MBTA."*

*Response:* There is ample scientific documentation of the natural occurrence of these species in western Alaska. Given the paucity of observers in western Alaska to record their presence, it seems likely that both species occur there annually, albeit in small numbers. Whether these species are regular migrants in the U.S. or merely vagrants is irrelevant. Vagrancy is a natural process inherent to many species of migratory birds and can lead to the development of regular migratory patterns or the establishment of new populations (such as those of the Cattle Egret and the Lesser Black-backed Gull). It was a previous unwritten FWS policy, not the language of the MBTA, that excluded some species of casual or accidental occurrence from inclusion in previous versions of 50 CFR 10.13. This policy mirrored earlier versions of the AOU Check-list, which flagged species of casual or accidental occurrence and did not treat them as regular members of the North American avifauna, a practice discontinued with the 5th (1957) edition of the Check-list. Moreover, the policy was never applied uniformly: A few accidental/casual species, such as the, Corn Crake and the Eurasian Lapwing, have long been listed in 50 CFR 10.13, though many others have not. We also note the precedent set by the Japanese and Russian Conventions, which specifically list numerous species of casual or accidental occurrence in the U.S., such as the Chinese Egret and the European Hoopoe.

In summary, neither the MBTA nor the Conventions explicitly exclude any species of migratory bird because it is casual or accidental in the U.S. More to the point, Eurasian Bullfinch and Hawfinch are both specifically listed in the Japanese and Russian Conventions.

Comment. *Opposition to the addition of Common Chaffinch and Eurasian*

*Siskin was received from two importers or suppliers of cage birds (International Pet and Supply, International Zoological Imports), five cage bird organizations (American Federation of Aviculture, Michiana Bird Society, National Cage Bird Show, National Finch and Softbill Society, Society of Parrot Breeders and Exhibitors), and 27 private citizens. In support of their argument, opponents claimed that (a) these species are non-native to the U.S.; (b) individuals are present in the wild only as a result of intentional releases or accidental escapes from captivity, and that sightings occur especially near where birds are sold; (c) thousands of breeders are raising these birds in captivity; (d) they have been imported and sold since 1998; and (e) adding them to 50 CFR 10.13 will harm pet bird owners, bird enthusiasts, and breeders, and have a negative financial impact on the pet bird trade.*

*Response:* The Common Chaffinch is considered to be "casual in northeastern North American" south to Maine and Massachusetts, "where presumably natural vagrants" (AOU 1998), with "about a dozen reports, some accepted by local bird record committees, reported between late September and late May, from e. Canada, New England, and New Jersey" (American Birding Association 2002). It also appears on the official checklists of Maine (Maine Bird Records Committee 2005) and Massachusetts (Massachusetts Avian Records Committee 2006) as natural vagrants.

There is one definitive specimen record (plus a sight report) of the Eurasian Siskin in Alaska, where considered accidental (AOU 1998). This species is also included on the official list of Maine birds (Maine Bird Records Committee 2005), apparently on the basis of a bird captured in 1962 that showed no signs of having been in captivity (Borror 1963).

We cannot confirm the opponents' statements that "thousands of breeders are raising these birds in captivity." One dealer reported importing, purchasing, and selling "large quantities" of these species "for the past 15 years;" while another claimed to have imported more than 4,000 Common Chaffinches and 10,000 Eurasian Siskins in the past decade. But these claims are contradicted by one commenter who noted that "these birds are bred by very few U.S. hobbyists and others interested in captive breeding. For instance, current available information reveals that in 2003 NFSS [National Finch and Softbill Society] annual census reported only two out of eight-hundred NFSS members registered working with the

Common Chaffinch and the same two members registered working with the Eurasian Siskin."

It is true that there is a long history of importing and selling these species in the U.S. For example, over a six-year period (1969–1974), 190 Common Chaffinches and 272 Eurasian Siskins were imported into the U.S. (as summarized by McLaren et al. 1989). If figures supplied by dealers are accurate (see preceding paragraph), then imports have increased substantially in recent years.

It is also true that there have been many intentional releases or accidental escapes of captive individuals of these and other European finches into the wild, as is acknowledge by the AOU (1998) and American Birding Association (ABA) (2002). The most notable and recent example was a series of reports from throughout the Great Lakes and New England in spring 2004 of innumerable individuals of numerous European species—including Common Chaffinch and Eurasian Siskin—that had apparently escaped from an import facility near Chicago, Illinois (Dinsmore and Silcock 2004). One major importer reported the intentional release or accidental escape of 12,700 (15 percent) of 82,800 individuals of 19 species from one facility during the past decade; this included 1,131 Common Chaffinches and 1,946 European Siskins.

In summary, while there is documented evidence of the intentional release or accidental escape of caged Common Chaffinches and Eurasian Siskins, we also find credible evidence to support our contention that both species have occurred in the U.S. as natural vagrants unhindered by human intervention. As with the Eurasian Bullfinch and Hawfinch discussed above, the Common Chaffinch and Eurasian Siskin warrant protection under the MBTA, regardless of their status as casual or accidental vagrants.

Comment. *One commenter cautioned against listing cage-birds bought in Mexico, smuggled across the border, and released in Texas "just to please those wanting to either raise funds for a refuge, or add to their bird life-list."* Five species were specifically mentioned in this regard: Masked Tityra, Blue Mockingbird, Orange-billed Nightingale-Thrush, Black-headed Nightingale-Thrush, and Blue Bunting.

*Response:* We are keenly aware of the problems posed by the illegal smuggling of birds into the U.S. from Mexico. Both the AOU (1998) and the Texas Ornithological Society (TOS) (Lockwood et al. 2003) go to great lengths to investigate the origins of rare birds reported in Texas near the



Mexican border and to invalidate any records for which there is evidence of human intervention, such as illegal trafficking or smuggling. We are not aware of any evidence to suggest that the activities alluded to by the commenter have actually taken place. The U.S. birding community is relatively small, close-knit, and self-policed, with the vast majority of birders adhering to a voluntary "code of ethics". If anyone was conducting illegal activities to pad their life-lists or to help raise funds for a refuge, it would most likely become widely known and condemned. Each of the species mentioned by the commentator has been accepted by the AOU and TOS as valid, wild migrants in the U.S. As such, we deem them eligible for inclusion in 50 CFR 10.13.

*Comment. The Wisconsin Department of Natural Resources indicated that recognition and protection of the Cackling Goose as distinct from the Canada Goose would create management problems, as it is probably unrealistic to expect hunters to be able to recognize and distinguish between these similar species on the wing. It was requested that the Service consider professional discussions that have occurred over the last two years.*

*Response:* The Service recognizes the management concerns referred to by the commenter, as well as the current lack of uniform agreement among waterfowl specialists. The Service has reviewed many of the professional views concerning the AOU decision to split the Canada Goose into two species. The AOU Committee on Classification and Nomenclature indicated that additional taxonomic changes may occur as a result of further research on Canada Goose taxonomy (AOU 2004). We will consider new information when it is available. As discussed in the rule, at this time, we will continue to include the Cackling Goose within the listing for the Canada Goose rather than as a separate species.

*Comment. The American Bird Conservancy (ABC) complained that we continue to deny Federal protection to several species that are native to the U.S., or occur in the U.S. as natural vagrants. They specifically mention seven species in this regard: Oriental Pratincole, Green Parakeet, Puerto Rican Parrot, Red-crowned Parrot, Puerto Rican Tody, Wrentit, and Bananaquit.*

*Response:* These species do not qualify for protection under the MBTA because they (1) belong to families (Glareolidae, Todidae, Coerebidae, Psittacidae, Timaliidae, Coerebidae) not covered by either the Canadian or Mexican Conventions, and (2) are not

specifically listed in either the Japanese or Russian Conventions. While this treatment may not be logical, as suggested by ABC, it is required by the language of the Conventions underlying the MBTA.

*Comment. The Pacific Flyway Council expressed confusion over the status of the family Timaliidae (including babblers and Wrentit), noting that we had listed it (71 FR 50205) both as an example of a nonnative human-introduced family not protected by the MBTA and also as an example of a native family not specifically mentioned in treaties with Canada, Mexico, or Russia.*

*Response:* The Timaliidae properly belongs in category 2 as an example of nonnative human-introduced species (the babblers, introduced to Hawaii) not protected by the MBTA. The Timaliidae also properly belongs in category 3 as an example of a native family and species (the Wrentit) not specifically mentioned in Conventions with Canada or Mexico. This section of the final rule has been re-written for greater clarity.

*Comment. The Pacific Flyway Council recommended that we define "human introduction," noting that "the issue of human-related introductions of species is potentially controversial, and defining the term in the document would clarify the Service's intent and eliminate the need to search for the definition elsewhere."*

*Response:* We agree with the desirability of being as specific as possible as to what we mean by "human introduction" or "human-assisted introduction." Accordingly, we have added clarifying language to the end of the section entitled "What Criteria Are Used to Identify Individual Species Protected by the MBTA?"

*Comment. One commenter noted that numerous species intentionally introduced to the Hawaiian Islands from the continental U.S. are now protected under the MBTA, even though they are nonnative (examples: Cattle Egret, Mourning Dove, Barn Owl, Northern Cardinal, House Finch). In many instances, these species are competitors for food, carriers of disease, and predators of native wildlife.*

*Response:* In contrast to the Endangered Species Act, the MBTA has no provision for excluding a species from protection in designated parts of its range. A species protected by the MBTA is protected anywhere and everywhere that it might occur in the U.S. or its territories, even in localities where they are nonnative and introduced by humans. That being said, we also note that the MBTA provides mechanisms for dealing with situations

in which protected species are causing economic damage, creating threats to human health and safety, or may be having a deleterious impact on native wildlife, particularly through issuance of depredation permits or authorization of depredation orders.

### Required Determinations

#### Regulatory Planning and Review (Executive Order 12866)

The Office of Management and Budget (OMB) has determined that this rule is not significant and has reviewed it under Executive Order 12866. OMB bases its determination upon the following four criteria:

(a) Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

#### Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104-121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule does not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. A small number of caged bird dealers will be affected by this rule. However, we have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act, and have determined that this action does not have a significant economic impact on a substantial number of small entities. This

determination is based on the fact that we are simply updating the list of migratory bird species protected under the Conventions. Consequently, we certify that because this rule does not have a significant economic effect on a substantial number of small entities, a regulatory flexibility analysis is not required.

This rule is not a major rule under the SBREFA (5 U.S.C. 804(2)). It does not have a significant impact on a substantial number of small entities.

a. This rule does not have an annual effect on the economy of \$100 million or more.

b. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The updating of the list of migratory birds does not significantly affect costs or prices in any sector of the economy.

c. This rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### *Unfunded Mandates Reform Act*

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This rule does not "significantly or uniquely" affect small governments. A small government agency plan is not required. b. This rule does not produce a Federal mandate of \$100 million or greater in any year; *i.e.*, it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

#### *Takings*

In accordance with Executive Order 12630, the rule does not have significant takings implications. This rule does not contain a provision for taking of private property. A takings implication assessment is not required.

#### *Federalism*

This rule does not have sufficient Federalism effects to warrant preparation of a Federalism assessment under Executive Order 13132. It does not interfere with the States' ability to manage themselves or their funds. No significant economic impacts are expected to result from the updating of the list of migratory bird species.

#### *Civil Justice Reform*

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and

meets the requirements of sections 3(a) and 3(b)(2) of the Order.

#### *Paperwork Reduction Act*

We examined these regulations under the Paperwork Reduction Act of 1995. This regulations change has no direct impact on information collection.

#### *National Environmental Policy Act (NEPA)*

Given that the revision of 50 CFR 10.13 is strictly administrative in nature and does not constitute a Federal action in the context of NEPA it is categorically excluded from further NEPA requirements, as provided by Department of the Interior Manual 516 DM 2, Appendix 1.10.

#### *Endangered Species Act (ESA)*

Ninety-six of the species on the List of Migratory Birds are also designated as endangered or threatened in all or some portion of their U.S. range under provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531, *et seq.*; see 50 CFR 17.11). No legal complications arise from the dual listing since the two lists are developed under separate authorities and for different purposes. Because the rule is strictly administrative in nature, it does not require ESA consultation.

#### *Energy Supply, Distribution, or Use (Executive Order 13211)*

On May 18, 2001, the President issued Executive Order 13211 addressing regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule only affects the listing of protected species in the United States, it is not a significant regulatory action under Executive Order 12866, and does not significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Regarding Government-to-Government relationships with Tribes (59 FR 22951) and Executive Order 13175, these revisions to existing regulations are purely administrative in nature. They will have no effect on Federally recognized Tribes or Tribal trust resources.

#### **References Cited**

A complete list of all references cited is available upon request (*see ADDRESSES* above).

#### **List of Subjects in 50 CFR Part 10**

Exports, Fish, Imports, Law enforcement, Plants, Transportation, Wildlife.

#### **Regulation Promulgation**

■ For the reasons discussed in the preamble, we amend title 50, chapter I, subchapter B, part 10 of the Code of Federal Regulations, as follows:

#### **PART 10—[AMENDED]**

■ 1. The authority citation for part 10 continues to read as follows:

**Authority:** 18 U.S.C. 42; 16 U.S.C. 703–712; 16 U.S.C. 668a–d; 19 U.S.C. 1202; 16 U.S.C. 1531–1543; 16 U.S.C. 1361–1384, 1401–1407; 16 U.S.C. 742a–742j–l; 16 U.S.C. 3371–3378.–q4

■ 2. Revise § 10.13 to read as follows:

#### **§ 10.13 List of Migratory Birds.**

(a) *Legal authority for this list.* The Migratory Bird Treaty Act (MBTA) in 16 U.S.C. 703–711, the Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 712, and 16 U.S.C. 742a–j. The MBTA implements Conventions between the United States and four neighboring countries for the protection of migratory birds, as follows:

(1) *Canada:* Convention for the Protection of Migratory Birds, August 16, 1916, United States–Great Britain (on behalf of Canada), 39 Stat. 1702, T.S. No. 628, as amended;

(2) *Mexico:* Convention for the Protection of Migratory Birds and Game Mammals, February 7, 1936, United States–United Mexican States (=Mexico), 50 Stat. 1311, T.S. No. 912, as amended;

(3) *Japan:* Convention for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1972, United States–Japan, 25 U.S.T. 3329, T.I.A.S. No. 7990; and

(4) *Russia:* Convention for the Conservation of Migratory Birds and Their Environment, United States–Union of Soviet Socialist Republics (=Russia), November 26, 1976, 92 Stat. 3110, T.I.A.S. 9073, 16 U.S.C. 703, 712.

(b) *Purpose of this list.* The purpose is to inform the public of the species protected by regulations designed to enforce the terms of the MBTA. These regulations, found in parts 10, 20, and 21 of this chapter, cover most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds.

(c) *What species are protected as migratory birds?* Species protected as migratory birds are listed in two formats to suit the varying needs of the user: Alphabetically in paragraph (c)(1) of this section and taxonomically in

paragraph (c)(2) of this section.

Taxonomy and nomenclature generally follow the 7th edition of the American Ornithologists' Union's *Check-list of North American birds* (1998, as amended through 2007). For species not treated by the AOU *Check-list*, we generally follow Monroe and Sibley's *A World Checklist of Birds* (1993).

(1) *Alphabetical listing*. Species are listed alphabetically by common (English) group names, with the scientific name of each species following the common name. It is possible that alphabetical listing by common group names may create confusion in those few instances in which the common (English) name of a species has changed. The species formerly known as the Falcated Teal, for example, is now known as the Falcated Duck. To prevent confusion, the alphabetical list has two entries for Falcated Duck: "DUCK, Falcated" and "[TEAL, Falcated (see DUCK, Falcated)]." Other potential ambiguities are treated in the same way.

ACCENTOR, Siberian, *Prunella montanella*

AKEKEE, *Loxops caeruleirostris*

AKEPA, *Loxops coccineus*

AKIALOA, Greater, *Hemignathus ellisianus*

AKIAPOLAAU, *Hemignathus munroi*

AKIKIKI, *Oreomystis bairdi*

AKOHEKOHE, *Palmeria dolei*

ALAUAHIO, Maui, *Paroreomyza montana*

Oahu, *Paroreomyza maculata*

ALBATROSS, Black-browed,

*Thalassarche melanophris*

Black-footed, *Phoebastria nigripes*

Laysan, *Phoebastria immutabilis*

Light-mantled, *Phoebastria palpebrata*

Short-tailed, *Phoebastria albatrus*

Shy, *Thalassarche cauta*

Wandering, *Diomedea exulans*

Yellow-nosed, *Thalassarche chlororhynchos*

ANHINGA, *Anhinga anhinga*

ANI, Groove-billed, *Crotophaga sulcirostris*

Smooth-billed, *Crotophaga ani*

AMAKIHI, Hawaii, *Hemignathus virens*

Kauai, *Hemignathus kauaiensis*

Oahu, *Hemignathus flavus*

ANIANIAU, *Magumma parva*

APAPANE, *Himatione sanguinea*

AUKLET, Cassin's, *Ptychoramphus aleuticus*

Crested, *Aethia cristatella*

Least, *Aethia pusilla*

Parakeet, *Aethia psittacula*

Rhinoceros, *Cerorhinca monocerata*

Whiskered, *Aethia pygmaea*

AVOCET, American, *Recurvirostra americana*

[BARN-OWL, Common (see OWL, Barn)]

BEAN-GOOSE, Taiga, *Anser fabalis*

Tundra, *Anser serrirostris*

BEARDLESS-TYRANULET, Northern,

*Camptostoma imberbe*

BECARD, Rose-throated, *Pachyrhamphus aglaiae*

BITTERN, American, *Botaurus lentiginosus*

Black, *Ixobrychus flavicollis*

[Chinese (see Yellow)]

Least, *Ixobrychus exilis*

Schrenck's, *Ixobrychus eurhythmus*

Yellow, *Ixobrychus sinensis*

BLACK-HAWK, Common, *Buteogallus anthracinus*

BLACKBIRD, Brewer's, *Euphagus cyanocephalus*

Red-winged, *Agelaius phoeniceus*

Rusty, *Euphagus carolinus*

Tawny-shouldered, *Agelaius humeralis*

Tricolored, *Agelaius tricolor*

Yellow-headed, *Xanthocephalus xanthocephalus*

Yellow-shouldered, *Agelaius xanthomus*

BLUEBIRD, Eastern, *Sialia sialis*

Mountain, *Sialia currucoides*

Western, *Sialia mexicana*

BLUETAIL, Red-flanked, *Tarsiger cyanurus*

BLUETHROAT, *Luscinia svecica*

BOBOLINK, *Dolichonyx oryzivorus*

BOOBY, Blue-footed, *Sula nebouxii*

Brown, *Sula leucogaster*

Masked, *Sula dactylatra*

Red-footed, *Sula sula*

BRAMBLING, *Fringilla montifringilla*

BRANT, *Branta bernicla*

BUFFLEHEAD, *Bucephala albeola*

BULLFINCH, Eurasian, *Pyrrhula pyrrhula*

Puerto Rican, *Loxigilla portoricensis*

BUNTING, Blue, *Cyanocompsa parcellina*

Gray, *Emberiza variabilis*

Indigo, *Passerina cyanea*

Little, *Emberiza pusilla*

Lark, *Calamospiza melanocorys*

Lazuli, *Passerina amoena*

McKay's, *Plectrophenax hyperboreus*

Painted, *Passerina ciris*

Pallas's, *Emberiza pallasi*

Pine, *Emberiza leucocephalos*

Reed, *Emberiza schoeniclus*

Rustic, *Emberiza rustica*

Snow, *Plectrophenax nivalis*

Varied, *Passerina versicolor*

Yellow-breasted, *Emberiza aureola*

Yellow-throated, *Emberiza elegans*

BUSHTIT, *Psaltriparus minimus*

CANVASBACK, *Aythya valisineria*

CARACARA, Crested, *Caracara cheriway*

CARDINAL, Northern, *Cardinalis cardinalis*

CARIB, Green-throated, *Eulampis holosericeus*

Purple-throated, *Eulampis jugularis*

CATBIRD, Black, *Melanoptila glabrirostris*

Gray, *Dumetella carolinensis*

CHAFFINCH, Common, *Fringilla coelebs*

CHAT, Yellow-breasted, *Icteria virens*

CHICKADEE, Black-capped, *Poecile atricapillus*

Boreal, *Poecile hudsonica*

Carolina, *Poecile carolinensis*

Chestnut-backed, *Poecile rufescens*

Gray-headed, *Poecile cincta*

Mexican, *Poecile sclateri*

Mountain, *Poecile gambeli*

CHUCK-WILL'S-WIDOW, *Caprimulgus carolinensis*

CONDOR, California, *Gymnogyps californianus*

COOT, American, *Fulica americana*

Caribbean, *Fulica caribaea*

Eurasian, *Fulica atra*

Hawaiian, *Fulica alai*

CORMORANT, Brandt's, *Phalacrocorax penicillatus*

Double-crested, *Phalacrocorax auritus*

Great, *Phalacrocorax carbo*

Little Pied, *Phalacrocorax melanoleucus*

Neotropic, *Phalacrocorax brasilianus*

[Olivaceous (see Neotropic)]

Pelagic, *Phalacrocorax pelagicus*

Red-faced, *Phalacrocorax urile*

COWBIRD, Bronzed, *Molothrus aeneus*

Brown-headed, *Molothrus ater*

Shiny, *Molothrus bonariensis*

CRAKE, Corn, *Crex crex*

Paint-billed, *Neocrex erythrops*

Spotless, *Porzana tabuensis*

Yellow-breasted, *Porzana flaviventer*

CRANE, Common, *Grus grus*

Sandhill, *Grus canadensis*

Whooping, *Grus americana*

CREEPER, Brown, *Certhia americana*

Hawaii, *Oreomystis mana*

CROSSBILL, Red, *Loxia curvirostra*

White-winged, *Loxia leucoptera*

CROW, American, *Corvus brachyrhynchos*

Fish, *Corvus ossifragus*

Hawaiian, *Corvus hawaiiensis*

Mariana, *Corvus kubaryi*

[Mexican (see Tamaulipas)]

Northwestern, *Corvus caurinus*

Tamaulipas, *Corvus imparatus*

White-necked, *Corvus leucognaphalus*

CUCKOO, Black-billed, *Coccyzus erythrophthalmus*

Common, *Cuculus canorus*

Mangrove, *Coccyzus minor*

Oriental, *Cuculus optatus*

Yellow-billed, *Coccyzus americanus*

CURLEW, Bristle-thighed, *Numenius tahitiensis*

Eskimo, *Numenius borealis*

Eurasian, *Numenius arquata*

Far Eastern, *Numenius madagascariensis*

[Least (see Little)]

- Little, *Numenius minutus*  
 Long-billed, *Numenius americanus*  
 DICKCISSEL, *Spiza americana*  
 DIPPER, American, *Cinclus mexicanus*  
 DOTTEREL, Eurasian, *Charadrius morinellus*  
 DOVE, Inca, *Columbina inca*  
 Mourning, *Zenaida macroura*  
 White-tipped, *Leptotila verreauxi*  
 White-winged, *Zenaida asiatica*  
 Zenaida, *Zenaida aurita*  
 DOVEKIE, *Alle alle*  
 DOWITCHER, Long-billed, *Limnodromus scolopaceus*  
 Short-billed, *Limnodromus griseus*  
 DUCK, American Black, *Anas rubripes*  
 Falcated, *Anas falcata*  
 Harlequin, *Histrionicus histrionicus*  
 Hawaiian, *Anas wyvilliana*  
 Laysan, *Anas laysanensis*  
 Long-tailed, *Clangula hyemalis*  
 Masked, *Nomonyx dominicus*  
 Mottled, *Anas fulvigula*  
 Muscovy, *Cairina moschata*  
 Pacific Black, *Anas superciliosa*  
 Ring-necked, *Aythya collaris*  
 Ruddy, *Oxyura jamaicensis*  
 Spot-billed, *Anas poecilorhyncha*  
 Tufted, *Aythya fuligula*  
 Wood, *Aix sponsa*  
 DUNLIN, *Calidris alpina*  
 EAGLE, Bald, *Haliaeetus leucocephalus*  
 Golden, *Aquila chrysaetos*  
 White-tailed, *Haliaeetus albicilla*  
 EGRET, Cattle, *Bubulcus ibis*  
 Chinese, *Egretta eulophotes*  
 Great, *Ardea alba*  
 Intermediate, *Mesophoyx intermedia*  
 Little, *Egretta garzetta*  
 [Plumed (see Intermediate)]  
 Reddish, *Egretta rufescens*  
 Snowy, *Egretta thula*  
 EIDER, Common, *Somateria mollissima*  
 King, *Somateria spectabilis*  
 Spectacled, *Somateria fischeri*  
 Steller's, *Polysticta stelleri*  
 ELAENIA, Caribbean, *Elaenia martinica*  
 Greenish, *Myiopagis viridicata*  
 EMERALD, Puerto Rican, *Chlorostilbon maugaeus*  
 EUPHONIA, Antillean, *Euphonia musica*  
 FALCON, Aplomado, *Falco femoralis*  
 Peregrine, *Falco peregrinus*  
 Prairie, *Falco mexicanus*  
 Red-footed, *Falco vespertinus*  
 FIELDFARE, *Turdus pilaris*  
 FINCH, Cassin's, *Carpodacus cassinii*  
 House, *Carpodacus mexicanus*  
 Laysan, *Telespiza cantans*  
 Nihoa, *Telespiza ultima*  
 Purple, *Carpodacus purpureus*  
 [Rosy (see ROSY-FINCH)]  
 FLAMINGO, Greater, *Phoenicopterus ruber*  
 FLICKER, Gilded, *Colaptes chrysoides*  
 Northern, *Colaptes auratus*  
 FLYCATCHER, Acadian, *Empidonax virescens*  
 Alder, *Empidonax alnorum*  
 Ash-throated, *Myiarchus cinerascens*  
 Brown-crested, *Myiarchus tyrannulus*  
 Buff-breasted, *Empidonax fulvifrons*  
 Cordilleran, *Empidonax occidentalis*  
 Dusky, *Empidonax oberholseri*  
 Dusky-capped, *Myiarchus tuberculifer*  
 Fork-tailed, *Tyrannus savana*  
 Gray, *Empidonax wrightii*  
 [Gray-spotted (see Gray-streaked)]  
 Gray-streaked, *Muscicapa griseisticta*  
 Great Crested, *Myiarchus crinitus*  
 Hammond's, *Empidonax hammondii*  
 La Sagra's, *Myiarchus sagrae*  
 Least, *Empidonax minimus*  
 Narcissus, *Ficedula narcissina*  
 Nutting's, *Myiarchus nuttingi*  
 Olive-sided, *Contopus cooperi*  
 Pacific-slope, *Empidonax difficilis*  
 Piratic, *Legatus leucophalus*  
 Puerto Rican, *Myiarchus antillarum*  
 Scissor-tailed, *Tyrannus forficatus*  
 Social, *Myiozetetes similis*  
 Sulphur-bellied, *Myiodynastes luteiventris*  
 Tufted, *Mitrephanes phaeocercus*  
 Variegated, *Empidonax varius*  
 Vermilion, *Pyrocephalus rubinus*  
 [Western (see Cordilleran and Pacific-slope)]  
 Willow, *Empidonax traillii*  
 Yellow-bellied, *Empidonax flaviventris*  
 FOREST-FALCON, Collared, *Micrastur semitorquatus*  
 FRIGATEBIRD, Great, *Fregata minor*  
 Lesser, *Fregata ariel*  
 Magnificent, *Fregata magnificens*  
 FROG-HAWK, Gray, *Accipiter soloensis*  
 FRUIT-DOVE, Crimson-crowned, *Ptilinopus porphyraceus*  
 Many-colored, *Ptilinopus perousii*  
 Mariana, *Ptilinopus roseicapilla*  
 FULMAR, Northern, *Fulmarus glacialis*  
 GADWALL, *Anas strepera*  
 GALLINULE, Azure, *Porphyrio flavirostris*  
 Purple, *Porphyrio martinica*  
 GANNET, Northern, *Morus bassanus*  
 GARGANEY, *Anas querquedula*  
 GNATCATCHER, Black-capped, *Polioptila nigriceps*  
 Black-tailed, *Polioptila melanura*  
 Blue-gray, *Polioptila caerulea*  
 California, *Polioptila californica*  
 GODWIT, Bar-tailed, *Limosa lapponica*  
 Black-tailed, *Limosa limosa*  
 Hudsonian, *Limosa haemastica*  
 Marbled, *Limosa fedoa*  
 GOLDEN-PLOVER, American, *Pluvialis dominica*  
 European, *Pluvialis apricaria*  
 [Lesser (see American)]  
 Pacific, *Pluvialis fulva*  
 GOLDENEYE, Barrow's, *Bucephala islandica*  
 Common, *Bucephala clangula*  
 GOLDFINCH, American, *Carduelis tristis*  
 Lawrence's, *Carduelis lawrencei*  
 Lesser, *Carduelis psaltria*  
 GOOSE, Barnacle, *Branta leucopsis*  
 [Bean, (see BEAN-GOOSE, Taiga)]  
 Canada, *Branta canadensis* (including Cackling Goose, *Branta hutchinsii*)  
 Emperor, *Chen canagica*  
 Greater White-fronted, *Anser albifrons*  
 Hawaiian, *Branta sandvicensis*  
 Lesser White-fronted, *Anser erythropus*  
 Ross's, *Chen rossii*  
 Snow, *Chen caerulescens*  
 GOSHAWK, Northern, *Accipiter gentilis*  
 GRACKLE, Boat-tailed, *Quiscalus major*  
 Common, *Quiscalus quiscula*  
 Great-tailed, *Quiscalus mexicanus*  
 Greater Antillean, *Quiscalus niger*  
 GRASSHOPPER-WARBLER, Middendorff's, *Locustella ochotensis*  
 GRASSQUIT, Black-faced, *Tiaris bicolor*  
 Yellow-faced, *Tiaris olivaceus*  
 GREBE, Clark's, *Aechmophorus clarkii*  
 Eared, *Podiceps nigricollis*  
 Horned, *Podiceps auritus*  
 Least, *Tachybaptus dominicus*  
 Pied-billed, *Podilymbus podiceps*  
 Red-necked, *Podiceps grisegena*  
 Western, *Aechmophorus occidentalis*  
 GREENFINCH, Oriental, *Carduelis sinica*  
 GREENSHANK, Common, *Tringa nebularia*  
 Nordmann's, *Tringa guttifer*  
 GROSBELLY, Black-headed, *Pheucticus melanocephalus*  
 Blue, *Passerina caerulea*  
 Crimson-collared, *Rhodothraupis celaeno*  
 Evening, *Coccothraustes vespertinus*  
 Pine, *Pinicola enucleator*  
 Rose-breasted, *Pheucticus ludovicianus*  
 Yellow, *Pheucticus chrysopleps*  
 GROUND-DOVE, Common, *Columbina passerina*  
 Friendly, *Gallicolumba stairi*  
 Ruddy, *Columbina talpacoti*  
 White-throated, *Gallicolumba xanthonura*  
 GUILLEMOT, Black, *Cephus grylle*  
 Pigeon, *Cephus columba*  
 GULL, Belcher's, *Larus belcheri*  
 Black-headed, *Larus ridibundus*  
 Black-tailed, *Larus crassirostris*  
 Bonaparte's, *Larus philadelphia*  
 California, *Larus californicus*  
 [Common Black-headed (see Black-headed)]  
 Franklin's, *Larus pipixcan*  
 Glaucous, *Larus hyperboreus*  
 Glaucous-winged, *Larus glaucescens*  
 Gray-hooded, *Larus cirrocephalus*  
 Great Black-backed, *Larus marinus*  
 Heermann's, *Larus heermanni*  
 Herring, *Larus argentatus*  
 Iceland, *Larus glaucoides*  
 Ivory, *Pagophila eburnea*

- Kelp, *Larus dominicanus*  
Laughing, *Larus atricilla*  
Lesser Black-backed, *Larus fuscus*  
Little, *Larus minutus*  
Mew, *Larus canus*  
Ring-billed, *Larus delawarensis*  
Ross's, *Rhodostethia rosea*  
Sabine's, *Xema sabini*  
Slaty-backed, *Larus schistisagus*  
Thayer's, *Larus thayeri*  
Western, *Larus occidentalis*  
Yellow-footed, *Larus livens*  
Yellow-legged, *Larus michahellis*  
GYRFALCON, *Falco rusticolus*  
HARRIER, Northern, *Circus cyaneus*  
HAWFINCH, *Coccothraustes coccothraustes*  
HAWK, [Asiatic Sparrow (see SPARROWHAWK, Japanese)]  
Broad-winged, *Buteo platypterus*  
Cooper's, *Accipiter cooperii*  
Crane, *Geranospiza caerulescens*  
Ferruginous, *Buteo regalis*  
Gray, *Buteo nitidus*  
Harris's, *Parabuteo unicinctus*  
Hawaiian, *Buteo solitarius*  
Red-shouldered, *Buteo lineatus*  
Red-tailed, *Buteo jamaicensis*  
Roadside, *Buteo magnirostris*  
Rough-legged, *Buteo lagopus*  
Sharp-shinned, *Accipiter striatus*  
Short-tailed, *Buteo brachyurus*  
Swainson's, *Buteo swainsoni*  
White-tailed, *Buteo albicaudatus*  
Zone-tailed, *Buteo albonotatus*  
HAWK-CUCKOO, Hodgson's, *Cuculus fugax*  
[HAWK-OWL, Northern (see OWL, Northern Hawk)]  
HERON, Gray, *Ardea cinerea*  
Great Blue, *Ardea herodias*  
Green, *Butorides virescens*  
[Green-backed (see GREEN)]  
Little Blue, *Egretta caerulea*  
[Pacific Reef (see REEF-EGRET, Pacific)]  
Tricolored, *Egretta tricolor*  
HOBBY, Eurasian, *Falco subbuteo*  
HOPOE, Eurasian, *Upupa epops*  
HOUSE-MARTIN, Common, *Delichon urbicum*  
HUMMINGBIRD, Allen's, *Selasphorus sasin*  
Anna's, *Calypte anna*  
Antillean Crested, *Orthorhyncus cristatus*  
Berylline, *Amazilia beryllina*  
Black-chinned, *Archilochus alexandri*  
Blue-throated, *Lampornis clemenciae*  
Broad-billed, *Cyananthus latirostris*  
Broad-tailed, *Selasphorus platycercus*  
Buff-bellied, *Amazilia yucatanensis*  
Bumblebee, *Atthis heloisa*  
Calliope, *Stellula calliope*  
Cinnamon, *Amazilia rutila*  
Costa's, *Calypte costae*  
Lucifer, *Calothorax lucifer*  
Magnificent, *Eugenes fulgens*  
Ruby-throated, *Archilochus colubris*  
Rufous, *Selasphorus rufus*  
Violet-crowned, *Amazilia violiceps*  
White-eared, *Hylocharis leucotis*  
Xantus's, *Hylocharis xantusii*  
IBIS, Glossy, *Plegadis falcinellus*  
Scarlet, *Eudocimus ruber*  
White, *Eudocimus albus*  
White-faced, *Plegadis chihi*  
IIWI, *Vestiaria coccinea*  
IMPERIAL-PIGEON, Pacific, *Ducula pacifica*  
JABIRU, *Jabiru mycteria*  
JACANA, Northern, *Jacana spinosa*  
JAEGER, Long-tailed, *Stercorarius longicaudus*  
Parasitic, *Stercorarius parasiticus*  
Pomarine, *Stercorarius pomarinus*  
JAY, Blue, *Cyanocitta cristata*  
Brown, *Cyanocorax morio*  
Gray, *Perisoreus canadensis*  
[Gray-breasted (see MEXICAN)]  
Green, *Cyanocorax yncas*  
Mexican, *Aphelocoma ultramarina*  
Pinyon, *Gymnorhinus cyanocephalus*  
[Scrub (see SCRUB-JAY)]  
Steller's, *Cyanocitta stelleri*  
JUNCO, Dark-eyed, *Junco hyemalis*  
Yellow-eyed, *Junco phaeonotus*  
KAKAWAHIE, *Paroreomyza flammea*  
KAMAOU, *Myadestes myadestinus*  
KESTREL, American, *Falco sparverius*  
Eurasian, *Falco tinnunculus*  
KILLDEER, *Charadrius vociferus*  
KINGBIRD, Cassin's, *Tyrannus vociferans*  
Couch's, *Tyrannus couchii*  
Eastern, *Tyrannus tyrannus*  
Gray, *Tyrannus dominicensis*  
Loggerhead, *Tyrannus caudifasciatus*  
Thick-billed, *Tyrannus crassirostris*  
Tropical, *Tyrannus melancholicus*  
Western, *Tyrannus verticalis*  
KINGFISHER, Belted, *Megaceryle alcyon*  
Collared, *Todirhamphus chloris*  
Green, *Chloroceryle americana*  
Micronesian, *Todirhamphus cinnamominus*  
Ringed, *Megaceryle torquata*  
KINGLET, Golden-crowned, *Regulus satrapa*  
Ruby-crowned, *Regulus calendula*  
KISKADEE, Great, *Pitangus sulphuratus*  
KITE, [American Swallow-tailed (see SWALLOW-TAILED)]  
Black, *Milvus migrans*  
[Black-shouldered (see WHITE-TAILED)]  
Hook-billed, *Chondrohierax uncinatus*  
Mississippi, *Ictinia mississippiensis*  
Snail, *Rostrhamus sociabilis*  
Swallow-tailed, *Elanoides forficatus*  
White-tailed, *Elanus leucurus*  
KITTIWAKE, Black-legged, *Rissa tridactyla*  
Red-legged, *Rissa brevirostris*  
KNOT, Great, *Calidris tenuirostris*  
Red, *Calidris canutus*  
LAPWING, Northern, *Vanellus vanellus*  
LARK, Horned, *Eremophila alpestris*  
Sky, *Alauda arvensis*  
LIMPKIN, *Aramus guarauna*  
LIZARD-CUCKOO, Puerto Rican, *Coccyzus vieilloti*  
LONGSPUR, Chestnut-collared, *Calcarius ornatus*  
Lapland, *Calcarius lapponicus*  
McCown's, *Calcarius mccownii*  
Smith's, *Calcarius pictus*  
LOON, Arctic, *Gavia arctica*  
Common, *Gavia immer*  
Pacific, *Gavia pacifica*  
Red-throated, *Gavia stellata*  
Yellow-billed, *Gavia adamsii*  
MAGPIE, Black-billed, *Pica hudsonia*  
Yellow-billed, *Pica nuttalli*  
MALLARD, *Anas platyrhynchos*  
MANGO, Antillean, *Anthracothorax dominicus*  
Green, *Anthracothorax viridis*  
Green-breasted, *Anthracothorax prevostii*  
MARTIN, Brown-chested, *Progne tapera*  
Caribbean, *Progne dominicensis*  
Cuban, *Progne cryptoleuca*  
Gray-breasted, *Progne chalybea*  
Purple, *Progne subis*  
Southern, *Progne elegans*  
MEADOWLARK, Eastern, *Sturnella magna*  
Western, *Sturnella neglecta*  
MERGANSER, Common, *Mergus merganser*  
Hooded, *Lophodytes cucullatus*  
Red-breasted, *Mergus serrator*  
MERLIN, *Falco columbarius*  
MILLERBIRD, *Acrocephalus familiaris*  
MOCKINGBIRD, Bahama, *Mimus gundlachi*  
Blue, *Melanotis caerulescens*  
Northern, *Mimus polyglottos*  
MOORHEN, Common, *Gallinula chloropus*  
MURRE, Common, *Uria aalge*  
Thick-billed, *Uria lomvia*  
MURRELET, Ancient, *Synthliboramphus antiquus*  
Craveri's, *Synthliboramphus craveri*  
Kittlitz's, *Brachyramphus brevirostris*  
Long-billed, *Brachyramphus perdix*  
Marbled, *Brachyramphus marmoratus*  
Xantus's, *Synthliboramphus hypoleucus*  
NEEDLETAIL, White-throated, *Hirundapus caudacutus*  
NIGHT-HERON, Black-crowned, *Nycticorax nycticorax*  
Japanese, *Gorsachius goisagi*  
[Malay (see MALAYAN)]  
Malayan, *Gorsachius melanolophus*  
Yellow-crowned, *Nyctanassa violacea*  
NIGHTHAWK, Antillean, *Chordeiles gundlachi*  
Common, *Chordeiles minor*  
Lesser, *Chordeiles acutipennis*  
NIGHTINGALE-THRUSH, Black-headed, *Catharus mexicanus*  
Orange-billed, *Catharus*

- aurantiiostris*  
NIGHTJAR, Buff-collared, *Caprimulgus ridgwayi*  
Gray, *Caprimulgus indicus* [Jungle (see Gray)]  
Puerto Rican, *Caprimulgus noctitherus*  
NODDY, Black, *Anous minutus*  
Blue-gray, *Procelsterna cerulea*  
Brown, *Anous stolidus* [Lesser (see Black)]  
NUKUPUU, *Hemignathus lucidus*  
NUTCRAKER, Clark's, *Nucifraga columbiana*  
NUTHATCH, Brown-headed, *Sitta pusilla*  
Pygmy, *Sitta pygmaea*  
Red-breasted, *Sitta canadensis*  
White-breasted, *Sitta carolinensis* [OLDSQUAW (see DUCK, Long-tailed)]  
OLOMAO, *Myadestes lanaiensis*  
OMAO, *Myadestes obscurus*  
ORIOLE, Altamira, *Icterus gularis*  
Audubon's, *Icterus graduacauda*  
Baltimore, *Icterus galbula* [Black-cowled (see Greater Antillean)]  
Black-vented, *Icterus wagleri*  
Bullock's, *Icterus bullockii*  
Greater Antillean, *Icterus dominicensis*  
Hooded, *Icterus cucullatus* [Northern (see Baltimore and Bullock's)]  
Orchard, *Icterus spurius*  
Scott's, *Icterus parisorum*  
Streak-backed, *Icterus pustulatus*  
OSPREY, *Pandion haliaetus*  
OU, *Psittirostra psittacea*  
OVENBIRD, *Seiurus aurocapilla*  
OWL, Barn, *Tyto alba*  
Barred, *Strix varia*  
Boreal, *Aegolius funereus*  
Burrowing, *Athene cunicularia*  
Elf, *Micrathene whitneyi*  
Flammulated, *Otus flammeolus*  
Great Gray, *Strix nebulosa*  
Great Horned, *Bubo virginianus*  
Long-eared, *Asio otus*  
Mottled, *Ciccaba virgata*  
Northern Hawk, *Surnia ulula*  
Northern Saw-whet, *Aegolius acadicus*  
Short-eared, *Asio flammeus*  
Snowy, *Bubo scandiacus*  
Spotted, *Strix occidentalis*  
Stygian, *Asio stygius*  
OYSTERCATCHER, American, *Haematopus palliatus*  
Black, *Haematopus bachmani*  
Eurasian, *Haematopus ostralegus*  
PALILA, *Loxioides bailleui*  
PALM-SWIFT, Antillean, *Tachornis phoenicobia*  
PARROTBILL, Maui, *Pseudonestor xanthophrys*  
PARULA, Northern, *Parula americana*  
Tropical, *Parula pitiayumi*  
PAURAQUE, Common, *Nyctidromus albigollis*  
PELICAN, American White, *Pelecanus erythrorhynchos*  
Brown, *Pelecanus occidentalis*  
PETREL, Bermuda, *Pterodroma cahow*  
Black-capped, *Pterodroma hasitata*  
Black-winged, *Pterodroma nigripennis*  
Bonin, *Pterodroma hypoleuca*  
Bulwer's, *Bulweria bulwerii*  
Cook's, *Pterodroma cookii* [Dark-rumped (see Hawaiian)]  
Gould's, *Pterodroma leucoptera*  
Great-winged, *Pterodroma macroptera*  
Hawaiian, *Pterodroma sandwichensis*  
Herald, *Pterodroma arminjoniana*  
Jouanin's, *Bulweria fallax*  
Juan Fernandez, *Pterodroma externa*  
Kermadec, *Pterodroma neglecta*  
Mottled, *Pterodroma inexpectata*  
Murphy's, *Pterodroma ultima*  
Phoenix, *Pterodroma alba*  
Stejneger's, *Pterodroma longirostris*  
Tahiti, *Pterodroma rostrata*  
White-necked, *Pterodroma cervicalis*  
[White-necked, *Pterodroma externa* (see Petrel, Juan Fernandez)]  
PEWEE, Cuban, *Contopus caribaeus*  
Greater, *Contopus pertinax*  
Hispaniolan, *Contopus hispaniolensis*  
Lesser Antillean, *Contopus latirostris*  
PHAINOPEPLA, *Phainopepla nitens*  
PHALAROPE, Red, *Phalaropus fulicarius*  
Red-necked, *Phalaropus lobatus*  
Wilson's, *Phalaropus tricolor*  
PHOEBE, Black, *Sayornis nigricans*  
Eastern, *Sayornis phoebe*  
Say's, *Sayornis saya*  
PIGEON, Band-tailed, *Patagioenas fasciata*  
Plain, *Patagioenas inornata*  
Red-billed, *Patagioenas flavirostris*  
Scaly-naped, *Patagioenas squamosa*  
White-crowned, *Patagioenas leucocephala*  
PINTAIL, Northern, *Anas acuta*  
White-cheeked, *Anas bahamensis*  
PIPIPIT, American, *Anthus rubescens*  
Olive-backed, *Anthus hodgsoni*  
Pechora, *Anthus gustavi*  
Red-throated, *Anthus cervinus*  
Sprague's, *Anthus spragueii*  
Tree, *Anthus trivialis* [Water (see American)]  
PLOVER, Black-bellied, *Pluvialis squatarola*  
Collared, *Charadrius collaris*  
Common Ringed, *Charadrius hiaticula*  
[Great Sand (see Sand-Plover, Greater)]  
Little Ringed, *Charadrius dubius* [Mongolian (see Sand-Plover, Lesser)]  
Mountain, *Charadrius montanus*  
Piping, *Charadrius melodus*  
Semipalmated, *Charadrius semipalmatus*  
Snowy, *Charadrius alexandrinus*  
Wilson's, *Charadrius wilsonia*  
POCHARD, Baer's, *Aythya baeri*  
Common, *Aythya ferina*  
POND-HERON, Chinese, *Ardeola bacchus*  
POORWILL, Common, *Phalaenoptilus nuttallii*  
POO-ULI, *Melamprosops phaeosoma*  
PUAIOHI, *Myadestes palmeri*  
PUFFIN, Atlantic, *Fratercula arctica*  
Horned, *Fratercula corniculata*  
Tufted, *Fratercula cirrhata*  
PYGMY-OWL, Ferruginous, *Glaucidium brasilianum*  
Northern, *Glaucidium gnoma*  
PYRRHULOXIA, *Cardinalis sinuatus*  
QUAIL-DOVE, Bridled, *Geotrygon mystacea*  
Key West, *Geotrygon chrysa*  
Ruddy, *Geotrygon montana*  
QUETZEL, Eared, *Euptilotis neoxenus*  
RAIL, Black, *Laterallus jamaicensis*  
Buff-banded, *Gallirallus philippensis*  
Clapper, *Rallus longirostris*  
Guam, *Gallirallus owstoni*  
King, *Rallus elegans*  
Spotted, *Pardirallus maculatus*  
Virginia, *Rallus limicola*  
Yellow, *Coturnicops noveboracensis*  
RAVEN, Chihuahuan, *Corvus cryptoleucus*  
Common, *Corvus corax*  
RAZORBILL, *Alca torda*  
REDHEAD, *Aythya americana*  
REDPOLL, Common, *Carduelis flammea*  
Hoary, *Carduelis hornemanni*  
REDSHANK, Spotted, *Tringa erythropus*  
REDSTART, American, *Setophaga ruticilla*  
Painted, *Myioborus pictus*  
Slate-throated, *Myioborus miniatus*  
[REED-BUNTING, Common (see BUNTING, Reed)]  
[Pallas' (see BUNTING, Pallas's)]  
REED-WARBLER, Nightingale, *Acrocephalus luscini*  
REEF-EGRET, Pacific, *Egretta sacra*  
REEF-HERON, Western, *Egretta gularis*  
ROADRUNNER, Greater, *Geococcyx californianus*  
ROBIN, American, *Turdus migratorius*  
Clay-colored, *Turdus grayi*  
Rufous-backed, *Turdus rufopalliat*  
Siberian Blue, *Luscinia cyane*  
White-throated, *Turdus assimilis*  
ROSEFINCH, Common, *Carpodacus erythrinus*  
ROSY-FINCH, Black, *Leucosticte atrata*  
Brown-capped, *Leucosticte australis*  
Gray-crowned, *Leucosticte tephrocotis*  
RUBYTHROAT, Siberian, *Luscinia calliope*  
RUFF, *Philomachus pugnax*  
SANDERLING, *Calidris alba*  
SANDPIPER, Baird's, *Calidris bairdii*  
Broad-billed, *Limicola falcinellus*  
Buff-breasted, *Tryngites subruficollis*  
Common, *Actitis hypoleucos*  
Curlew, *Calidris ferruginea*  
Green, *Tringa ochropus*

- Least, *Calidris minutilla*  
Marsh, *Tringa stagnatilis*  
Pectoral, *Calidris melanotos*  
Purple, *Calidris maritima*  
Rock, *Calidris ptilocnemis*  
Semipalmated, *Calidris pusilla*  
Sharp-tailed, *Calidris acuminata*  
Solitary, *Tringa solitaria*  
[Spoonbill (see Spoon-billed)]  
Spoon-billed, *Eurynorhynchus pygmeus*  
Spotted, *Actitis macularia*  
Stilt, *Calidris himantopus*  
Terek, *Xenus cinereus*  
Upland, *Bartramia longicauda*  
Western, *Calidris mauri*  
White-rumped, *Calidris fuscicollis*  
Wood, *Tringa glareola*
- SAND-POLOVER, Greater, *Charadrius leschenaultii*  
Lesser, *Charadrius mongolus*
- SAPSUCKER, Red-breasted, *Sphyrapicus ruber*  
Red-naped, *Sphyrapicus nuchalis*  
Williamson's, *Sphyrapicus thyroideus*  
Yellow-bellied, *Sphyrapicus varius*
- SCAUP, Greater, *Aythya marila*  
Lesser, *Aythya affinis*
- SCOPS-OWL, Oriental, *Otus sunia*
- SCOTER, Black, *Melanitta nigra*  
Surf, *Melanitta perspicillata*  
White-winged, *Melanitta fusca*
- SCREECH-OWL, Eastern, *Megascops asio*  
Puerto Rican, *Megascops nudipes*  
Western, *Megascops kennicottii*  
Whiskered, *Megascops trichopsis*
- SCRUB-JAY, Florida, *Aphelocoma coerulescens*  
Island, *Aphelocoma insularis*  
Western, *Aphelocoma californica*
- SEA-EAGLE, Steller's, *Haliaeetus pelagicus*
- SEEDEATER, White-collared, *Sporophila torqueola*
- SHEARWATER, Audubon's, *Puffinus lherminieri*  
Black-vented, *Puffinus opisthomelas*  
Buller's, *Puffinus bulleri*  
Cape Verde, *Calonectris edwardsii*  
Christmas, *Puffinus nativitatis*  
Cory's, *Calonectris diomedea*  
Flesh-footed, *Puffinus carneipes*  
Greater, *Puffinus gravis*  
Little, *Puffinus assimilis*  
Manx, *Puffinus puffinus*  
Pink-footed, *Puffinus creatopus*  
Short-tailed, *Puffinus tenuirostris*  
Sooty, *Puffinus griseus*  
Streaked, *Calonectris leucomelas*  
Townsend's, *Puffinus auricularis*  
Wedge-tailed, *Puffinus pacificus*
- SHOVELER, Northern, *Anas clypeata*
- SHRIKE, Brown, *Lanius cristatus*  
Loggerhead, *Lanius ludovicianus*  
Northern, *Lanius excubitor*
- SILKY-FLYCATCHER, Gray, *Ptilononyx cinereus*
- SISKIN, Eurasian, *Carduelis pinus*
- Pine, *Carduelis pinus*
- SKIMMER, Black, *Rynchops niger*
- SKUA, Great, *Stercorarius skua*  
South Polar, *Stercorarius maccormicki*
- [SKYLARK, Eurasian (see LARK, Sky)]
- SMEW, *Mergellus albellus*
- SNIPE, Common, *Gallinago gallinago*  
(rare in western Alaska; also see SNIPE, Wilson's)  
Jack, *Lymnocyptes minimus*  
Pin-tailed, *Gallinago stenura*  
Swinhoe's, *Gallinago megala*  
Wilson's, *Gallinago delicata* (the "common" snipe hunted in most of the U.S.)
- SOLITAIRE, Townsend's, *Myadestes townsendi*
- SORA, *Porzana carolina*
- SPARROW, American Tree, *Spizella arborea*  
Bachman's, *Aimophila aestivalis*  
Baird's, *Ammodramus bairdii*  
Black-chinned, *Spizella atrogularis*  
Black-throated, *Amphispiza bilineata*  
Botteri's, *Aimophila botterii*  
Brewer's, *Spizella breweri*  
Cassin's, *Aimophila cassinii*  
Chipping, *Spizella passerina*  
Clay-colored, *Spizella pallida*  
Field, *Spizella pusilla*  
Five-striped, *Aimophila quinquestriata*  
Fox, *Passerella iliaca*  
Golden-crowned, *Zonotrichia atricapilla*  
Grasshopper, *Ammodramus savannarum*  
Harris's, *Zonotrichia querula*  
Henslow's, *Ammodramus henslowii*  
Lark, *Chondestes grammacus*  
Le Conte's, *Ammodramus leconteii*  
Lincoln's, *Melospiza lincolni*  
Nelson's Sharp-tailed, *Ammodramus nelsoni*  
Olive, *Arremonops rufivirgatus*  
Rufous-crowned, *Aimophila ruficeps*  
Rufous-winged, *Aimophila carpalis*  
Sage, *Amphispiza belli*  
Saltmarsh Sharp-tailed, *Ammodramus caudacutus*  
Savannah, *Passerculus sandwichensis*  
Seaside, *Ammodramus maritimus*  
[Sharp-tailed (see Nelson's Sharp-tailed and Saltmarsh Sharp-tailed)]  
Song, *Melospiza melodia*  
Swamp, *Melospiza georgiana*  
Vesper, *Pooecetes gramineus*  
White-crowned, *Zonotrichia leucophrys*  
White-throated, *Zonotrichia albicollis*  
Worthen's, *Spizella wortheni*
- SPARROWHAWK, Japanese, *Accipiter gularis*
- SPINDALIS, Puerto Rican, *Spindalis portoricensis*  
Western, *Spindalis zena*
- SPOONBILL, Roseate, *Platalea ajaja*
- STARLING, [Ashy (see White-cheeked)]
- Chestnut-cheeked, *Sturnus philippensis*  
[Violet-backed (see Chestnut-cheeked)]  
White-cheeked, *Sturnus cineraceus*
- STARTRHROAT, Plain-capped, *Helimaster constantii*
- STILT, Black-necked, *Himantopus mexicanus*  
Black-winged, *Himantopus himantopus*
- STINT, Little, *Calidris minuta*  
Long-toed, *Calidris subminuta*  
Red-necked, *Calidris ruficollis*  
[Rufous-necked (see Red-necked)]  
Temminck's, *Calidris temminckii*
- STONECHAT, *Saxicola torquatus*
- STORK, Wood, *Mycteria americana*
- STORM-PETREL, Ashy, *Oceanodroma homochroa*  
Band-rumped, *Oceanodroma castro*  
Black, *Oceanodroma melania*  
Black-bellied, *Fregatta tropica*  
Fork-tailed, *Oceanodroma furcata*  
Leach's, *Oceanodroma leucorhoa*  
Least, *Oceanodroma microsoma*  
Matsudaira's, *Oceanodroma matsudairae*  
Polynesian, *Nesofregata fuliginosa*  
Ringed, *Oceanodroma hornbyi*  
[Sooty (see Tristram's)]  
Tristram's, *Oceanodroma tristrami*  
Wedge-rumped, *Oceanodroma tethys*  
White-faced, *Pelagodroma marina*  
White-bellied, *Fregatta grallaria*  
Wilson's, *Oceanites oceanicus*
- SURFBIRD, *Aphriza virgata*
- SWALLOW, Bahama, *Tachycineta cyaneoviridis*  
Bank, *Riparia riparia*  
Barn, *Hirundo rustica*  
Cave, *Petrochelidon fulva*  
Cliff, *Petrochelidon pyrrhonota*  
Mangrove, *Tachycineta albilinea*  
Northern Rough-winged, *Stelgidopteryx serripennis*  
Tree, *Tachycineta bicolor*  
Violet-green, *Tachycineta thalassina*
- SWAMPHEN, Purple, *Porphyrio porphyrio*
- SWAN, Trumpeter, *Cygnus buccinator*  
Tundra, *Cygnus columbianus*  
Whooper, *Cygnus cygnus*
- SWIFT, Alpine, *Apus melba*  
[Antillean Palm (see PALM-SWIFT, Antillean)]  
Black, *Cypseloides niger*  
Chimney, *Chaetura pelagica*  
Common, *Apus apus*  
Fork-tailed, *Apus pacificus*  
Short-tailed, *Chaetura brachyura*  
Vaux's, *Chaetura vauxi*  
White-collared, *Streptoprocne zonaris*  
White-throated, *Aeronautes saxatalis*
- SWIFTLET, Mariana, *Aerodramus bartschi*  
White-rumped, *Aerodramus spodiopygius*
- TANAGER, Flame-colored, *Piranga bidentata*

- Hepatic, *Piranga flava*  
 Puerto Rican, *Nesospingus speculariferus*  
 Scarlet, *Piranga olivacea*  
 [Stripe-headed (see SPINDALIS, Puerto Rican and Western)]  
 Summer, *Piranga rubra*  
 Western, *Piranga ludoviciana*
- TATTLER, Gray-tailed, *Tringa brevipes*  
 Wandering, *Tringa incana*
- TEAL, Baikal, *Anas formosa*  
 Blue-winged, *Anas discors*  
 Cinnamon, *Anas cyanoptera*  
 [Falcated (see DUCK, Falcated)]  
 Green-winged, *Anas crecca*
- TERN, Aleutian, *Onychoprion aleuticus*  
 Arctic, *Sterna paradisaea*  
 Black, *Chlidonias niger*  
 Black-naped, *Sterna sumatrana*  
 Bridled, *Onychoprion anaethetus*  
 Caspian, *Hydroprogne caspia*  
 Common, *Sterna hirundo*  
 Elegant, *Thalasseus elegans*  
 Forster's, *Sterna forsteri*  
 Gray-backed, *Onychoprion lunatus*  
 Great Crested, *Thalasseus bergii*  
 Gull-billed, *Gelochelidon nilotica*  
 Large-billed, *Phaetusa simplex*  
 Least, *Sternula antillarum*  
 Little, *Sternula albifrons*  
 Roseate, *Sterna dougallii*  
 Royal, *Thalasseus maximus*  
 Sandwich, *Thalasseus sandvicensis*  
 Sooty, *Onychoprion fuscatus*  
 Whiskered, *Chlidonias hybrida*  
 White, *Gygis alba*  
 White-winged, *Chlidonias leucopterus*
- THRASHER, Bendire's, *Toxostoma bendirei*  
 Brown, *Toxostoma rufum*  
 California, *Toxostoma redivivum*  
 Crissal, *Toxostoma crissale*  
 Curve-billed, *Toxostoma curvirostre*  
 Le Conte's, *Toxostoma lecontei*  
 Long-billed, *Toxostoma longirostre*  
 Pearly-eyed, *Margarops fuscatus*  
 Sage, *Oreoscoptes montanus*
- THRUSH, Aztec, *Ridgwayia pinicola*  
 Bicknell's, *Catharus bicknelli*  
 Blue Rock, *Monticola solitarius*  
 Dusky, *Turdus naumanni*  
 Eyebrowed, *Turdus obscurus*  
 Gray-cheeked, *Catharus minimus*  
 [Hawaiian (see KAMAO, OLOMAO, and OMAO)]  
 Hermit, *Catharus guttatus*  
 Red-legged, *Turdus plumbeus*  
 [Small Kauai (see PUAIOHI)]  
 Swainson's, *Catharus ustulatus*  
 Varied, *Ixoreus naevius*  
 Wood, *Hylocichla mustelina*  
 [TIT, Siberian (see CHICKADEE, Gray-headed)]
- TITMOUSE, Black-crested, *Baeolophus atricristatus*  
 Bridled, *Baeolophus wollweberi*  
 Juniper, *Baeolophus ridgwayi*  
 Oak, *Baeolophus inornatus*  
 [Plain (see Juniper and Oak)]  
 Tufted, *Baeolophus bicolor*
- TITYRA, Masked, *Tityra semifasciata*
- TOWHEE, Abert's, *Pipilo aberti*  
 [Brown (see California and Canyon)]  
 California, *Pipilo crissalis*  
 Canyon, *Pipilo fuscus*  
 Eastern, *Pipilo erythrophthalmus*  
 Green-tailed, *Pipilo chlorurus*  
 [Rufous-sided (see Eastern and Spotted)]  
 Spotted, *Pipilo maculatus*
- [TREE-PIPIT, Olive (see PIPIT, Olive-backed)]
- TROGON, [Eared (see QUETZEL, Eared)]  
 Elegant, *Trogon elegans*
- TROPICBIRD, Red-billed, *Phaethon aethereus*  
 Red-tailed, *Phaethon rubricauda*  
 White-tailed, *Phaethon lepturus*
- TURNSTONE, Black, *Arenaria melanocephala*  
 Ruddy, *Arenaria interpres*
- TURTLE-DOVE, Oriental, *Streptopelia orientalis*
- VEERY, *Catharus fuscescens*
- VERDIN, *Auriparus flaviceps*
- VIOLET-EAR, Green, *Colibri thalassinus*
- VIREO, Bell's, *Vireo bellii*  
 Black-capped, *Vireo atricapillus*  
 Black-whiskered, *Vireo altiloquus*  
 Blue-headed, *Vireo solitarius*  
 Cassin's, *Vireo cassinii*  
 Gray, *Vireo vicinior*  
 Hutton's, *Vireo huttoni*  
 Philadelphia, *Vireo philadelphicus*  
 Plumbeous, *Vireo plumbeus*  
 Puerto Rican, *Vireo latimeri*  
 Red-eyed, *Vireo olivaceus*  
 [Solitary (see Blue-headed, Cassin's, and Plumbeous)]  
 Thick-billed, *Vireo crassirostris*  
 Warbling, *Vireo gilvus*  
 White-eyed, *Vireo griseus*  
 Yellow-green, *Vireo flavoviridis*  
 Yellow-throated, *Vireo flavifrons*  
 Yucatan, *Vireo magister*
- VULTURE, Black, *Coragyps atratus*  
 Turkey, *Cathartes aura*
- WAGTAIL, [Black-backed (see White)]  
 Citrine, *Motacilla citreola*  
 Eastern Yellow, *Motacilla tschutschensis*  
 Gray, *Motacilla cinerea*  
 White, *Motacilla alba*  
 [Yellow (see Eastern Yellow)]
- WARBLER, Adelaide's, *Dendroica adelaidae*  
 Arctic, *Phylloscopus borealis*  
 Bachman's, *Vermivora bachmanii*  
 Bay-breasted, *Dendroica castanea*  
 Black-and-white, *Mniotilta varia*  
 Black-throated Blue, *Dendroica caerulescens*  
 Black-throated Gray, *Dendroica nigrescens*  
 Black-throated Green, *Dendroica virens*  
 Blackburnian, *Dendroica fusca*  
 Blackpoll, *Dendroica striata*  
 Blue-winged, *Vermivora pinus*  
 Canada, *Wilsonia canadensis*  
 Cape May, *Dendroica tigrina*  
 Cerulean, *Dendroica cerulea*  
 Chestnut-sided, *Dendroica pennsylvanica*  
 Colima, *Vermivora crissalis*  
 Connecticut, *Oporornis agilis*  
 Crescent-chested, *Parula superciliosa*  
 Dusky, *Phylloscopus fuscatus*  
 Elfin-woods, *Dendroica angelae*  
 Fan-tailed, *Euthlypis lachrymosa*  
 Golden-cheeked, *Dendroica chrysoparia*  
 Golden-crowned, *Basileuterus culicivorus*  
 Golden-winged, *Vermivora chrysoptera*  
 Grace's, *Dendroica graciae*  
 Hermit, *Dendroica occidentalis*  
 Hooded, *Wilsonia citrina*  
 Kentucky, *Oporornis formosus*  
 Kirtland's, *Dendroica kirtlandii*  
 Lanceolated, *Locustella lanceolata*  
 Lucy's, *Vermivora luciae*  
 MacGillivray's, *Oporornis tolmiei*  
 Magnolia, *Dendroica magnolia*  
 Mourning, *Oporornis philadelphia*  
 Nashville, *Vermivora ruficapilla*  
 Olive, *Peucedramus taeniatus*  
 Orange-crowned, *Vermivora celata*  
 Palm, *Dendroica palmarum*  
 Pine, *Dendroica pinus*  
 Prairie, *Dendroica discolor*  
 Prothonotary, *Protonotaria citrea*  
 Red-faced, *Cardellina rubrifrons*  
 Rufous-capped, *Basileuterus rufifrons*  
 Swainson's, *Limnothlypis swainsonii*  
 Tennessee, *Vermivora peregrina*  
 Townsend's, *Dendroica townsendi*  
 Virginia's, *Vermivora virginiae*  
 Willow, *Phylloscopus trochilus*  
 Wilson's, *Wilsonia pusilla*  
 Wood, *Phylloscopus sialatrix*  
 Worm-eating, *Helmitheros vermivorum*  
 Yellow, *Dendroica petechia*  
 Yellow-browed, *Phylloscopus inornatus*  
 Yellow-rumped, *Dendroica coronata*  
 Yellow-throated, *Dendroica dominica*
- WATERTHRUSH, Louisiana, *Seiurus motacilla*  
 Northern, *Seiurus noveboracensis*
- WAXWING, Bohemian, *Bombycilla garrulus*  
 Cedar, *Bombycilla cedrorum*
- WHEATEAR, Northern, *Oenanthe oenanthe*
- WHIMBREL, *Numenius phaeopus*
- WHIP-POOR-WILL, *Caprimulgus vociferus*
- WHISTLING-DUCK, Black-bellied, *Dendrocygna autumnalis*  
 Fulvous, *Dendrocygna bicolor*  
 West Indian, *Dendrocygna arborea*
- WHITETHROAT, Lesser, *Sylvia curruca*



- WIGEON, American, *Anas americana*  
Eurasian, *Anas penelope*
- WILLET, *Tringa semipalmata*
- WOOD-PEWEE, Eastern, *Contopus virens*  
Western, *Contopus sordidulus*
- WOODCOCK, American, *Scolopax minor*  
Eurasian, *Scolopax rusticola*
- WOODPECKER, Acorn, *Melanerpes formicivorus*  
American Three-toed, *Picoides dorsalis*  
Arizona, *Picoides arizonae*  
Black-backed, *Picoides arcticus*  
Downy, *Picoides pubescens*  
Gila, *Melanerpes uropygialis*  
Golden-fronted, *Melanerpes aurifrons*  
Great Spotted, *Dendrocopos major*  
Hairy, *Picoides villosus*  
Ivory-billed, *Campephilus principalis*  
Ladder-backed, *Picoides scalaris*  
Lewis's, *Melanerpes lewis*  
Nuttall's, *Picoides nuttallii*  
Pileated, *Dryocopus pileatus*  
Puerto Rican, *Melanerpes portoricensis*  
Red-bellied, *Melanerpes carolinus*  
Red-cockaded, *Picoides borealis*  
Red-headed, *Melanerpes erythrocephalus*  
[Strickland's (see Arizona)]  
[Three-toed (see American Three-toed)]  
White-headed, *Picoides albolarvatus*
- WOODSTAR, Bahama, *Calliphlox evelynae*
- WREN, Bewick's, *Thryomanes bewickii*  
Cactus, *Campylorhynchus brunneicapillus*  
Canyon, *Catherpes mexicanus*  
Carolina, *Thryothorus ludovicianus*  
House, *Troglodytes aedon*  
Marsh, *Cistothorus palustris*  
Rock, *Salpinctes obsoletus*  
Sedge, *Cistothorus platensis*  
Winter, *Troglodytes troglodytes*
- WRYNECK, Eurasian, *Jynx torquilla*
- YELLOWLEGS, Greater, *Tringa melanoleuca*  
Lesser, *Tringa flavipes*
- YELLOWTHROAT, Common, *Geothlypis trichas*  
Gray-crowned, *Geothlypis poliocephala*
- (2) *Taxonomic listing*. Species are listed in phylogenetic sequence by scientific name, with the common (English) name following the scientific name. To help clarify species relationships, we also list the higher-level taxonomic categories of Order, Family, and Subfamily.
- Order ANSERIFORMES  
Family ANATIDAE  
Subfamily DENDROCYGNINAE  
*Dendrocygna autumnalis*, Black-bellied Whistling-Duck  
*Dendrocygna arborea*, West Indian Whistling-Duck  
*Dendrocygna bicolor*, Fulvous Whistling-Duck  
Subfamily ANSERINAE  
*Anser fabalis*, Taiga Bean-Goose  
*Anser serrirostris*, Tundra Bean-Goose  
*Anser albifrons*, Greater White-fronted Goose  
*Anser erythropus*, Lesser White-fronted Goose  
*Chen canagica*, Emperor Goose  
*Chen caerulescens*, Snow Goose  
*Chen rossii*, Ross's Goose  
*Branta bernicla*, Brant  
*Branta leucopsis*, Barnacle Goose  
*Branta canadensis*, Canada Goose (including *Branta hutchinsii*, Cackling Goose)  
*Branta sandvicensis*, Hawaiian Goose  
*Cygnus buccinator*, Trumpeter Swan  
*Cygnus columbianus*, Tundra Swan  
*Cygnus cygnus*, Whooper Swan  
Subfamily ANATINAE  
*Cairina moschata*, Muscovy Duck  
*Aix sponsa*, Wood Duck  
*Anas strepera*, Gadwall  
*Anas falcata*, Falcated Duck  
*Anas penelope*, Eurasian Wigeon  
*Anas americana*, American Wigeon  
*Anas rubripes*, American Black Duck  
*Anas platyrhynchos*, Mallard  
*Anas fulvigula*, Mottled Duck  
*Anas wyvilliana*, Hawaiian Duck  
*Anas laysanensis*, Laysan Duck  
*Anas poecilorhyncha*, Spot-billed Duck  
*Anas superciliosa*, Pacific Black Duck  
*Anas discors*, Blue-winged Teal  
*Anas cyanoptera*, Cinnamon Teal  
*Anas clypeata*, Northern Shoveler  
*Anas bahamensis*, White-cheeked Pintail  
*Anas acuta*, Northern Pintail  
*Anas querquedula*, Garganey  
*Anas formosa*, Baikal Teal  
*Anas crecca*, Green-winged Teal  
*Aythya valisineria*, Canvasback  
*Aythya americana*, Redhead  
*Aythya ferina*, Common Pochard  
*Aythya baeri*, Baer's Pochard  
*Aythya collaris*, Ring-necked Duck  
*Aythya fuligula*, Tufted Duck  
*Aythya marila*, Greater Scaup  
*Aythya affinis*, Lesser Scaup  
*Polysticta stelleri*, Steller's Eider  
*Somateria fischeri*, Spectacled Eider  
*Somateria spectabilis*, King Eider  
*Somateria mollissima*, Common Eider  
*Histrionicus histrionicus*, Harlequin Duck  
*Melanitta perspicillata*, Surf Scoter  
*Melanitta fusca*, White-winged Scoter  
*Melanitta nigra*, Black Scoter  
*Clangula hyemalis*, Long-tailed Duck  
*Bucephala albeola*, Bufflehead  
*Bucephala clangula*, Common Goldeneye  
*Bucephala islandica*, Barrow's Goldeneye  
*Mergellus albellus*, Smew  
*Lophodytes cucullatus*, Hooded Merganser  
*Mergus merganser*, Common Merganser  
*Mergus serrator*, Red-breasted Merganser  
*Nomonyx dominicus*, Masked Duck  
*Oxyura jamaicensis*, Ruddy Duck  
Order GAVIIFORMES  
Family GAVIIDAE  
*Gavia stellata*, Red-throated Loon  
*Gavia arctica*, Arctic Loon  
*Gavia pacifica*, Pacific Loon  
*Gavia immer*, Common Loon  
*Gavia adamsii*, Yellow-billed Loon  
Order PODICIPEDIFORMES  
Family PODICIPEDIDAE  
*Tachybaptus dominicus*, Least Grebe  
*Podilymbus podiceps*, Pied-billed Grebe  
*Podiceps auritus*, Horned Grebe  
*Podiceps grisegena*, Red-necked Grebe  
*Podiceps nigricollis*, Eared Grebe  
*Aechmophorus occidentalis*, Western Grebe  
*Aechmophorus clarkii*, Clark's Grebe  
Order PROCELLARIIFORMES  
Family DIOMEDEIDAE  
*Thalassarche chlororhynchos*, Yellow-nosed Albatross  
*Thalassarche cauta*, Shy Albatross  
*Thalassarche melanophris*, Black-browed Albatross  
*Phoebastria palpebrata*, Light-mantled Albatross  
*Diomedea exulans*, Wandering Albatross  
*Phoebastria immutabilis*, Laysan Albatross  
*Phoebastria nigripes*, Black-footed Albatross  
*Phoebastria albatrus*, Short-tailed Albatross  
Family PROCELLARIIDAE  
*Fulmarus glacialis*, Northern Fulmar  
*Pterodroma macroptera*, Great-winged Petrel  
*Pterodroma neglecta*, Kermadec Petrel  
*Pterodroma arminjoniana*, Herald Petrel  
*Pterodroma ultima*, Murphy's Petrel  
*Pterodroma inexpectata*, Mottled Petrel  
*Pterodroma cahow*, Bermuda Petrel  
*Pterodroma hasitata*, Black-capped Petrel  
*Pterodroma externa*, Juan Fernandez Petrel  
*Pterodroma sandwichensis*, Hawaiian Petrel  
*Pterodroma cervicalis*, White-necked Petrel  
*Pterodroma hypoleuca*, Bonin Petrel  
*Pterodroma nigripennis*, Black-winged Petrel  
*Pterodroma cookii*, Cook's Petrel  
*Pterodroma longirostris*, Stejneger's

- Petrel  
*Pterodroma alba*, Phoenix Petrel  
*Pterodroma leucoptera*, Gould's Petrel  
*Pterodroma rostrata*, Tahiti Petrel  
*Bulweria bulwerii*, Bulwer's Petrel  
*Bulweria fallax*, Jouanin's Petrel  
*Calonectris leucomelas*, Streaked Shearwater  
*Calonectris diomedea*, Cory's Shearwater  
*Calonectris edwardsii*, Cape Verde Shearwater  
*Puffinus creatopus*, Pink-footed Shearwater  
*Puffinus carneipes*, Flesh-footed Shearwater  
*Puffinus gravis*, Greater Shearwater  
*Puffinus pacificus*, Wedge-tailed Shearwater  
*Puffinus bulleri*, Buller's Shearwater  
*Puffinus griseus*, Sooty Shearwater  
*Puffinus tenuirostris*, Short-tailed Shearwater  
*Puffinus nativitatis*, Christmas Shearwater  
*Puffinus puffinus*, Manx Shearwater  
*Puffinus auricularis*, Townsend's Shearwater  
*Puffinus opisthomelas*, Black-vented Shearwater  
*Puffinus lherminieri*, Audubon's Shearwater  
*Puffinus assimilis*, Little Shearwater
- Family HYDROBATIDAE  
*Oceanites oceanicus*, Wilson's Storm-Petrel  
*Pelagodroma marina*, White-faced Storm-Petrel  
*Fregatta tropica*, Black-bellied Storm-Petrel  
*Fregatta grallaria*, White-bellied Storm-Petrel  
*Nesofregatta fuliginosa*, Polynesian Storm-Petrel  
*Oceanodroma furcata*, Fork-tailed Storm-Petrel  
*Oceanodroma hornbyi*, Ringed Storm-Petrel  
*Oceanodroma leucorhoa*, Leach's Storm-Petrel  
*Oceanodroma homochroa*, Ashy Storm-Petrel  
*Oceanodroma castro*, Band-rumped Storm-Petrel  
*Oceanodroma tethys*, Wedge-rumped Storm-Petrel  
*Oceanodroma matsudairae*, Matsudaira's Storm-Petrel  
*Oceanodroma melania*, Black Storm-Petrel  
*Oceanodroma tristrami*, Tristram's Storm-Petrel  
*Oceanodroma microsoma*, Least Storm-Petrel
- Order PELECANIFORMES  
Family PHAETHONTIDAE  
*Phaethon lepturus*, White-tailed Tropicbird  
*Phaethon aethereus*, Red-billed Tropicbird  
*Phaethon rubricauda*, Red-tailed Tropicbird
- Family SULIDAE  
*Sula dactylatra*, Masked Booby  
*Sula nebouxii*, Blue-footed Booby  
*Sula leucogaster*, Brown Booby  
*Sula sula*, Red-footed Booby  
*Morus bassanus*, Northern Gannet
- Family PELECANIDAE  
*Pelecanus erythrorhynchos*, American White Pelican  
*Pelecanus occidentalis*, Brown Pelican
- Family PHALACROCORACIDAE  
*Phalacrocorax melanoleucos*, Little Pied Cormorant  
*Phalacrocorax penicillatus*, Brandt's Cormorant  
*Phalacrocorax brasilianus*, Neotropical Cormorant  
*Phalacrocorax auritus*, Double-crested Cormorant  
*Phalacrocorax carbo*, Great Cormorant  
*Phalacrocorax urile*, Red-faced Cormorant  
*Phalacrocorax pelagicus*, Pelagic Cormorant
- Family ANHINGIDAE  
*Anhinga anhinga*, Anhinga
- Family FREGATIDAE  
*Fregata magnificens*, Magnificent Frigatebird  
*Fregata minor*, Great Frigatebird  
*Fregata ariel*, Lesser Frigatebird
- Order CICONIIFORMES  
Family ARDEIDAE  
*Botaurus lentiginosus*, American Bittern  
*Ixobrychus sinensis*, Yellow Bittern  
*Ixobrychus exilis*, Least Bittern  
*Ixobrychus eurhythmus*, Schrenck's Bittern  
*Ixobrychus flavicollis*, Black Bittern  
*Ardea herodias*, Great Blue Heron  
*Ardea cinerea*, Gray Heron  
*Ardea alba*, Great Egret  
*Mesophoyx intermedia*, Intermediate Egret  
*Egretta eulophotes*, Chinese Egret  
*Egretta garzetta*, Little Egret  
*Egretta sacra*, Pacific Reef-Egret  
*Egretta gularis*, Western Reef-Heron  
*Egretta thula*, Snowy Egret  
*Egretta caerulea*, Little Blue Heron  
*Egretta tricolor*, Tricolored Heron  
*Egretta rufescens*, Reddish Egret  
*Bubulcus ibis*, Cattle Egret  
*Ardeola bacchus*, Chinese Pond-Heron  
*Butorides virescens*, Green Heron  
*Nycticorax nycticorax*, Black-crowned Night-Heron  
*Nyctanassa violacea*, Yellow-crowned Night-Heron  
*Gorsachius goesagi*, Japanese Night-Heron  
*Gorsachius melanolophus*, Malayan Night-Heron
- Family THRESKIORNITHIDAE  
Subfamily THRESKIORNITHINAE  
*Eudocimus albus*, White Ibis  
*Eudocimus ruber*, Scarlet Ibis  
*Plegadis falcinellus*, Glossy Ibis  
*Plegadis chihi*, White-faced Ibis
- Subfamily PLATALEINAE  
*Platalea ajaja*, Roseate Spoonbill
- Family CICONIIDAE  
*Jabiru mycteria*, Jabiru  
*Mycteria americana*, Wood Stork
- Order PHOENICOPTERIFORMES  
Family PHOENICOPTERIDAE  
*Phoenicopterus ruber*, Greater Flamingo
- Order FALCONIFORMES  
Family CATHARTIDAE  
*Coragyps atratus*, Black Vulture  
*Cathartes aura*, Turkey Vulture  
*Gymnogyps californianus*, California Condor
- Family ACCIPITRIDAE  
Subfamily PANDIONINAE  
*Pandion haliaetus*, Osprey
- Subfamily ACCIPITRINAE  
*Chondrohierax uncinatus*, Hook-billed Kite  
*Elanoides forficatus*, Swallow-tailed Kite  
*Elanus leucurus*, White-tailed Kite  
*Rostrhamus sociabilis*, Snail Kite  
*Ictinia mississippiensis*, Mississippi Kite  
*Milvus migrans*, Black Kite  
*Haliaeetus leucocephalus*, Bald Eagle  
*Haliaeetus albicilla*, White-tailed Eagle  
*Haliaeetus pelagicus*, Steller's Sea-Eagle  
*Circus cyaneus*, Northern Harrier  
*Accipiter soloensis*, Gray Frog-Hawk  
*Accipiter gularis*, Japanese Sparrowhawk  
*Accipiter striatus*, Sharp-shinned Hawk  
*Accipiter cooperii*, Cooper's Hawk  
*Accipiter gentilis*, Northern Goshawk  
*Geranospiza caerulescens*, Crane Hawk  
*Buteogallus anthracinus*, Common Black-Hawk  
*Parabuteo unicinctus*, Harris's Hawk  
*Buteo magnirostris*, Roadside Hawk  
*Buteo lineatus*, Red-shouldered Hawk  
*Buteo platypterus*, Broad-winged Hawk  
*Buteo nitidus*, Gray Hawk  
*Buteo brachyurus*, Short-tailed Hawk  
*Buteo swainsoni*, Swainson's Hawk  
*Buteo albicaudatus*, White-tailed Hawk  
*Buteo albonotatus*, Zone-tailed Hawk  
*Buteo solitarius*, Hawaiian Hawk  
*Buteo jamaicensis*, Red-tailed Hawk  
*Buteo regalis*, Ferruginous Hawk  
*Buteo lagopus*, Rough-legged Hawk  
*Aquila chrysaetos*, Golden Eagle
- Family FALCONIDAE  
Subfamily MICRASTURINAE

- Micrastur semitorquatus*, Collared Forest-Falcon  
Subfamily CARACARINAE  
*Caracara cheriway*, Crested Caracara  
Subfamily FALCONINAE  
*Falco tinnunculus*, Eurasian Kestrel  
*Falco sparverius*, American Kestrel  
*Falco vespertinus*, Red-footed Falcon  
*Falco columbarius*, Merlin  
*Falco subbuteo*, Eurasian Hobby  
*Falco femoralis*, Aplomado Falcon  
*Falco rusticolus*, Gyrfalcon  
*Falco peregrinus*, Peregrine Falcon  
*Falco mexicanus*, Prairie Falcon  
Order GRUIFORMES  
Family RALLIDAE  
*Coturnicops noveboracensis*, Yellow Rail  
*Laterallus jamaicensis*, Black Rail  
*Gallirallus philippensis*, Buff-banded Rail  
*Gallirallus owstoni*, Guam Rail  
*Crex crex*, Corn Crane  
*Rallus longirostris*, Clapper Rail  
*Rallus elegans*, King Rail  
*Rallus limicola*, Virginia Rail  
*Porzana carolina*, Sora  
*Porzana tabuensis*, Spotless Crane  
*Porzana flaviventer*, Yellow-breasted Crane  
*Neocrex erythrops*, Paint-billed Crane  
*Pardirallus maculatus*, Spotted Rail  
*Porphyrio martinica*, Purple Gallinule  
*Porphyrio porphyrio*, Purple Swamphen  
*Porphyrio flavirostris*, Azure Gallinule  
*Gallinula chloropus*, Common Moorhen  
*Fulica atra*, Eurasian Coot  
*Fulica alai*, Hawaiian Coot  
*Fulica americana*, American Coot  
*Fulica caribaea*, Caribbean Coot  
Family ARAMIDAE  
*Aramus guarana*, Limpkin  
Family GRUIDAE  
*Grus canadensis*, Sandhill Crane  
*Grus grus*, Common Crane  
*Grus americana*, Whooping Crane  
Order CHARADRIIFORMES  
Family CHARADRIIDAE  
Subfamily VANELLINAE  
*Vanellus vanellus*, Northern Lapwing  
Subfamily CHARADRIINAE  
*Pluvialis squatarola*, Black-bellied Plover  
*Pluvialis apricaria*, European Golden-Plover  
*Pluvialis dominica*, American Golden-Plover  
*Pluvialis fulva*, Pacific Golden-Plover  
*Charadrius mongolus*, Lesser Sand-Plover  
*Charadrius leschenaultii*, Greater Sand-Plover  
*Charadrius collaris*, Collared Plover  
*Charadrius alexandrinus*, Snowy Plover  
*Charadrius wilsonia*, Wilson's Plover  
*Charadrius hiaticula*, Common Ringed Plover  
*Charadrius semipalmatus*, Semipalmated Plover  
*Charadrius melodus*, Piping Plover  
*Charadrius dubius*, Little Ringed Plover  
*Charadrius vociferus*, Killdeer  
*Charadrius montanus*, Mountain Plover  
*Charadrius morinellus*, Eurasian Dotterel  
Family HAEMATOPODIDAE  
*Haematopus ostralegus*, Eurasian Oystercatcher  
*Haematopus palliatus*, American Oystercatcher  
*Haematopus bachmani*, Black Oystercatcher  
Family RECURVIROSTRIDAE  
*Himantopus himantopus*, Black-winged Stilt  
*Himantopus mexicanus*, Black-necked Stilt  
*Recurvirostra americana*, American Avocet  
Family JACANIDAE  
*Jacana spinosa*, Northern Jacana  
Family SCOLOPACIDAE  
Subfamily SCOLOPACINAE  
*Xenus cinereus*, Terek Sandpiper  
*Actitis hypoleucos*, Common Sandpiper  
*Actitis macularius*, Spotted Sandpiper  
*Tringa ochropus*, Green Sandpiper  
*Tringa solitaria*, Solitary Sandpiper  
*Tringa brevipes*, Gray-tailed Tattler  
*Tringa incana*, Wandering Tattler  
*Tringa erythropus*, Spotted Redshank  
*Tringa melanoleuca*, Greater Yellowlegs  
*Tringa nebularia*, Common Greenshank  
*Tringa guttifer*, Nordmann's Greenshank  
*Tringa semipalmata*, Willet  
*Tringa flavipes*, Lesser Yellowlegs  
*Tringa stagnatilis*, Marsh Sandpiper  
*Tringa glareola*, Wood Sandpiper  
*Bartramia longicauda*, Upland Sandpiper  
*Numenius minutus*, Little Curlew  
*Numenius borealis*, Eskimo Curlew  
*Numenius phaeopus*, Whimbrel  
*Numenius tahitiensis*, Bristle-thighed Curlew  
*Numenius madagascariensis*, Far Eastern Curlew  
*Numenius arquata*, Eurasian Curlew  
*Numenius americanus*, Long-billed Curlew  
*Limosa limosa*, Black-tailed Godwit  
*Limosa haemastica*, Hudsonian Godwit  
*Limosa lapponica*, Bar-tailed Godwit  
*Limosa fedoa*, Marbled Godwit  
*Arenaria interpres*, Ruddy Turnstone  
*Arenaria melanocephala*, Black Turnstone  
*Aphriza virgata*, Surfbird  
*Calidris tenuirostris*, Great Knot  
*Calidris canutus*, Red Knot  
*Calidris alba*, Sanderling  
*Calidris pusilla*, Semipalmated Sandpiper  
*Calidris mauri*, Western Sandpiper  
*Calidris ruficollis*, Red-necked Stint  
*Calidris minuta*, Little Stint  
*Calidris temminckii*, Temminck's Stint  
*Calidris subminuta*, Long-toed Stint  
*Calidris minutilla*, Least Sandpiper  
*Calidris fuscicollis*, White-rumped Sandpiper  
*Calidris bairdii*, Baird's Sandpiper  
*Calidris melanotos*, Pectoral Sandpiper  
*Calidris acuminata*, Sharp-tailed Sandpiper  
*Calidris maritima*, Purple Sandpiper  
*Calidris ptilocnemis*, Rock Sandpiper  
*Calidris alpina*, Dunlin  
*Calidris ferruginea*, Curlew Sandpiper  
*Calidris himantopus*, Stilt Sandpiper  
*Eurynorhynchus pygmeus*, Spoon-billed Sandpiper  
*Limicola falcinellus*, Broad-billed Sandpiper  
*Tryngites subruficollis*, Buff-breasted Sandpiper  
*Philomachus pugnax*, Ruff  
*Limnodromus griseus*, Short-billed Dowitcher  
*Limnodromus scolopaceus*, Long-billed Dowitcher  
*Lymnocyrtus minimus*, Jack Snipe  
*Gallinago delicata*, Wilson's Snipe (the "common" snipe hunted in most of the U.S.)  
*Gallinago gallinago*, Common Snipe (rare in western Alaska; also see *Gallinago delicata*)  
*Gallinago stenura*, Pin-tailed Snipe  
*Gallinago megala*, Swinhoe's Snipe  
*Scolopax rusticola*, Eurasian Woodcock  
*Scolopax minor*, American Woodcock  
Subfamily PHALAROPODINAE  
*Phalaropus tricolor*, Wilson's Phalarope  
*Phalaropus lobatus*, Red-necked Phalarope  
*Phalaropus fulicarius*, Red Phalarope  
Family LARIDAE  
Subfamily LARINAE  
*Larus atricilla*, Laughing Gull  
*Larus pipixcan*, Franklin's Gull  
*Larus minutus*, Little Gull  
*Larus ridibundus*, Black-headed Gull  
*Larus philadelphia*, Bonaparte's Gull  
*Larus heermanni*, Heermann's Gull  
*Larus cirrocephalus*, Gray-hooded Gull  
*Larus belcheri*, Belcher's Gull  
*Larus crassirostris*, Black-tailed Gull  
*Larus canus*, Mew Gull  
*Larus delawarensis*, Ring-billed Gull  
*Larus californicus*, California Gull  
*Larus argentatus*, Herring Gull

- Larus michahellis*, Yellow-legged Gull  
*Larus thayeri*, Thayer's Gull  
*Larus glaucoides*, Iceland Gull  
*Larus fuscus*, Lesser Black-backed Gull  
*Larus schistisagus*, Slaty-backed Gull  
*Larus livens*, Yellow-footed Gull  
*Larus occidentalis*, Western Gull  
*Larus glaucescens*, Glaucous-winged Gull  
*Larus hyperboreus*, Glaucous Gull  
*Larus marinus*, Great Black-backed Gull  
*Larus dominicanus*, Kelp Gull  
*Xema sabini*, Sabine's Gull  
*Rissa tridactyla*, Black-legged Kittiwake  
*Rissa brevirostris*, Red-legged Kittiwake  
*Rhodostethia rosea*, Ross's Gull  
*Pagophila eburnea*, Ivory Gull
- Subfamily STERNINAE  
*Anous stolidus*, Brown Noddy  
*Anous minutus*, Black Noddy  
*Procelsterna cerulea*, Blue-gray Noddy  
*Gygis alba*, White Tern  
*Onychoprion fuscatus*, Sooty Tern  
*Onychoprion lunatus*, Gray-backed Tern  
*Onychoprion anaethetus*, Bridled Tern  
*Onychoprion aleuticus*, Aleutian Tern  
*Sternula albifrons*, Little Tern  
*Sternula antillarum*, Least Tern  
*Phaetusa simplex*, Large-billed Tern  
*Gelochelidon nilotica*, Gull-billed Tern  
*Hydroprogne caspia*, Caspian Tern  
*Chlidonias niger*, Black Tern  
*Chlidonias leucopterus*, White-winged Tern  
*Chlidonias hybridus*, Whiskered Tern  
*Sterna dougallii*, Roseate Tern  
*Sterna hirundo*, Common Tern  
*Sterna paradisaea*, Arctic Tern  
*Sterna forsteri*, Forster's Tern  
*Sterna sumatrana*, Black-naped Tern  
*Thalasseus maximus*, Royal Tern  
*Thalasseus bergii*, Great Crested Tern  
*Thalasseus sandvicensis*, Sandwich Tern  
*Thalasseus elegans*, Elegant Tern
- Subfamily RYNCHOPINAE  
*Rynchops niger*, Black Skimmer
- Family STERCORARIIDAE  
*Stercorarius skua*, Great Skua  
*Stercorarius maccormicki*, South Polar Skua  
*Stercorarius pomarinus*, Pomarine Jaeger  
*Stercorarius parasiticus*, Parasitic Jaeger  
*Stercorarius longicaudus*, Long-tailed Jaeger
- Family ALCIDAE  
*Alle alle*, Dovekie  
*Uria aalge*, Common Murre  
*Uria lomvia*, Thick-billed Murre
- Alca torda*, Razorbill  
*Cepphus grylle*, Black Guillemot  
*Cepphus columba*, Pigeon Guillemot  
*Brachyramphus perdix*, Long-billed Murrelet  
*Brachyramphus marmoratus*, Marbled Murrelet  
*Brachyramphus brevirostris*, Kittlitz's Murrelet  
*Synthliboramphus hypoleucus*, Xantus's Murrelet  
*Synthliboramphus craveri*, Craveri's Murrelet  
*Synthliboramphus antiquus*, Ancient Murrelet  
*Ptychoramphus aleuticus*, Cassin's Auklet  
*Aethia psittacula*, Parakeet Auklet  
*Aethia pusilla*, Least Auklet  
*Aethia pygmaea*, Whiskered Auklet  
*Aethia cristatella*, Crested Auklet  
*Cerorhinca monocerata*, Rhinoceros Auklet  
*Fratercula arctica*, Atlantic Puffin  
*Fratercula corniculata*, Horned Puffin  
*Fratercula cirrhata*, Tufted Puffin
- Order COLUMBIFORMES  
Family COLUMBIDAE  
*Patagioenas squamosa*, Scaly-naped Pigeon  
*Patagioenas leucocephala*, White-crowned Pigeon  
*Patagioenas flavirostris*, Red-billed Pigeon  
*Patagioenas inornata*, Plain Pigeon  
*Patagioenas fasciata*, Band-tailed Pigeon  
*Streptopelia orientalis*, Oriental Turtle-Dove  
*Zenaida asiatica*, White-winged Dove  
*Zenaida aurita*, Zenaida Dove  
*Zenaida macroura*, Mourning Dove  
*Columbina inca*, Inca Dove  
*Columbina passerina*, Common Ground-Dove  
*Columbina talpacoti*, Ruddy Ground-Dove  
*Leptotila verreauxi*, White-tipped Dove  
*Geotrygon chrysia*, Key West Quail-Dove  
*Geotrygon mystacea*, Bridled Quail-Dove  
*Geotrygon montana*, Ruddy Quail-Dove  
*Gallicolumba xanthonura*, White-throated Ground-Dove  
*Gallicolumba stairi*, Friendly Ground-Dove  
*Ptilinopus perousii*, Many-colored Fruit-Dove  
*Ptilinopus roseicapilla*, Mariana Fruit-Dove  
*Ptilinopus porphyraceus*, Crimson-crowned Fruit-Dove  
*Ducula pacifica*, Pacific Imperial-Pigeon
- Order CUCULIFORMES  
Family CUCULIDAE  
Subfamily CUCULINAE  
*Cuculus canorus*, Common Cuckoo  
*Cuculus optatus*, Oriental Cuckoo  
*Cuculus fagax*, Hodgson's Hawk-Cuckoo  
*Coccyzus americanus*, Yellow-billed Cuckoo  
*Coccyzus minor*, Mangrove Cuckoo  
*Coccyzus erythrophthalmus*, Black-billed Cuckoo  
*Coccyzus vieilloti*, Puerto Rican Lizard-Cuckoo
- Subfamily NEOMORPHINAE  
*Geococcyx californianus*, Greater Roadrunner
- Subfamily CROTOPHAGINAE  
*Crotophaga ani*, Smooth-billed Ani  
*Crotophaga sulcirostris*, Groove-billed Ani
- Order STRIGIFORMES  
Family TYTONIDAE  
*Tyto alba*, Barn Owl
- Family STRIGIDAE  
*Otus flammeolus*, Flammulated Owl  
*Otus sunia*, Oriental Scops-Owl  
*Megascops kennicottii*, Western Screech-Owl  
*Megascops asio*, Eastern Screech-Owl  
*Megascops trichopsis*, Whiskered Screech-Owl  
*Megascops nudipes*, Puerto Rican Screech-Owl  
*Bubo virginianus*, Great Horned Owl  
*Bubo scandiacus*, Snowy Owl  
*Surnia ulula*, Northern Hawk Owl  
*Glaucidium gnoma*, Northern Pygmy-Owl  
*Glaucidium brasilianum*, Ferruginous Pygmy-Owl  
*Micrathene whitneyi*, Elf Owl  
*Athene cunicularia*, Burrowing Owl  
*Ciccaba virgata*, Mottled Owl  
*Strix occidentalis*, Spotted Owl  
*Strix varia*, Barred Owl  
*Strix nebulosa*, Great Gray Owl  
*Asio otus*, Long-eared Owl  
*Asio stygius*, Stygian Owl  
*Asio flammeus*, Short-eared Owl  
*Aegolius funereus*, Boreal Owl  
*Aegolius acadicus*, Northern Saw-whet Owl
- Order CAPRIMULGIFORMES  
Family CAPRIMULGIDAE  
Subfamily CHORDEILINAE  
*Chordeiles acutipennis*, Lesser Nighthawk  
*Chordeiles minor*, Common Nighthawk  
*Chordeiles gundlachii*, Antillean Nighthawk
- Subfamily CAPRIMULGINAE  
*Nyctidromus albicollis*, Common Pauraque  
*Phalaenoptilus nuttallii*, Common Poorwill  
*Caprimulgus carolinensis*, Chuck-will's-widow  
*Caprimulgus ridgwayi*, Buff-collared Nighthawk

- Caprimulgus vociferus*, Whip-poor-will  
*Caprimulgus noctitherus*, Puerto Rican Nightjar  
*Caprimulgus indicus*, Gray Nightjar  
Order APODIFORMES  
Family APODIDAE  
Subfamily CYPSELOIDINAE  
*Cypseloides niger*, Black Swift  
*Streptoprocne zonaris*, White-collared Swift  
Subfamily CHAETURINAE  
*Chaetura pelagica*, Chimney Swift  
*Chaetura vauxi*, Vaux's Swift  
*Chaetura brachyura*, Short-tailed Swift  
*Hirundapus caudacutus*, White-throated Needletail  
*Aerodramus spodiopygius*, White-rumped Swiftlet  
*Aerodramus bartschi*, Mariana Swiftlet  
Subfamily APODINAE  
*Apus apus*, Common Swift  
*Apus pacificus*, Fork-tailed Swift  
*Apus melba*, Alpine Swift  
*Aeronautes saxatalis*, White-throated Swift  
*Tachornis phoenicobia*, Antillean Palm-Swift  
Family TROCHILIDAE  
Subfamily TROCHILINAE  
*Colibri thalassinus*, Green Violet-ear  
*Anthracothorax prevostii*, Green-breasted Mango  
*Anthracothorax dominicus*, Antillean Mango  
*Anthracothorax viridis*, Green Mango  
*Eulampis jugularis*, Purple-throated Carib  
*Eulampis holosericeus*, Green-throated Carib  
*Orthorhyncus cristatus*, Antillean Crested Hummingbird  
*Chlorostilbon maugaeus*, Puerto Rican Emerald  
*Cyanthus latirostris*, Broad-billed Hummingbird  
*Hylocharis leucotis*, White-eared Hummingbird  
*Hylocharis xantusii*, Xantus's Hummingbird  
*Amazilia beryllina*, Berylline Hummingbird  
*Amazilia yucatanensis*, Buff-bellied Hummingbird  
*Amazilia rutila*, Cinnamon Hummingbird  
*Amazilia violiceps*, Violet-crowned Hummingbird  
*Lampornis clemenciae*, Blue-throated Hummingbird  
*Eugenes fulgens*, Magnificent Hummingbird  
*Heliomaster constantii*, Plain-capped Starthroat  
*Calliphlox evelynae*, Bahama Woodstar  
*Calothorax lucifer*, Lucifer  
Hummingbird  
*Archilochus colubris*, Ruby-throated Hummingbird  
*Archilochus alexandri*, Black-chinned Hummingbird  
*Calypte anna*, Anna's Hummingbird  
*Calypte costae*, Costa's Hummingbird  
*Stellula calliope*, Calliope Hummingbird  
*Atthis heloisa*, Bumblebee Hummingbird  
*Selasphorus platycercus*, Broad-tailed Hummingbird  
*Selasphorus rufus*, Rufous Hummingbird  
*Selasphorus sasin*, Allen's Hummingbird  
Order TROGONIFORMES  
Family TROGONIDAE  
Subfamily TROGONINAE  
*Trogon elegans*, Elegant Trogon  
*Euptilotis neoxenus*, Eared Quetzal  
Order UPUPIFORMES  
Family UPUPIIDAE  
*Upupa epops*, Eurasian Hoopoe  
Order CORACIIFORMES  
Family ALCEDINIDAE  
Subfamily HALCYONINAE  
*Todirhamphus cinnamominus*, Micronesian Kingfisher  
*Todirhamphus chloris*, Collared Kingfisher  
Subfamily CERYLINAE  
*Megaceryle torquata*, Ringed Kingfisher  
*Megaceryle alcyon*, Belted Kingfisher  
*Chloroceryle americana*, Green Kingfisher  
Order PICIFORMES  
Family PICIDAE  
Subfamily JYNGINAE  
*Jynx torquilla*, Eurasian Wryneck  
Subfamily PICINAE  
*Melanerpes lewis*, Lewis's Woodpecker  
*Melanerpes portoricensis*, Puerto Rican Woodpecker  
*Melanerpes erythrocephalus*, Red-headed Woodpecker  
*Melanerpes formicivorus*, Acorn Woodpecker  
*Melanerpes uropygialis*, Gila Woodpecker  
*Melanerpes aurifrons*, Golden-fronted Woodpecker  
*Melanerpes carolinus*, Red-bellied Woodpecker  
*Sphyrapicus thyroideus*, Williamson's Sapsucker  
*Sphyrapicus varius*, Yellow-bellied Sapsucker  
*Sphyrapicus nuchalis*, Red-naped Sapsucker  
*Sphyrapicus ruber*, Red-breasted Sapsucker  
*Dendrocopos major*, Great Spotted Woodpecker  
*Picoides scalaris*, Ladder-backed Woodpecker  
*Picoides nuttallii*, Nuttall's Woodpecker  
*Picoides pubescens*, Downy Woodpecker  
*Picoides villosus*, Hairy Woodpecker  
*Picoides arizonae*, Arizona Woodpecker  
*Picoides borealis*, Red-cockaded Woodpecker  
*Picoides albolarvatus*, White-headed Woodpecker  
*Picoides dorsalis*, American Three-toed Woodpecker  
*Picoides arcticus*, Black-backed Woodpecker  
*Colaptes auratus*, Northern Flicker  
*Colaptes chrysoides*, Gilded Flicker  
*Dryocopus pileatus*, Pileated Woodpecker  
*Campephilus principalis*, Ivory-billed Woodpecker  
Order PASSERIFORMES  
Family TYRANNIDAE  
Subfamily ELAENINAE  
*Camptostoma imberbe*, Northern Beardless-Tyrannulet  
*Myiopagis viridicata*, Greenish Elaenia  
*Elaenia martinica*, Caribbean Elaenia  
Subfamily FLUVICOLINAE  
*Mitrephanes phaeocercus*, Tufted Flycatcher  
*Contopus cooperi*, Olive-sided Flycatcher  
*Contopus pertinax*, Greater Pewee  
*Contopus sordidulus*, Western Wood-Pewee  
*Contopus virens*, Eastern Wood-Pewee  
*Contopus caribaeus*, Cuban Pewee  
*Contopus hispaniolensis*, Hispaniolan Pewee  
*Contopus latirostris*, Lesser Antillean Pewee  
*Empidonax flaviventris*, Yellow-bellied Flycatcher  
*Empidonax virens*, Acadian Flycatcher  
*Empidonax alnorum*, Alder Flycatcher  
*Empidonax traillii*, Willow Flycatcher  
*Empidonax minimus*, Least Flycatcher  
*Empidonax hammondi*, Hammond's Flycatcher  
*Empidonax wrightii*, Gray Flycatcher  
*Empidonax oberholseri*, Dusky Flycatcher  
*Empidonax difficilis*, Pacific-slope Flycatcher  
*Empidonax occidentalis*, Cordilleran Flycatcher  
*Empidonax fulvifrons*, Buff-breasted Flycatcher  
*Sayornis nigricans*, Black Phoebe  
*Sayornis phoebe*, Eastern Phoebe  
*Sayornis saya*, Say's Phoebe  
*Pyrocephalus rubinus*, Vermilion Flycatcher  
Subfamily TYRANNINAE

- Myiarchus tuberculifer*, Dusky-capped Flycatcher  
*Myiarchus cinerascens*, Ash-throated Flycatcher  
*Myiarchus nuttingi*, Nutting's Flycatcher  
*Myiarchus crinitus*, Great Crested Flycatcher  
*Myiarchus tyrannulus*, Brown-crested Flycatcher  
*Myiarchus sagrae*, La Sagra's Flycatcher  
*Myiarchus antillarum*, Puerto Rican Flycatcher  
*Pitangus sulphuratus*, Great Kiskadee  
*Myiozetetes similis*, Social Flycatcher  
*Myiodynastes luteiventris*, Sulphur-bellied Flycatcher  
*Legatus leucophalus*, Piratic Flycatcher  
*Empidonomus varius*, Variegated Flycatcher  
*Tyrannus melancholicus*, Tropical Kingbird  
*Tyrannus couchii*, Couch's Kingbird  
*Tyrannus vociferans*, Cassin's Kingbird  
*Tyrannus crassirostris*, Thick-billed Kingbird  
*Tyrannus verticalis*, Western Kingbird  
*Tyrannus tyrannus*, Eastern Kingbird  
*Tyrannus dominicensis*, Gray Kingbird  
*Tyrannus caudifasciatus*, Loggerhead Kingbird  
*Tyrannus forficatus*, Scissor-tailed Flycatcher  
*Tyrannus savana*, Fork-tailed Flycatcher  
*Pachyramphus aglaiae*, Rose-throated Becard  
*Tityra semifasciata*, Masked Tityra  
Family LANIIDAE  
*Lanius cristatus*, Brown Shrike  
*Lanius ludovicianus*, Loggerhead Shrike  
*Lanius excubitor*, Northern Shrike  
Family VIREONIDAE  
*Vireo griseus*, White-eyed Vireo  
*Vireo crassirostris*, Thick-billed Vireo  
*Vireo latimeri*, Puerto Rican Vireo  
*Vireo bellii*, Bell's Vireo  
*Vireo atricapillus*, Black-capped Vireo  
*Vireo vicinior*, Gray Vireo  
*Vireo flavifrons*, Yellow-throated Vireo  
*Vireo plumbeus*, Plumbeous Vireo  
*Vireo cassinii*, Cassin's Vireo  
*Vireo solitarius*, Blue-headed Vireo  
*Vireo huttoni*, Hutton's Vireo  
*Vireo gilvus*, Warbling Vireo  
*Vireo philadelphicus*, Philadelphia Vireo  
*Vireo olivaceus*, Red-eyed Vireo  
*Vireo flavoviridis*, Yellow-green Vireo  
*Vireo altiloquus*, Black-whiskered Vireo  
*Vireo magister*, Yucatan Vireo  
Family CORVIDAE  
*Perisoreus canadensis*, Gray Jay  
*Cyanocitta stelleri*, Steller's Jay  
*Cyanocitta cristata*, Blue Jay  
*Cyanocorax yncas*, Green Jay  
*Cyanocorax morio*, Brown Jay  
*Aphelocoma coerulescens*, Florida Scrub-Jay  
*Aphelocoma insularis*, Island Scrub-Jay  
*Aphelocoma californica*, Western Scrub-Jay  
*Aphelocoma ultramarina*, Mexican Jay  
*Gymnorhinus cyanocephalus*, Pinyon Jay  
*Nucifraga columbiana*, Clark's Nutcracker  
*Pica hudsonia*, Black-billed Magpie  
*Pica nuttalli*, Yellow-billed Magpie  
*Corvus kubaryi*, Mariana Crow  
*Corvus brachyrhynchos*, American Crow  
*Corvus caurinus*, Northwestern Crow  
*Corvus leucognaphalus*, White-necked Crow  
*Corvus imparatus*, Tamaulipas Crow  
*Corvus ossifragus*, Fish Crow  
*Corvus hawaiiensis*, Hawaiian Crow  
*Corvus cryptoleucus*, Chihuahuan Raven  
*Corvus corax*, Common Raven  
Family ALAUDIDAE  
*Alauda arvensis*, Sky Lark  
*Eremophila alpestris*, Horned Lark  
Family HIRUNDINIDAE  
Subfamily HIRUNDININAE  
*Progne subis*, Purple Martin  
*Progne cryptoleuca*, Cuban Martin  
*Progne dominicensis*, Caribbean Martin  
*Progne chalybea*, Gray-breasted Martin  
*Progne elegans*, Southern Martin  
*Progne tapera*, Brown-chested Martin  
*Tachycineta bicolor*, Tree Swallow  
*Tachycineta albilinea*, Mangrove Swallow  
*Tachycineta thalassina*, Violet-green Swallow  
*Tachycineta cyaneoviridis*, Bahama Swallow  
*Stelgidopteryx serripennis*, Northern Rough-winged Swallow  
*Riparia riparia*, Bank Swallow  
*Petrochelidon pyrrhonota*, Cliff Swallow  
*Petrochelidon fulva*, Cave Swallow  
*Hirundo rustica*, Barn Swallow  
*Delichon urbicum*, Common House-Martin  
Family PARIDAE  
*Poecile carolinensis*, Carolina Chickadee  
*Poecile atricapillus*, Black-capped Chickadee  
*Poecile gambeli*, Mountain Chickadee  
*Poecile sclateri*, Mexican Chickadee  
*Poecile rufescens*, Chestnut-backed Chickadee  
*Poecile hudsonica*, Boreal Chickadee  
*Poecile cincta*, Gray-headed Chickadee  
*Baeolophus wollweberi*, Bridled Titmouse  
*Baeolophus inornatus*, Oak Titmouse  
*Baeolophus ridgwayi*, Juniper Titmouse  
*Baeolophus bicolor*, Tufted Titmouse  
*Baeolophus atricristatus*, Black-crested Titmouse  
Family REMIZIDAE  
*Auriparus flaviceps*, Verdin  
Family AEGITHALIDAE  
*Psaltriparus minimus*, Bushtit  
Family SITTIDAE  
Subfamily SITTINAE  
*Sitta canadensis*, Red-breasted Nuthatch  
*Sitta carolinensis*, White-breasted Nuthatch  
*Sitta pygmaea*, Pygmy Nuthatch  
*Sitta pusilla*, Brown-headed Nuthatch  
Family CERTHIDAE  
Subfamily CERTHIINAE  
*Certhia americana*, Brown Creeper  
Family TROGLODYTIDAE  
*Campylorhynchus brunneicapillus*, Cactus Wren  
*Salpinctes obsoletus*, Rock Wren  
*Catherpes mexicanus*, Canyon Wren  
*Thryothorus ludovicianus*, Carolina Wren  
*Thryomanes bewickii*, Bewick's Wren  
*Troglodytes aedon*, House Wren  
*Troglodytes troglodytes*, Winter Wren  
*Cistothorus platensis*, Sedge Wren  
*Cistothorus palustris*, Marsh Wren  
Family CINCLIDAE  
*Cinclus mexicanus*, American Dipper  
Family REGULIDAE  
*Regulus satrapa*, Golden-crowned Kinglet  
*Regulus calendula*, Ruby-crowned Kinglet  
Family SYLVIIDAE  
Subfamily SYLVIINAE  
*Locustella ochotensis*, Middendorff's Grasshopper-Warbler  
*Locustella lanceolata*, Lanceolated Warbler  
*Acrocephalus luscini*, Nightingale Reed-Warbler  
*Acrocephalus familiaris*, Millerbird  
*Phylloscopus trochilus*, Willow Warbler  
*Phylloscopus sibilatrix*, Wood Warbler  
*Phylloscopus fuscat*, Dusky Warbler  
*Phylloscopus inornatus*, Yellow-browed Warbler  
*Phylloscopus borealis*, Arctic Warbler  
*Sylvia curruca*, Lesser Whitethroat  
Subfamily POLIOPTILINAE  
*Polioptila caerulea*, Blue-gray Gnatcatcher  
*Polioptila californica*, California Gnatcatcher  
*Polioptila melanura*, Black-tailed

- Gnatcatcher  
*Poliophtila nigriceps*, Black-capped  
Gnatcatcher
- Family MUSCICAPIDAE  
*Ficedula narcissina*, Narcissus  
Flycatcher  
*Muscicapa griseisticta*, Gray-streaked  
Flycatcher
- Family TURDIDAE  
*Luscinia calliope*, Siberian Rubythroat  
*Luscinia svecica*, Bluethroat  
*Luscinia cyane*, Siberian Blue Robin  
*Monticola solitarius*, Blue Rock  
Thrush  
*Tarsiger cyanurus*, Red-flanked  
Bluetail  
*Oenanthe oenanthe*, Northern  
Wheatear  
*Saxicola torquatus*, Stonechat  
*Sialia sialis*, Eastern Bluebird  
*Sialia mexicana*, Western Bluebird  
*Sialia currucoides*, Mountain  
Bluebird  
*Myadestes townsendi*, Townsend's  
Solitaire  
*Myadestes myadestinus*, Kamao  
*Myadestes lanaiensis*, Olomao  
*Myadestes obscurus*, Omao  
*Myadestes palmeri*, Puaiohi  
*Catharus aurantirostris*, Orange-  
billed Nightingale-Thrush  
*Catharus mexicanus*, Black-headed  
Nightingale-Thrush  
*Catharus fuscescens*, Veery  
*Catharus minimus*, Gray-cheeked  
Thrush  
*Catharus bicknelli*, Bicknell's Thrush  
*Catharus ustulatus*, Swainson's  
Thrush  
*Catharus guttatus*, Hermit Thrush  
*Hylocichla mustelina*, Wood Thrush  
*Turdus obscurus*, Eyebrowed Thrush  
*Turdus naumanni*, Dusky Thrush  
*Turdus pilaris*, Fieldfare  
*Turdus grayi*, Clay-colored Robin  
*Turdus assimilis*, White-throated  
Robin  
*Turdus rufopalliatus*, Rufous-backed  
Robin  
*Turdus migratorius*, American Robin  
*Turdus plumbeus*, Red-legged Thrush  
*Ixoreus naevius*, Varied Thrush  
*Ridgwayia pinicola*, Aztec Thrush
- Family MIMIDAE  
*Dumetella carolinensis*, Gray Catbird  
*Melanoptila glabrirostris*, Black  
Catbird  
*Mimus polyglottos*, Northern  
Mockingbird  
*Mimus gundlachi*, Bahama  
Mockingbird  
*Oreoscoptes montanus*, Sage Thrasher  
*Toxostoma rufum*, Brown Thrasher  
*Toxostoma longirostre*, Long-billed  
Thrasher  
*Toxostoma bendirei*, Bendire's  
Thrasher  
*Toxostoma curvirostre*, Curve-billed  
Thrasher
- Toxostoma redivivum*, California  
Thrasher  
*Toxostoma crissale*, Crissal Thrasher  
*Toxostoma lecontei*, Le Conte's  
Thrasher  
*Melanotis caerulescens*, Blue  
Mockingbird  
*Margarops fuscatus*, Pearly-eyed  
Thrasher
- Family STURNIDAE  
*Sturnus philippensis*, Chestnut-  
cheeked Starling  
*Sturnus cineraceus*, White-cheeked  
Starling
- Family PRUNELLIDAE  
*Prunella montanella*, Siberian  
Accentor
- Family MOTACILLIDAE  
*Motacilla tschutschensis*, Eastern  
Yellow Wagtail  
*Motacilla citreola*, Citrine Wagtail  
*Motacilla cinerea*, Gray Wagtail  
*Motacilla alba*, White Wagtail  
*Anthus trivialis*, Tree Pipit  
*Anthus hodgsoni*, Olive-backed Pipit  
*Anthus gustavi*, Pechora Pipit  
*Anthus cervinus*, Red-throated Pipit  
*Anthus rubescens*, American Pipit  
*Anthus spragueii*, Sprague's Pipit
- Family BOMBYCILLIDAE  
*Bombycilla garrulus*, Bohemian  
Waxwing  
*Bombycilla cedrorum*, Cedar  
Waxwing
- Family PTILOLOGONATIDAE  
*Ptilogonys cinereus*, Gray Silky-  
flycatcher  
*Phainopepla nitens*, Phainopepla
- Family PEUCEDRAMIDAE  
*Peucedramus taeniatus*, Olive  
Warbler
- Family PARULIDAE  
*Vermivora bachmanii*, Bachman's  
Warbler  
*Vermivora pinus*, Blue-winged  
Warbler  
*Vermivora chrysoptera*, Golden-  
winged Warbler  
*Vermivora peregrina*, Tennessee  
Warbler  
*Vermivora celata*, Orange-crowned  
Warbler  
*Vermivora ruficapilla*, Nashville  
Warbler  
*Vermivora virginiae*, Virginia's  
Warbler  
*Vermivora crissalis*, Colima Warbler  
*Vermivora luciae*, Lucy's Warbler  
*Parula superciliosa*, Crescent-chested  
Warbler  
*Parula americana*, Northern Parula  
*Parula pitiayumi*, Tropical Parula  
*Dendroica petechia*, Yellow Warbler  
*Dendroica pensylvanica*, Chestnut-  
sided Warbler  
*Dendroica magnolia*, Magnolia  
Warbler  
*Dendroica tigrina*, Cape May Warbler  
*Dendroica caerulescens*, Black-  
throated Blue Warbler  
*Dendroica coronata*, Yellow-rumped  
Warbler  
*Dendroica nigrescens*, Black-throated  
Gray Warbler  
*Dendroica chrysoparia*, Golden-  
cheeked Warbler  
*Dendroica virens*, Black-throated  
Green Warbler  
*Dendroica townsendi*, Townsend's  
Warbler  
*Dendroica occidentalis*, Hermit  
Warbler  
*Dendroica fusca*, Blackburnian  
Warbler  
*Dendroica dominica*, Yellow-throated  
Warbler  
*Dendroica graciae*, Grace's Warbler  
*Dendroica adelaidae*, Adelaide's  
Warbler  
*Dendroica pinus*, Pine Warbler  
*Dendroica kirtlandii*, Kirtland's  
Warbler  
*Dendroica discolor*, Prairie Warbler  
*Dendroica palmarum*, Palm Warbler  
*Dendroica castanea*, Bay-breasted  
Warbler  
*Dendroica striata*, Blackpoll Warbler  
*Dendroica cerulea*, Cerulean Warbler  
*Dendroica angelae*, Elfin-woods  
Warbler  
*Mniotilta varia*, Black-and-white  
Warbler  
*Setophaga ruticilla*, American  
Redstart  
*Protonotaria citrea*, Prothonotary  
Warbler  
*Helminthos vermivorum*, Worm-  
eating Warbler  
*Limnothlypis swainsonii*, Swainson's  
Warbler  
*Seiurus aurocapilla*, Ovenbird  
*Seiurus noveboracensis*, Northern  
Waterthrush  
*Seiurus motacilla*, Louisiana  
Waterthrush  
*Oporornis formosus*, Kentucky  
Warbler  
*Oporornis agilis*, Connecticut Warbler  
*Oporornis philadelphia*, Mourning  
Warbler  
*Oporornis tolmiei*, MacGillivray's  
Warbler  
*Geothlypis trichas*, Common  
Yellowthroat  
*Geothlypis poliocephala*, Gray-  
crowned Yellowthroat  
*Wilsonia citrina*, Hooded Warbler  
*Wilsonia pusilla*, Wilson's Warbler  
*Wilsonia canadensis*, Canada Warbler  
*Cardellina rubrifrons*, Red-faced  
Warbler  
*Myioborus pictus*, Painted Redstart  
*Myioborus miniatus*, Slate-throated  
Redstart  
*Euthlypis lachrymosa*, Fan-tailed  
Warbler  
*Basileuterus culicivorus*, Golden-  
crowned Warbler

- Basileuterus rufifrons*, Rufous-capped Warbler  
*Icteria virens*, Yellow-breasted Chat  
Family THRAUPIDAE  
*Nesospingus speculiferus*, Puerto Rican Tanager  
*Piranga flava*, Hepatic Tanager  
*Piranga rubra*, Summer Tanager  
*Piranga olivacea*, Scarlet Tanager  
*Piranga ludoviciana*, Western Tanager  
*Piranga bidentata*, Flame-colored Tanager  
*Spindalis zena*, Western Spindalis  
*Spindalis portoricensis*, Puerto Rican Spindalis  
*Euphonia musica*, Antillean Euphonia  
Family EMBERIZIDAE  
*Sporophila torqueola*, White-collared Seedeater  
*Tiaris olivacea*, Yellow-faced Grassquit  
*Tiaris bicolor*, Black-faced Grassquit  
*Loxigilla portoricensis*, Puerto Rican Bullfinch  
*Arremonops rufivirgatus*, Olive Sparrow  
*Pipilo chlorurus*, Green-tailed Towhee  
*Pipilo maculatus*, Spotted Towhee  
*Pipilo erythrophthalmus*, Eastern Towhee  
*Pipilo fuscus*, Canyon Towhee  
*Pipilo crissalis*, California Towhee  
*Pipilo aberti*, Abert's Towhee  
*Aimophila carpalis*, Rufous-winged Sparrow  
*Aimophila cassinii*, Cassin's Sparrow  
*Aimophila aestivalis*, Bachman's Sparrow  
*Aimophila botterii*, Botteri's Sparrow  
*Aimophila ruficeps*, Rufous-crowned Sparrow  
*Aimophila quinquestriata*, Five-striped Sparrow  
*Spizella arborea*, American Tree Sparrow  
*Spizella passerina*, Chipping Sparrow  
*Spizella pallida*, Clay-colored Sparrow  
*Spizella breweri*, Brewer's Sparrow  
*Spizella pusilla*, Field Sparrow  
*Spizella wortheni*, Worthen's Sparrow  
*Spizella atrogularis*, Black-chinned Sparrow  
*Poocetes gramineus*, Vesper Sparrow  
*Chondestes grammacus*, Lark Sparrow  
*Amphispiza bilineata*, Black-throated Sparrow  
*Amphispiza belli*, Sage Sparrow  
*Calamospiza melanocorys*, Lark Bunting  
*Passerculus sandwichensis*, Savannah Sparrow  
*Ammodramus savannarum*, Grasshopper Sparrow  
*Ammodramus bairdii*, Baird's Sparrow  
*Ammodramus henslowii*, Henslow's Sparrow  
*Ammodramus leconteii*, Le Conte's Sparrow  
*Ammodramus nelsoni*, Nelson's Sharp-tailed Sparrow  
*Ammodramus caudacutus*, Saltmarsh Sharp-tailed Sparrow  
*Ammodramus maritimus*, Seaside Sparrow  
*Passerella iliaca*, Fox Sparrow  
*Melospiza melodia*, Song Sparrow  
*Melospiza lincolni*, Lincoln's Sparrow  
*Melospiza georgiana*, Swamp Sparrow  
*Zonotrichia albicollis*, White-throated Sparrow  
*Zonotrichia querula*, Harris's Sparrow  
*Zonotrichia leucophrys*, White-crowned Sparrow  
*Zonotrichia atricapilla*, Golden-crowned Sparrow  
*Junco hyemalis*, Dark-eyed Junco  
*Junco phaeonotus*, Yellow-eyed Junco  
*Calcarius mccownii*, McCown's Longspur  
*Calcarius lapponicus*, Lapland Longspur  
*Calcarius pictus*, Smith's Longspur  
*Calcarius ornatus*, Chestnut-collared Longspur  
*Emberiza leucocephalos*, Pine Bunting  
*Emberiza pusilla*, Little Bunting  
*Emberiza rustica*, Rustic Bunting  
*Emberiza elegans*, Yellow-throated Bunting  
*Emberiza aureola*, Yellow-breasted Bunting  
*Emberiza variabilis*, Gray Bunting  
*Emberiza pallasi*, Pallas's Bunting  
*Emberiza schoeniclus*, Reed Bunting  
*Plectrophenax nivalis*, Snow Bunting  
*Plectrophenax hyperboreus*, McKay's Bunting  
Family CARDINALIDAE  
*Rhodothraupis celaeno*, Crimson-collared Grosbeak  
*Cardinalis cardinalis*, Northern Cardinal  
*Cardinalis sinuatus*, Pyrrhuloxia  
*Pheucticus chrysopleus*, Yellow Grosbeak  
*Pheucticus ludovicianus*, Rose-breasted Grosbeak  
*Pheucticus melanocephalus*, Black-headed Grosbeak  
*Cyanocompsa parellina*, Blue Bunting  
*Passerina caerulea*, Blue Grosbeak  
*Passerina amoena*, Lazuli Bunting  
*Passerina cyanea*, Indigo Bunting  
*Passerina versicolor*, Varied Bunting  
*Passerina ciris*, Painted Bunting  
*Spiza americana*, Dickcissel  
Family ICTERIDAE  
*Dolichonyx oryzivorus*, Bobolink  
*Agelaius phoeniceus*, Red-winged Blackbird  
*Agelaius tricolor*, Tricolored Blackbird  
*Agelaius humeralis*, Tawny-shouldered Blackbird  
*Agelaius xanthomus*, Yellow-shouldered Blackbird  
*Sturnella magna*, Eastern Meadowlark  
*Sturnella neglecta*, Western Meadowlark  
*Xanthocephalus xanthocephalus*, Yellow-headed Blackbird  
*Euphagus cyanolinus*, Rusty Blackbird  
*Euphagus cyanocephalus*, Brewer's Blackbird  
*Quiscalus quiscula*, Common Grackle  
*Quiscalus major*, Boat-tailed Grackle  
*Quiscalus mexicanus*, Great-tailed Grackle  
*Quiscalus niger*, Greater Antillean Grackle  
*Molothrus bonariensis*, Shiny Cowbird  
*Molothrus aeneus*, Bronzed Cowbird  
*Molothrus ater*, Brown-headed Cowbird  
*Icterus wagleri*, Black-vented Oriole  
*Icterus dominicensis*, Greater Antillean Oriole  
*Icterus spurius*, Orchard Oriole  
*Icterus cucullatus*, Hooded Oriole  
*Icterus pustulatus*, Streak-backed Oriole  
*Icterus bullockii*, Bullock's Oriole  
*Icterus gularis*, Altamira Oriole  
*Icterus graduacauda*, Audubon's Oriole  
*Icterus galbula*, Baltimore Oriole  
*Icterus parisorum*, Scott's Oriole  
Family FRINGILLIDAE  
Subfamily FRINGILLINAE  
*Fringilla coelebs*, Common Chaffinch  
*Fringilla montifringilla*, Brambling  
Subfamily CARDUELINAE  
*Leucosticte tephrocotis*, Gray-crowned Rosy-Finch  
*Leucosticte atrata*, Black Rosy-Finch  
*Leucosticte australis*, Brown-capped Rosy-Finch  
*Pinicola enucleator*, Pine Grosbeak  
*Carpodacus erythrinus*, Common Rosefinch  
*Carpodacus purpureus*, Purple Finch  
*Carpodacus cassinii*, Cassin's Finch  
*Carpodacus mexicanus*, House Finch  
*Loxia curvirostra*, Red Crossbill  
*Loxia leucoptera*, White-winged Crossbill  
*Carduelis flamma*, Common Redpoll  
*Carduelis hornemanni*, Hoary Redpoll  
*Carduelis spinus*, Eurasian Siskin  
*Carduelis pinus*, Pine Siskin  
*Carduelis psaltria*, Lesser Goldfinch  
*Carduelis lawrencei*, Lawrence's Goldfinch  
*Carduelis tristis*, American Goldfinch  
*Carduelis sinica*, Oriental Greenfinch  
*Pyrrhula pyrrhula*, Eurasian Bullfinch  
*Coccothraustes vespertinus*, Evening Grosbeak  
*Coccothraustes coccothraustes*, Hawfinch  
Subfamily DREPANIDINAE  
*Telespiza cantans*, Laysan Finch



*Telespiza ultima*, Nihoa Finch  
*Psittirostra psittacea*, Ou  
*Loxioides bailleui*, Palila  
*Pseudonestor xanthophrys*, Maui Parrotbill  
*Hemignathus virens*, Hawaii Amakihi  
*Hemignathus flavus*, Oahu Amakihi  
*Hemignathus kauaiensis*, Kauai Amakihi  
*Hemignathus ellisianus*, Greater Akialoa  
*Hemignathus lucidus*, Nukupuu  
*Hemignathus munroi*, Akiapolaau  
*Magumma parva*, Anianiau  
*Oreomystis bairdi*, Akikiki  
*Oreomystis mana*, Hawaii Creeper  
*Paroreomyza maculata*, Oahu Alauahio  
*Paroreomyza flammea*, Kakawahie  
*Paroreomyza montana*, Maui Alauahio  
*Loxops caeruleirostris*, Akekee  
*Loxops coccineus*, Akepa  
*Vestiaria coccinea*, Iiwi  
*Palmeria dolei*, Akohekohe  
*Himatione sanguinea*, Apapane  
*Melamprosops phaeosoma*, Poo-uli

Dated: February 3, 2010.

**Thomas L. Strickland,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 21

**Docket Number [FWS-R9-MB-2007-0018; 91200-1231-9BPP]**

**RIN 1018-AV33**

#### Migratory Bird Permits; Control of Purple Swamphens

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, change the regulations governing control of depredating or introduced migratory birds. The purple swamphen (*Porphyrio porphyrio*) is not native to any State, and competes with native species. However, we have added it to the list of species protected under our Migratory Bird Treaty Act (MBTA) obligations because it occurs naturally in the U.S. Territories of American Samoa, Baker and Howland Islands, Guam, and the Commonwealth of the Northern Mariana Islands. We amend the regulations to allow removal of purple swamphens without a Federal permit in the following areas where the

species is not native: the contiguous United States, Hawaii, Alaska, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. This rule also requires the use of nontoxic shot or bullets if firearms are used to control purple swamphens.

**DATES:** This rule will be effective on March 31, 2010.

**FOR FURTHER INFORMATION CONTACT:** Dr. George T. Allen, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 703-358-1825.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Fish and Wildlife Service is the Federal agency delegated the primary responsibility for managing migratory birds. This delegation is authorized by the MBTA (16 U.S.C. 703 *et seq.*), which implements conventions with Great Britain (for Canada), Mexico, Japan, and the Soviet Union (Russia).

We implement the MBTA through regulations found in title 50 of the Code of Federal Regulations (CFR). In 50 CFR 10.13, we list all species of migratory birds protected by the MBTA that are subject to the regulations protecting migratory birds in title 50, subchapter B (Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants). In 50 CFR part 13 (General Permit Procedures) and part 21 (Migratory Bird Permits), regulations allow us to issue permits for certain activities otherwise prohibited in regard to migratory birds. In part 21, we issue permits for the taking, possession, transportation, sale, purchase, barter, importation, exportation, and banding and marking of migratory birds. We also provide certain exceptions to permit requirements for public, scientific, or educational institutions, and establish depredation and control orders that provide limited exceptions to the MBTA.

##### Purple Swamphen

The purple swamphen, a chicken-sized bird in the family Rallidae, is native to the Old World. In the United States and its territories, it is native only in American Samoa, Baker and Howland Islands, Guam, and the Northern Mariana Islands (Pratt et al. 1987). Because of the species' occurrence in these territories, it is protected under the MBTA Act (effective March 1, 2010.) Therefore, we included this species in the proposed rule (71 FR 50194, August 24, 2006) to revise the list of migratory birds found at 50 CFR 10.13. We proposed to add the species to the list because it is in a

group of species that belong to families protected under treaties with Canada and Mexico.

The purple swamphen was introduced in southern Florida through escapes from aviculturalists and from the Miami Metro Zoo in the early 1990s (Anonymous 2007). In Florida, the purple swamphen competes with native species and may impact the plant life of wetlands (Anonymous 2007). The purple swamphen has an international reputation for eating eggs and chicks, including ducklings, of other ground or near-ground nesting species (Anonymous 2007). As far as we know, counties in the southern half of Florida are the only place in the contiguous United States, Hawaii, Alaska, the Commonwealth of Puerto Rico, or the U.S. Virgin Islands where the purple swamphen is found.

This Control Order allows the removal of introduced purple swamphens in the contiguous United States, Alaska, Hawaii, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands from any location where they are found. This removal is in keeping with our other actions to reduce the spread of introduced species that compete with native species or harm habitats that they use. (*see* <http://www.fws.gov/invasives/>).

##### Comments on the Proposed Rule

We received two comments on the proposed rule published on August 22, 2008 (70 FR 49631-49634). One commenter stated that (1) purple swamphens are not migratory and (2) are invasive and should be removed. Though the species is a migratory bird species under the MBTA, it is invasive in the continental U.S. and other locations outside its native range. We agree with the commenter's assertion that the species should be removed where it has been introduced by humans.

A State agency requested that "the requirement to bury or incinerate carcasses be removed. The nature of control programs, *i.e.*, shooting purple swamphens in heavily vegetated habitat, precludes this as a practical disposal method." We changed this rule to accommodate this request.

##### Required Determinations

###### *Regulatory Planning and Review*

In accordance with the criteria in Executive Order 12866, this rule is not a significant regulatory action. The Office of Management and Budget makes the final determination of significance under E.O. 12866.

a. This rule will not raise novel legal or policy issues. The provisions are in