

Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

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April 8, 2009

Commission for Environmental Cooperation
393 rue St-Jacques Ouest
Bureau 200
Montréal, Québec
H2Y 1N9 CANADA

Re: Harbor Development at Cuyutlan, Mexico

To the Commission:

The Pacific Seabird Group (PSG) wishes to comment on recent plans to develop harbor facilities in the vicinity of Manzanillo, Colima, Mexico, that involve potential degradation to a natural coastal lagoon system in the vicinity, Laguna Cuyutlan. Our comments would also apply to similar developmental changes which might be brought about at other, similar systems of Mexican west coastal areas.

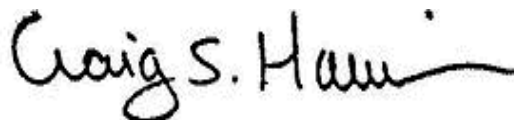
PSG is an international, non-profit organization that was founded in 1972 to promote the knowledge, study, and conservation of Pacific seabirds and their habitats. PSG has a membership drawn from the entire Pacific Basin, including Mexico, Canada, the United States, South America, Europe, Russia, Japan, Australia and New Zealand. Among our members are biologists who have research interests in Pacific seabirds, governmental officials who manage seabird refuges, their habitats, and their populations, as well as many others with an interest in marine and seabird conservation. Many of our Mexican and non-Mexican members have also done extensive research in Mexico at all times of the year, both at seabird breeding colonies, at sea, and within estero and coastal wetland ecosystems. These systems, in fact, are all interconnected ecologically. PSG's long-term involvement and commitment to conservation in the region of Western Mexico is reflected in the attached policy statement centered on the Gulf of California. Many seabirds have ranges that well-overlap from the Gulf of California and Pacific region to the estero regions south of the Gulf of California.

The coastal estuarine and marine systems off western Mexico (as well as on the eastern coasts of Mexico), such as Laguna Cuyutlan, represent critical habitats for nesting seabirds (e.g., laughing gulls, magnificent frigatebirds, black skimmers, royal, least, gull-billed, and Forster's terns, and brown pelicans), as well as for waterbirds and waterfowl that migrate to Mexico and beyond for part of the year. The potential losses or degradation of any of these systems represent a truly international conservation concern, that can impact the size of waterbird populations, and that of other wetland-dependent birds.

PSG recognizes the exceptional conservation values of Laguna Cuyutlan, and also the potential violation of international agreements to protect these values, such as NAFTA, the Migratory Bird Treaty between Mexico and the USA, and the stated goals of the Commission for Environmental Cooperation. PSG therefore strongly urges that Laguna Cuyutlan and similar systems under threat of biological degradation or destruction of wetland ecosystems be preserved, and supports the efforts to this end by CCAAN, Bios Iguana, Redmanglar Internacional, Grupo Contra Contaminacion de Campos (Manzanillo), and others, to question the proposed, unevaluated developments at Laguna Cuyutlan. We recommend that appropriate authorities in Mexico first undertake a detailed environmental impact analysis: (1) to accurately and extensively document and record critical biodiversity and critical habitats throughout the general area, as well as their ecology; (2) to predict potential impacts of all proposed development schemes, and (3) to recommend actions necessary to eliminate or minimize any habitat degradations, to maintain the hydrological and ecological integrity of the entire lagoon and its associated wetlands.

We will be happy to assist if you have any questions concerning our comments.

Sincerely,

A handwritten signature in black ink that reads "Craig S. Harrison". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Craig S. Harrison
Vice Chair for Conservation

Enclosure

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PSG POLICY STATEMENT

The following statement was prepared at the request of, and approved by, the Pacific Seabird Group's Executive Council. It is an update of the 1974 Pacific Seabird Group Policy Statement on Seabird Conservation in the Gulf of California, which is included as Appendix 1.

PACIFIC SEABIRD GROUP SEABIRD CONSERVATION POLICY STATEMENT FOR THE GULF OF CALIFORNIA AND WATERS OFF WESTERN BAJA CALIFORNIA, MEXICO

Summary and List of Recommendations **(and addendum to the Pacific Seabird Group Policy Statement of 1974)**

Update: Threats to seabird populations in the Gulf of California and in waters off the Pacific Coast of Baja California have continued to increase and change. Notable among these have been: (1) a proposal to develop a huge network of marinas, called the "Escalera Nautica" (www.escaleranautica.com/index.html) and related activities; (2) the approval of a proposal by Chevron/Texaco to build a liquified natural gas offloading and re-gassification platform near the Islas los Coronados off northwestern Baja California within the next few years (as well as proposals for LNG terminals and facilities at other areas in the region). Other impending issues that will need further consideration in the future will likely include: the effects on seabirds of fishing and trawling activities, increasing aquaculture operations off the coasts and in nearby estuary habitats (important colonial bird nesting and feeding sites), and the introductions of exotics organisms (including such diseases as West Nile Virus, Newcastle Disease, etc.).

Of particular immediate concern are the continuing threats of introduction of exotic species on the islands, many of which potentially cause declines of nesting seabird populations. This issue will likely be most critical on the islands in the Gulf of California itself because of the high diversity and densities of potential users in the future. Recognition of this conservation issue also brings up an important need to educate local fishermen as well as incoming users such as tour-guides and eco-tourists, as well as other recreationists. Unregulated use of islands and the ongoing disturbances by island users (fishermen, tourists, and in some instances even researchers) might significantly limit the quality of roosting and nesting habitat for seabirds, thereby reducing breeding success. This continues to be one of the most important, albeit easily mitigated impact for seabirds on all islands in the area. Further discussion of the threats to Baja California seabirds is provided by Wolf (2002).

In addition, several coastal areas along the Gulf of California, including San Felipe, Bahía de los Angeles and areas around the cape of Baja, are undergoing intensive development of hotels and planned communities for tourists and retirees. In addition, over the past 20 years, tourists and their all-terrain vehicles (ATVs) have destroyed large areas that formerly supported natural beach and wetland vegetation (e.g. Laguna Percebu south of San Felipe), including several former nesting areas of the California Least Tern near San Felipe (Kathy Keane, personal observation). Ongoing residential developments in coastal areas will result in further pressures on seabirds that nest on beaches and adjacent islands, due to increased visitation and recreation by tourists and new residents.

Meanwhile, greatly significant conservation actions have occurred throughout the region, especially in the Gulf of California, but rapidly spreading to other coastal areas of Baja California and the Sonora/Sinaloa coasts. Notable among these activities have been the establishment of a large Mexican federal government network of Biosphere Reserves and conservation program for the islands in the Gulf of California (SEMARNAP 2000) and several more involving the Vizcaino Desert area and Colorado River Delta, for example; several established or proposed National Parks (Loreto area and Bahía de los Angeles); and a less publicized but still significant conservation program on

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islands mostly off western Baja California (see Island Conservation, www.islandconservation.org, and California Institute of Environmental Studies; see also the updates on conservation in Ezcurra et al. 2003 and Anderson et al. 2003).

Conservation advances on the Pacific side of the Baja California also include the following activities: Guadalupe Island Biosphere Reserve proposal (final acceptance and declaration pending), Pacific Island Biosphere Reserve proposal (Islas Los Coronados, Todos Santos, San Martin, San Jeronimo, Isla Cedros, Islas San Benitos, and Isla Adelaida; under review). These proposals will increase protection for seabird roosting and nesting habitat, but should be maximized by active management programs.

New Recommendations: The Pacific Seabird Group fully supports and endorses the following specific conservation activities and outlined protected areas of growing importance in the region:

(1) We highly commend and support the SEMARNAT Island Conservation Program (Islas del Golfo de California, Area de Protección de Flora y Fauna; SEMARNAP 2000, www.conanp.gob.mx), especially protection, enforcement, enhancement, management, and monitoring programs.

(2) We also highly commend and support the PRONATURA Noroeste proposal for a National Park System for the Bahía de los Angeles area (www.pronatura-nmc.org), and similar important areas to be determined in the future.

(3) We support the continuing activities of Island Conservation (Tershey et al. 2002; www.islandconservation.org) and the California Institute of Environmental Studies, especially in the control and management of introduced predators and other decimating factors on seabird nesting islands, helping formulate conservation and management plans for specific areas and islands, as well as establishing and conducting essential and continuing long-term monitoring programs.

(4) We support the delineation of “zones of sensitivity and protected zones” as defined by the Coalición para la sustentabilidad del Golfo de California, prioridades de conservación para la región Golfo de California, Mazatlán, México, 2001 (Barrera *et al.* 2004).

(5) We recommend the further development and implementation of island-specific management plans by appropriated agencies and organizations such as those listed above.

(6) PSG strongly supports and recommends continued and expanded active and rigorous *research* programs on the islands and wildlife of the region, including a commitment of strong support from appropriate educational and governmental agencies, such as CONACYT, including programs of support for graduate students in Mexican universities, supervised by Mexican professors.

(7) PSG also supports and recommends continued active encouragement of researchers in the area from other areas outside Mexico along with the education and support of Mexican students in their graduate programs. Several programs which illustrate viable models for cooperation are the various programs and collaborations carried out by the University of California Institute for Mexico and the United States (<http://ucmexus.ucr.edu/>) and the University of Arizona Udall Center for Studies in Public Policy (<http://udallcenter.arizona.edu>).

(8) PSG supports studies of the effects of aquaculture operations on the habitat and nesting substrate of colonial-nesting birds and their food sources and the development of recommendations for their amelioration.

(9) We recommend continuing and increased efforts to restore wetland habitats in the entire Colorado River Delta area, considering both sides of the US/Mexican border as a contiguous system, integrating activities on both sides of the political borders.

(10) Mexican governmental agencies that utilize islands with seabird (and other) resources should adopt laws/guidelines/regulations to minimize impacts of their activities, and should solicit review of proposed activities such that they can be planned to minimize impacts on seabirds and other island resources. This is especially crucial for the SCCT, Secretary of Communications, who maintains lighthouses on islands; SEMARNAT/PESCA who oversee fishing cooperatives

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that use the islands to support their fishing activities; and SEMAR, the Secretary of the Navy, who maintains many military garrisons on some of the islands and conducts operations in the island areas. SEMAR is also an important enforcer of island rules and regulations and transport of scientific expeditions to the islands, and PSG heartily commends the Mexican Navy for their past and future cooperation in scientific and enforcement endeavors to protect and manage marine bird resources in the region. They should be encouraged to increase and continue such vital activities in the future.

(11) PSG strongly supports continued and renewed embodiment of Baja California/Gulf of California seabird issues within the North American Colonial Waterbird Conservation Plan, the U.S. Fish and Wildlife Service Region 1 Seabird Monitoring/Conservation Plan, and the Sonora Joint Venture seabird/shorebird monitoring and conservation programs (www.sonorajv.org/).

(12) PSG also supports and recommends the continuance of the long-term and pioneering activities conducted by the University of California, University of Arizona, and other universities and institutions since at least the late-1960s and early-1970s, as well as more recently-conducted seabird monitoring activities in northwestern Baja California by the California Institute of Environmental Studies in cooperation with Mexican biologists, professors, and students.

(13) PSG strongly supports continued cooperative exchanges of Mexican, U. S., and biologists from other institutions and organizations, as well as strong annual attendance of Mexican biologists at annual PSG meetings.

(14) PSG encourages the Mexican government to initiate and continue ongoing discussions with local biological experts and local governments in those communities that are under intense pressure from residential development and tourism, so that the natural resources near these communities, including seabird nesting areas, can be protected. Many less-sensitive areas and those already severely damaged by overuse can be designated as ATV-use areas; other areas can be protected. Mainland beaches and islands that support nesting seabirds can be designated as preserves during the nesting season, and closures can be enforced by local governments, assisted by groups of concerned residents (Mexican, Americans, and others). Education programs are recommended to enhance the success of these programs.

Background and More Detailed History:

In 1974, the Pacific Seabird Group issued the first policy statement by any conservation organization on seabirds and islands in the Gulf of California. Called "Seabird Conservation in the Gulf of California" (Appendix 1; Ainley et al. 1974), this statement basically followed from earlier, more encompassing works and recommendations by G. Lindsay and R. T. Orr of the California Academy of Sciences, the writings of L.W. Walker of the Arizona-Sonora Desert Museum, and from Bernardo Villa-Ramírez from the National University of Mexico. Villa-Ramírez's work on Isla Rasa, the "epicenter" of conservation in the Gulf of California, was originally put forward by the National Audubon Society (see reviews by Anderson et al. 1976, Anderson 1980, Velarde and Anderson 1994, and Ezcurra et al. 2002). Another important event was a meeting of Gulf of California conservationists at Bahía de Kino, Sonora, 4-6 March 1976. This little-known meeting, organized by the Instituto Mexicano Matias Romero de Estudios Diplomáticos, the University of Sonora, the Arizona-Sonora Desert Museum, the American Society of International Law, and the *Natural Resources Journal* (proceedings in volume 16, July 1976) was an important step in providing the necessary international framework for a conservation plan. PSG currently acknowledges also the individual fortitude and boldness of the late Charles A. Lindberg, who literally walked into the office of the President of Mexico in 1974, to "shake" high officials of the Mexican Presidential Office into formalizing something (Ocean Oasis 2000; E. Ezcurra 2003 and plenary address at PSG meeting, 23 January 2004). The National Audubon Society also issued an early conservation review of birds in Mexico (Schaeffer and Ehlers 1980) including another review on island conservation in the Gulf of California that emphasized seabirds (Anderson 1980). These activities helped form the basis of a "strategy to produce a plan" expanded to offshore islands and marine ecosystems in general, further resulting in one of the earliest basic conservation plans for the Gulf islands (Velarde, Anderson, and Beebe 1985; reviewed in Velarde and Anderson 1994). The Gulf of California region was popularized in the original book entitled "Islas del Golfo de California" (Secretaría de Gobernación/UNAM 1988) and conservation activities originating in the original federal governmental commitment and earlier actions in 1964 to establish Isla Rasa as the Gulf's first sanctuary have blossomed since the late-1980s (Ocean Oasis

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2000, E. Ezcurra, personal communication), and have taken on a wider ecosystem perspective (reviewed by Ezcurra et al. 2003), now with a multi-office governmental conservation program (SEMARNAP 2000).

The Pacific Seabird Group and its members have played an important role in publicizing problems that have helped bring about increased conservation efforts for the Gulf of California seabird islands. In the spirit of that original and insightful PSG policy statement in 1974 (Appendix 1) and from further comments and discussion arising from the annual meeting in La Paz, Baja California (January 21-24, 2004), we have provided this updated summary as an addendum to that policy statement PSG presents it to interested and involved parties, in the hope that this statement will reflect the continuing interest and involvement of PSG in seabird conservation of the Gulf of California and the west coast of Baja California. We hope that our updated and renewed policy statement will further stimulate responsible agencies to continue to promote and to *increase* support for conservation efforts of that region, and also to further expand conservation activities and efforts on the Pacific side of Baja California.

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APPENDIX 1

[ORIGINAL] PACIFIC SEABIRD GROUP POLICY STATEMENT, 1974
Seabird Conservation in the Gulf of California

Introduction

The Pacific Seabird Group is composed of scientists and others interested in the study and preservation of marine birds in waters of the Pacific Region. The group is an international organization with members from Canada, the United States, Mexico and other countries around the world. Statements such as this one reflect the professional opinions (based on direct observation) of the members and are intended to inform responsible agencies and individuals about critical situations involving seabirds and their conservation. In presenting this statement we hereby also offer our assistance in correcting the situation outlined below.

The Problem

The Gulf of California has in recent years been subjected to increased visits by fishermen, recreationists, and educational tours. The increases in numbers of people has resulted in increased disturbances of marine birds at their nesting colonies, resulting in decreased reproductive success.

In this particular situation, we first wish to commend those persons and agencies in Mexico who have made such a great success in protecting the seabird breeding colony at Isla Raza. In the following points we are suggesting that such protection be extended to other islands in the Gulf of California and that steps be taken to protect the extensive and unique marine bird populations there from decline in the face of development.

The Gulf of California has one of the most diverse and rich subtropical marine ecosystems in North America, and as yet it is relatively undisturbed; that is, the ecosystem is at present in a natural, healthy balance. The marine bird populations which play such an important part in maintaining this balance require for their breeding undisturbed islands similar to Isla Raza, which is already a protected sanctuary. The species of birds utilizing these islands are many (storm petrels, Pelicans, Double-crested and Brandt's Cormorants, Brown and Blue-footed Boobies, Magnificent Frigatebirds, Ospreys, Yellow-footed Western and Heermann's Gulls, Elegant and Royal Terns, Red-billed Tropicbirds, murrelets, various ardeids, and others), and several are not known to breed outside of Baja California and the Gulf of California region.

In addition, some of the islands support large populations of sea lions, which interact with seabirds and need protection, as well. The fish-eating bat is almost entirely restricted to Gulf of California islands; and, large numbers of common dolphins, a considerable number of pilot whales and bottle-nosed dolphins, and a small but apparently resident finback whale population reside importantly in the Gulf of California—not to mention other important species such as the endemic *Phocoena sinus*. During the fall and winter, many of the birds leave the Gulf of California and migrate to the north, while many others (including many gamebirds) migrate into the Gulf of California from the north. Thus, problems relating to marine bird populations in the Gulf of California are international in scope.

While the conservation of seabirds in the Gulf of California could be justified by many persons on aesthetic reasons alone, there are additional reasons for their protection. The maintenance of a healthy ecological balance in the Gulf of California benefits fishermen because it means that fish will be available for years and years to come. Fishermen watch the birds to determine where good fishing grounds are located. The birds help maintain rich fishing grounds by "fertilizing" areas with their guano. In addition, tourism is a growing industry especially in Baja California. Tourists are attracted to the region because it has good fishing, but most importantly, because the region is still UNSPOILED by tourists and heavy industries. Specifically, there are many thousands of persons in the United States and Canada who will probably visit the Gulf of California and Baja California in order to observe its birdlife. Increasing numbers of people from Mexico, as well, are flocking to the seashores and beaches in order to fish and to enjoy the abundant wildlife and

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solitude. Finally, seabirds are valuable indicators of oceanic pollution and overfishing—two conditions that as yet have not been demonstrated to seriously affect the Gulf of California.

Thus, the health of the Gulf of California and its marine life (including the seabirds) are of great importance to many people—particularly the Mexican people. However, the health of this region is becoming increasingly threatened as the result of an increase in tourism, educational cruises, boating, and human disturbance at and near to seabird breeding islands during the breeding seasons. In addition, in places there are poor attitudes among fishermen, American and Mexican, toward the seabirds that are so important to them, and there is little enforcement of international conservation treaties. Some potentially threatening problems are as follows: increasing pollution by agricultural pesticides from adjacent areas; increasing numbers of tourists with a corresponding increase in tourist facility development on the seacoast (marinas for boats, etc.); overfishing due to an expansion of fleets and improved technology; oil pollution from a proposed deep-water port and pipeline at the head of the Gulf as well as oil pollution from vessel maintenance at sea. All of these factors have the potential to disrupt the healthy balance now present in the Gulf of California.

Recommendations

One aspect of the resources, the seabirds of the Gulf of California, can be protected through the following steps: (1) Establish all important seabird colonies as sanctuaries (similarly to Isla Raza) and make them off-limits to tourists and casual visitors (fishermen, too) during the breeding seasons (January through July each year); (2) Support George Lindsay's recommendations (*Pacific Discovery*, "Some Natural Values of Baja California", Volume 23, No. 2, 1970) on establishment of island sanctuaries in the Gulf of California for all fauna and flora; but add Islas San Lorenzo, San Lorenzo Norte (Animas), San Luis, Salsipuedes, Monserrate, and possibly others as time passes, and as other islands are shown to be threatened; (3) Establish a conservation patrol of the Gulf of California islands during the breeding seasons; and expand Raza policy. We suggest that the United States provide aid to the Mexican authorities to accomplish this, and encourage Mexican participation in seabird research. This should include the encouragement of qualified Mexican students to participate in studies for higher degrees in ecology, ornithology, and conservation at U. S. universities; (4) Tourist boaters should be informed at the border and at harbors of Mexican and international regulations and protection of local and migratory wildlife. A leaflet could be prepared (the Pacific Seabird Group offers aid in writing this up, as well as aiding in any other way) and distributed at the time boat papers are issued or checked; (5) The Mexican authorities should inform fishermen of the protection of seabirds and mammals, and their breeding grounds, as well as the values and benefits they might derive from them.

We feel it is justified, and not too late, to inaugurate these policies.

1974 Statement prepared by: David G. Ainley, Daniel W. Anderson, C. Eugene Knoder, Robert T. Orr, Bernardo Villa-Ramírez, Robert W. Risebrough, and M. D. F. Udvardy.