

**State officials complete inquiry into seabird deaths; charges expected
Hundreds of terns, most unable to fly, died in Long Beach Harbor last
summer when their nesting area aboard two barges was disturbed.**

By Louis Sahagun, Times Staff Writer
February 1, 2007



After being found washed ashore in June, a recovering Caspian Tern preened itself at the International Bird Rescue Research Center in San Pedro. (LATimes)

State wildlife officials Wednesday said they have forwarded the results of a seven-month investigation into the deaths of hundreds of young seabirds last summer to the Long Beach city attorney's office for prosecution.

More than 500 terns — slim seabirds related to gulls but in this case mostly too young to fly — plummeted off two privately owned barges in the Long Beach Harbor in late June.

Twenty-five birds survived what a barge owner called an unfortunate mistake and what environmentalists across the country called "Terngate."

Many environmentalists had said state and federal wildlife officials should have realized that the barges had, over time, become a tern nesting site worthy of protection. They had also grown frustrated with the length of the inquiry.

"The case required a lengthy investigation," said Lt. Kent Smirl of the California Department of Fish and Game. "But it's not going away. We've done an excellent investigation, one of the best the department has ever done in Long Beach."

Smirl, whose agency led the probe that also involved the U.S. Fish and Wildlife Service, said he expects charges to be filed by Long Beach prosecutors.

Long Beach city prosecutor John Fentis declined to comment.

Smirl's office declined to identify who might be charged or the owner of the barges.

However, in an interview Wednesday, Ralph Botticelli, owner of San Diego-based Point Loma Maritime Services, said the incident was "all an honest and unfortunate mistake."

His company was hired to move two barges with a tugboat to Santa Barbara for a fireworks display.

Initial reports suggested that the tugboat crew had used high-pressure

hoses to destroy the nesting Caspian and elegant terns, which had become a tourist attraction for cruise ship operators.

The delicate, skittish birds are protected under federal law, authorities said, and it is a misdemeanor to disturb them. Animal cruelty is a felony in California.

The deaths brought an end to a significant colony of terns established on barges that for months had been moored hundreds of yards offshore.

But Botticelli, 39, said neither the barges nor his tugboat were equipped with "steam cleaners or high-pressure hoses" for the moving operation.

As he described it, the incident began when his crew — a captain and a deckhand — unintentionally "spooked the birds" with their approach.

"The birds just kamikazied off the side," he said. "That's what goes on in the harbor. It's everyday business: people working hard to feed their families. They had no idea there were birds on there."

He said the barges "had no walls or railings to keep anything contained."

He added, "My crew actually saved two that didn't make it over and took them to a rescue center."

Bird rescuers, however, said that although some of the terns were old enough to walk, many others were newly hatched and unable to stand and must have been forced into the water.

The first barge never made it to Santa Barbara. Coast Guard officials ordered that it turn back to Long Beach after they discovered that it lacked proper certification.

"The Coast Guard ordered us to return the barge to exactly where we got it," recalled Botticelli, who was in Montana at the time. "By telephone, I said, 'Are you sure you want us to take it back? There's another barge there, and it might have more birds on it.' "

Botticelli added: "They said, 'Take it back.' So we did that. It was about 3 in the morning. I don't know what happened after that."

But Erin Kellogg, assistant manager of the International Bird Rescue Research Center in San Pedro, said she will never forget "the day we got a call from lifeguards about dead birds washing up on shore. A little while later, I stepped out on the sand to find the shoreline littered with baby tern bodies."

"We were crying as we collected their bodies, many of which were mutilated after being smacked and rolled around in the waves," she said. "Twenty-seven were found alive — battered and bruised and in shock with low blood pressure and hypothermia. Of those, two were euthanized because they had severe wing fractures."

Two days later, more washed up along the surf line in the same area.

"We surveyed the second barge with scopes," said Cristina Verduzco, a staff worker at the center, "and saw that it was empty except for a few parent terns searching for their babies."

The barges were an ideal habitat free of predators for terns, which can be distinguished from gulls by their pointed wings and bills and their feeding technique of plunging into the water for prey.

"We want whoever did this brought to justice," Kellogg said. "If this goes unpunished, I'm afraid to think of what else will be found acceptable."

Jay Holcomb, director of the bird rescue center, agreed.

"I'm excited the case is not being dropped, as some had feared," he said. "We would like to get reimbursed for the cost of caring for those birds and for the emotional hell my staff went through collecting all those dead baby birds."

The International Fund for Animal Welfare was offering a \$10,000 reward for information on who was responsible for destroying the nesting colonies.

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<http://www.latimes.com/news/local/la-me-birds1feb01,1,7379065.story>

State says death of 500 terns was criminal
By Louis Sahagun, Times Staff Writer
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State wildlife officials today said they have forwarded the results of a seven month investigation into the massacre of hundreds of young seabirds last summer to the Long Beach City attorney's office for criminal prosecution.

More than 500 terns -- slim seabirds related to gulls but in this case too young to be able to fly -- were carelessly swept off two privately owned barges in the Port of Long Beach in late June with high-pressure hoses before the vessels were moved.

FOR THE RECORD:

Terns: An earlier version of the story misstated that terns were incapable of flight. The birds that died couldn't fly because they were young and had yet to grow enough feathers. —

Only 23 birds survived in a case known as "terngate" among environmentalists who had grown frustrated with the length of the investigation and the failure of state and federal wildlife officials to preemptively prevent the loss of an entire breeding season of terns.

"This case required a lengthy investigation," California State Fish and Game Lt. Kent Smirl said. "But it's not going away. We've done an excellent investigation, one of the best this department has ever done in Long Beach."

Smirl, whose agency led the investigation that included the U.S. Fish and Wildlife Service, also said he expects charges to be filed by Long Beach city prosecutors. He declined to identify who could be charged.

"I'll be sitting in the courtroom when this case goes to trial," said Lisa Fimiani of the Audubon Society's Los Angeles chapter. "It's terrible to have to learn an important lesson in a lightning rod event like this. It tells us these birds were so desperate for nesting space they settled on barges."

Jay Holcomb, director of the nonprofit International Bird Rescue Research Center, which collected most of the bird carcasses that washed ashore in Long Beach Harbor as evidence and nursed the survivors back to health, was also encouraged that the case was moving forward.

"I'm excited that the case is not being dropped, as some had feared," he said. "We would like to get reimbursed for the cost of caring for those birds, and for the emotional hell my staff went through collecting all those dead baby birds."

The International Fund for Animal Welfare was offering a \$10,000 reward for information on who was responsible for destroying the nesting colony of Caspian and Elegant terns.

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