



THE BIRDING COMMUNITY E-BULLETIN

October 2006

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RARITY FOCUS

Alaskan outposts produced some spectacular sightings last month. Among these were Pallas's Bunting and what, if accepted, would be North America's first Pallas's Leaf-Warbler (*Phylloscopus proregulus*), both at Gambell. On Attu, there was a Yellow-browed Warbler, and from Shemya there were three Baikal Teal reported. But, in the realm of a rare bird that was accessible to a number of birders, it was a cooperative Green Violet-Ear that will serve as our profiled rarity this month.

Green Violet-Ear is a large hummingbird found from northeastern Mexico to South America. It was first recorded in the U.S. at Santa Ana National Wildlife Refuge in mid-July 1961. Since then, there have been approximately 50 North American records, with about 30 in Texas alone. Other locations for this fairly large and overall green hummingbird have included Arkansas, New Mexico, Mississippi, Kentucky, North Carolina, Michigan, Wisconsin, Ohio, Ontario, and Alberta. (See your National Geographic guide page 264-5 or the "large" Sibley page 293). Most of these birds have been feeder-visitors, not surprisingly.

There was a tantalizing one-day report from Illinois last month, a non-feeder bird, but the best sighting for Green Violet-Ear actually came from a feeder at the home of Herbert and Lil Owens in Sioux City, Iowa, in Woodbury County. The bird was discovered on 14 September, and it remained into 19 September. Mr. and Mrs.

Woodbury County. The bird was discovered on 14 September, and it remained into 19 September. Mr. and Mrs. Owens played host to many visiting birders as well as the visiting hummer.

This bird would be the second record for Iowa, the first being from last fall in Grundy County

View some wonderful [images of the bird](#). (Type in "Green Violet-Ear.")

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MORE IVORY-BILLED REPORTS

The Internet was abuzz in the last weeks of September with rumors concerning possible Ivory-billed Woodpeckers (yes, plural) in the Florida Panhandle.

When the news was officially released, by Geoffrey Hill (Auburn University, Alabama), Daniel Mennill (University of Windsor, Ontario) and others, the evidence was exciting, although not absolutely conclusive.

Starting in May 2005, researchers claim to have detected birds identified as Ivory-billed Woodpeckers along the Choctawhatchee River. Members of the search team report seeing Ivory-billed Woodpeckers 14 times. "Kent" calls and double-knocks were heard and recorded; cavities purported to be Ivory-billed-size as well as intriguing bark-scaling were measured and photographed. No bird images or videos, however, accompany this evidence.

While the forests along the Choctawhatchee constitute one of the largest tracts of mature bottomland forest in the Southeast (much owned by the Northwest Florida Water Management District, and therefore a de-facto protected zone), most observers are not jumping to gleeful conclusions.

Exciting evidence it is; proof is it not.

Efforts toward further habitat protection and more searches will continue.

Wisely, the editors of AVIAN CONSERVATION AND ECOLOGY, warned in their introductory editorial, "making this evidence quickly and widely accessible might . . . have dire consequences for the putative remnant population if it leads to uncoordinated and unregulated search efforts. Therefore, we asked the authors to take steps to guard against this."

From our point of view, it would be truly gratifying if irrefutable evidence were presented, so that further study and full-scale conservation efforts could move ahead unimpeded.

In the meantime, we suggest that you read the article yourself, "Evidence suggesting that Ivory-billed Woodpeckers (*Campephilus principalis*) exist in Florida":

<http://www.ace-eco.org/vol1/iss3/art2/>

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ROSY SUCCESS

Also from Florida comes a story of success.

Pelican Shoal, located about six miles south of Key West, was scoured to oblivion by four hurricanes last year (Dennis, Katrina, Rita, and Wilma). Along with the disappearance of the small island of coral rubble and sand went the disappearance of one of only two sites in Florida where Roseate Terns regularly nest. (The other colony is at Marathon, mid-way down the Keys.)

This year, the state's Fish and Wildlife Conservation Commission biologists, Ricardo Zambrano and Sharyn Hood, hatched a plan. With the cooperation of National Park staff, they located 40 plastic-dummy Roseate Terns around a newly exposed sandy zone at Dry Tortugas National Park. These dummies were assisted with multiple solar-powered compact disc players, amplifiers, and water-resistant speakers that constantly played Roseate Tern calls.

Modeled after similar successful attraction-efforts by Stephen Kress (Maine) and others, the Floridians thought that their experiment might bear fruit in three or four years. Instead, while checking out the site in July, researchers found at least 33 Roseate Tern nests. A number of young birds fledged and have taken off for South America.

All parties are thrilled. Although the results were surprisingly quick, the FWC and National Park Service will continue to use this social attraction equipment in season until they know that Roseate Terns have permanently established the site as a nesting colony.

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NEOTROP ACT BREAKS OUT OF SENATE LIMBO

In mid-September, the House of Representatives passed a revised Neotropical Migratory Bird Conservation Improvement Act of 2006. The move would extend the life of the Neotrop Act as it authorizes matching grants to support conservation programs for hemispheric migratory birds. When fully implemented, the Act should authorize a modest \$6.5 million per year for projects.

In the new House version, the funding ceiling would go to \$6.5 million over a four-year period, an increase of \$1.5 million over its current authorization. Unfortunately, this is \$1.5 million less than had been expected and significantly less than the \$15 million that many conservation groups had originally requested. (The actual

amount available for Neotropical migratory bird conservation will also depend on the annual Congressional budget appropriations process.) In addition, this version of the Act would not reduce the ratio of matching funds that recipients must raise from 3:1 to 1:1, keeping the funding circumstances burdensome. The good news is that projects in Canada would be eligible for funding for the first time.

Unfortunately, the House bill was as weak as it was because a stronger version was put on 'hold' by at least one member of the Senate, threatening the possibility of passage. (Under Senate rules, such a 'hold' allows a single Senator to stop legislation, often to force changes to a bill before it proceeds to a Senate vote.)

With the legislative clock ticking down to the final days of the 109th Congress, the Senate actually passed the revised Neotrop Act on 30 September, in time to continue this relatively small but effective matching grant program that coordinates and funds projects that protect, monitor, and manage Neotropical migratory bird populations and their habitats throughout the hemisphere. It awaits presidential signing.

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DEFENSE DEPARTMENT EXEMPTION FROM MBTA

The Migratory Bird Treaty Act (MBTA) is the fundamental 1918 law protecting designated migratory birds. Since 2000, there have been numerous back-and-forth decisions that alternately support or weaken the opinion that federal facilities are subject to the MBTA.

Now, a long-awaited Interior Department (DOI) rule expected to effectively exempt Defense from the MBTA has been sent to the White House's Office of Management & Budget (OMB) for review before going into effect. The military is reportedly happy with the draft rule allowing Defense, to incidentally "take" (i.e., harm or kill) migratory birds under the MBTA.

A number of conservation groups have objected to the way the proposed rule was written, claiming that it will limit the Department of the Interior's oversight and does not comply with MBTA.

The final announcement may be made sometime in October.

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RED KNOT DECISION: INDECISIVE

In early September, the U.S. Fish and Wildlife Service (USFWS) announced that it had designated the Red Knot as a "candidate" for Endangered Species Act (ESA) protection.

We have covered the Red Knot and Horseshoe Crab situation in this E-bulletin multiple times, most recently in [July](#) of this year.

Candidate species do not receive ESA protection. The USFWS will place plants and animals on this list when it is believed that the species may warrant protection under the ESA, but the Service determines there are higher priority listing activities. Currently, there are about 280 species on this candidate list, with each assigned a listing priority. At this point the listing priority for Red Knot is six on a scale of one to twelve. Species have been known to remain on the candidate list for years.

While the USFWS acknowledges the need to protect the shorebird, it stops short of proposing the bird for protection under the Act. The USFWS has maintained that the "strong conservation actions initiated by the

states of New Jersey and Delaware have reduced threats to Red Knots at their migratory stopover in Delaware Bay," that the recent numbers of the shorebirds there and at their South American wintering grounds indicate that the declining population trend may have stabilized, and that protection of the shorebird is precluded by other, higher priority activities.

Others claim that relegating the Red Knot to the "waiting room" of candidate species will likely doom the species to extinction and that population-decline scenarios could have the species "blink out" as soon as 2010.

Clearly, protection of the Red Knot is warranted, but the debate revolves around the degree to which the species is in decline and if current conservation efforts are adequate. The ESA-listing advocates stress the downward dire numbers, while the Service and others point to at least short-term stabilization. While the states of New Jersey and Delaware are doing well, one can also doubt that their actions are sufficient to turn around

of New Jersey and Delaware are doing well, one can also doubt that their actions are sufficient to turn around the situation overall. The Service's claim that other species are at greater risk may be true, but that is ultimately an economic assessment, not necessarily a biological one. To that end, Eric Stiles, Vice President for Conservation and Stewardship for the New Jersey Audubon Society said that "Study after study has shown the federal Endangered Species Act works. Listed species are more likely to recover." Mike Parr, Vice President for American Bird Conservancy, added, "The costs of saving the species will only increase if its decline is allowed to continue."

The Candidate Notice of Review requires subsequent annual reexaminations until either a listing proposal is published or a "not warranted" finding is made based on new information.

Quite independently, a Conservation Plan for the Red Knot is being finalized as part of a Western Hemisphere Shorebird Reserve Network project to define the conservation strategies, sites, and needed action for shorebird species of highest concern. Once peer-review is completed, it will be posted at [WHSRN's website](#):

[Further information about red knots.](#)

You can search for the national news release on the Candidate Notice of Review [here](#).

Finally, see a [critical view](#) of the decision.

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MARBLED MURRELET: SHIFT IN HABITAT PROPOSAL

The USFWS issued a revised proposal in early September to shift the designation of Critical Habitat for the Marbled Murrelet, a Threatened species protected under the ESA.

The Service identified 3,590,642 acres in California, Oregon, and Washington as critical habitat, but is proposing to exclude 3,368,950 acres already protected under other existing regulations or plans. These areas are covered under the Northwest Forest Plan, state and tribal management plans, and habitat conservation plans. An additional 1,574,201 acres were considered but not included in the proposal because they already are managed in ways that are deemed to meet the needs of the Marbled Murrelet. These include federal wilderness areas, tribal conservation easements, and Redwood state and National Parks.

Areas designated as Critical Habitat contain habitat essential for the conservation of a Threatened or Endangered species and may require special management considerations. This designation does not set up a preserve or refuge and has no specific regulatory impact on landowner actions on non-federal land that do not involve federal agency funds, authorization, or permits. Landowners, however, must avoid actions on their property that could harm or kill protected species, or destroy their habitat, unless they first obtain a permit, regardless of whether Critical Habitat has been designated.

In 30 years of implementing the ESA, the Service maintains that the designation of Critical Habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits.

Some critics claim that the USFWS launched the proposal only after the timber industry in the region sued the government last year, saying that the murrelet does not deserve endangered species protection at all.

USFWS will take public comment on the plan until 13 November. An economic analysis of the critical habitat proposal will be completed and released for public comment before final Critical Habitat for the Marbled Murrelet is designated. The final designation is scheduled to be made by 30 August 2007.

For some background and frequently asked questions see:
http://www.fws.gov/pacific/news/2006/Q&As/MAMU_PCH_Q&A.pdf

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NRP-A REPRIEVE

We have visited the debate over the fate of habitat in the National Petroleum Reserve - Alaska (NPR-A) numerous times in this E-bulletin. Specifically, we've covered the issue of Teshekpuk Lake before (July 2004, February 2005, and most recently in [February 2006](#)).

Since 1980, the NPR-A has been part of a series of leasing openings and compromises, the most important of which was settled in 1998, when then Interior Secretary Bruce Babbitt established an oil-and-gas leasing plan for the Northeastern Planning Area within the Reserve that would keep much of the sensitive habitat around Teshekpuk Lake off limits to both leasing and permanent infrastructure. The compromise plan in 1998 was intended to balance energy development and natural considerations, opening up for drilling some 87 percent of 4.6 million acres in the Northeast portion of the NPR-A.

The Teshekpuk Lake Special Area within that portion encompasses a vital and productive wetland complex. For

example, 30 percent of all Pacific Brant, tens of thousands of Greater White-fronted Geese, and lesser numbers of Spectacled, Steller's, and King Eiders, loons, other waterfowl, and shorebirds habitually nest in or otherwise use this area.

In the past few years the Bush Administration has wished to open up this area for oil and gas exploration, with the Bureau of Land Management (BLM) proposing a clear development plan in 2004. Despite legal action, it looked like drilling would begin, with the leasing of half a million acres in the designated Teshesuk Lake area on 27 September.

However, U.S. District Court Judge James Singleton of Alaska issued a strongly worded decision on 25 September striking down the Interior Department's leasing plan for the area, and prohibiting the BLM from proceeding with a planned sale of oil and gas leases in the controversial zone.

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REFUGE CAUCUS GROWING

We present below three refuge-related reports.

First is news on the new refuge caucus. In [June](#), we reported on the plans for a Congressional Wildlife Refuge Caucus in the House of Representatives;

On 14 September, it was announced that 100 members of the House had joined the CWRC whose mission is to "fortify, protect, and preserve the National Wildlife Refuge System by supporting adequate Refuge funding, working for the strategic growth of the Refuge System through easements and targeted land acquisition, and by promoting legislation to improve the Refuge System." The caucus also aims to educate members of Congress about the increasing number of challenges facing the System through briefings and other forms of outreach.

Bird conservationists can only be pleased with the potential of this announcement.

In anticipation of the launch, the caucus recently introduced legislation to help combat invasive species, the number one ecological and financial threat to the Refuge System. The Refuge Ecology Protection, Assistance, and Immediate Response (REPAIR) Act (H.R. 5900), proposes a cost-effective approach to maximize eradication efforts and establishes a grant program to combat invasive species on and adjacent to Refuges.

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NWRA/NFWF REFUGE AWARDS

Also on a refuge theme, the annual National Wildlife Refuge System Awards are seeking nominees. These awards, sponsored by the National Wildlife Refuge Association (NWRA) and the National Fish and Wildlife Foundation (NFWF), have honored outstanding accomplishments by refuge managers, refuge system employees, volunteers, and friends groups. Award recipients receive a commemorative plaque and a monetary award (\$1000 for Refuge Manager, Employee, and Volunteer awards and \$2000 for the Friends Group), along with paid travel expenses to the award presentation ceremony. Nominations are due no later than 15 November 2006. Find out more about the [awards program and guidelines](#).

The Volunteer and Friends Group Awards will be presented at the Friends Group Workshop in Washington D.C. the first weekend in March. The Employee and Refuge Manager awards will be presented at the 72nd North American Wildlife and Natural Resources Conference, 20-24 March 2007 in Portland, Oregon.

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IBA NEWS: VIRGINIA EFFORTS AT PRESQUILE NWR

This month's IBA focus takes us to Virginia.

Presquile NWR located on an island in the James River about 20 miles south of Richmond, contains over 1,300 acres of wildlife habitat and comprises a significant part of one of Virginia's 14 Important Bird Areas (IBAs) - the James River Wetlands IBA. This IBA supports one of the highest concentrations in the region of Prothonotary Warblers, provides ideal habitat for breeding and wintering Bald Eagles, and holds multiple nesting Great Blue Herons.

The southwestern portion of the NWR consists of a grassy field that has been degraded by a non-native and aggressive species of grass - Johnson Grass. To combat the grass, over 3,500 native trees and shrubs will be planted along the James River, creating a corridor of forested habitat, reducing erosion, and, with growing tree-canopies gradually closing, beginning to shade out the Johnson Grass beneath.

This restoration project will be continuing until the end of October. Numerous organizations (e.g., Alliance for the Chesapeake Bay, James River Association, USFWS, National Audubon Society, and the Richmond Audubon

Society) have combined their energy and resources to launch this effort. It will engage up to 200 volunteers including groups from Phillip Morris, Virginia Commonwealth University, Boy Scouts, DuPont, as well as bird clubs and conservation groups.

For more information on Virginia IBAs see:
<http://iba.audubon.org/iba/viewState.do?state=US-VA>

For additional general information about the ongoing IBA program in the United States, see:
<http://www.audubon.org/bird/iba/index.html>

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RICE-AND-BIRDS WEBSITE

We've mentioned the issue of bird-compatible before in [this E-bulletin](#).

There is now a Rice and Waterbirds Working Group formed under the auspices of the Waterbird Conservation Council, created to promote conservation of aquatic birds using habitats associated with rice cultivation. The group hopes to address the needs associated with research, identify and promote best management practices, and engage in outreach.

The group has created a new website to act as a central place for disseminating information about activities and about waterbird use:

<http://www.fws.gov/birds/waterbirds/rice/rice.html>

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BOOK REVIEW: SHOREBIRD SPECTACULAR

THE SHOREBIRD GUIDE by Michael O'Brien, Richard Crossley, and Kevin Karlson (Houghton Mifflin) is both sumptuous and instructive. The color photos which occupy the first half of the book are expansive; each photographic species account has a large array of images: in-your-face close-ups, comparative shots, mud-level portraits, multi-plumage shots, time after time, page after page, all with creative captions. At the same time, the body of the text is "GISS" (General Impression of Size and Shape) oriented when it comes to ID, but is still informative enough to cover such issues as breeding and migration, facts difficult to find in any other shorebird book.

Your two editors are real shorebird fans. And for any shorebird aficionados this book is certainly a must.

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TRACKING GREATER SHEARWATER

Last month, we drew your attention to tracking some large shorebirds. This month we take you to sea.

For a fascinating view of seabirds, you might want to check out this site which tracks radio-tagged Greater Shearwaters. The purpose of the study is to monitor the diet and track the movements of Greater Shearwaters coming through the Bay of Fundy (Canada) each year. This project is being conducted by the Grand Manan

Whale and Seabird Research Station (GMWSRS). You can type "Greater Shearwater" in the box on this page:

<http://www.seaturtle.org/tracking/>

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DICLOFENAC BAN SPREADS

Last month, we wrote about the new ban on diclofenac in Nepal, an effort that should have positive results on the vulture populations of south Asia. [The move in Nepal follows a similar ban in India reported on earlier this year.](#)

Now Pakistan has banned the veterinary use of diclofenac. Since the drug causes widespread renal failure on otherwise tough vultures, this ban is certainly encouraging news.

Along with the ban of veterinary use of diclofenac, the production of veterinary meloxicam (a vulture-safe alternative) at a price comparable to diclofenac, should help secure the future of vultures in south Asia.

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