

Desert Rivers

SPRING 2018

Audubon

Magazine



*The Amazing
Lewis' Woodpecker*

Plus Saving the Migratory Bird Treaty Act • Partnering with Hunters

Presidents Message

By Krys Hammers, President

I remember the first time I saw a Vermillion Flycatcher. I grew up in Colorado and had always hiked, camped and skied. I knew trees and wildflowers, but I was oblivious to birds. Then 20 or so years ago, a friend visited me in Arizona. She wanted to go birding, so we headed to Southern Arizona. We were sitting by a small, shady stream when she pointed out a brilliant red bird dancing from the branches to the ground and back up again. I will never forget the wonder and the awe that I felt watching that magnificent bird. I was hooked on birding from that moment.

Once the birds hook you they continue to suck you in, which in my case was a good thing. I began to care about birds and what happens to them. I began to care about the habitat that they depend on for food and shelter. I began to care about the water they need to survive, which is always in short supply in the west. I began to look for ways to make a positive impact for the birds. So, I became involved in forming the Desert Rivers Audubon chapter and in launching its many activities.



Through the chapter, I have had many opportunities to work with beginning birders, because I help to lead birdwalks and field trips and teach the Beginning Birding class. I love to show a beginner a Vermillion Flycatcher for the first time, or a Western Tanager, or a Bald Eagle, or help a child pick a Green Heron out among the reeds. Each time I get to relive the feeling of wonder that I had the first time I experienced those things. You

can tell when that beginner is getting hooked, perhaps starting their own journey caring about birds and their habitats.

Getting active in Audubon is a very rewarding experience, and you can help in many ways. We always need volunteers for our birdwalks and events. We also need folks to take on leadership roles on the board, which meets on the fourth Tuesday of the month at the community room in the Mesa Bass Pro Shop. We need a secretary to take minutes. We also need a programs director, who, with the board's help, lines up speakers for next year. Speakers are scheduled by August, and the director creates a write up and bio. Then it's just a matter of reminding speakers a month before. If you have experience or skills in fundraising, grant writing or contacts, we need a development director. We also need a vice-president who can fill in for me. And, we are always looking for people with tech skills to help us with Social Media. If any of these opportunities appeal to you, please let me know. Let's talk about what's involved and the rewards.

Nothing is quite as satisfying as contributing to the protection of the birds you care about. You are what hope looks like to a bird.



Cover Photo: Lewis' Woodpecker - Jim Burns

Desert Rivers Audubon Magazine

Educating and inspiring our community to protect and
preserve birds, wildlife, and their habitats.

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Monthly Programs

Our very popular Family Birdwalks are held at two locations each month. Binoculars and experienced guides are provided, and Liberty Wildlife has live raptors in attendance. The **Gilbert Family Birdwalks** are held on the third Saturday, October through March, at the Gilbert Riparian Preserve, 2757 E. Guadalupe Rd. just east of the regional library, at 8:00 a.m. The **Chandler Family Birdwalks** are held on first Saturdays, November through April, at 8:00 a.m. at the Veterans Oasis Park, 4050 E. Chandler Heights Rd, Chandler. No reservations are needed and there is no cost. Our monthly **Owl Walk and Talk** is held on fourth Saturdays at Zanjero Park, located on the southeast corner of Lindsay Rd. and the Santan Freeway, Gilbert, at one hour before sunset. It is led by an expert owl person.

Speaker Programs are held at the Southeast Regional Library, 775 N. Greenfield Rd, Gilbert on second Tuesdays from 7:00 p.m. to 9:00 p.m., September through April. Doors open at 6:30pm and everyone is welcome. The library is located on the southeast corner of Greenfield and Guadalupe Rds. See the "Events" page on the DRAS website for a list of topics and speakers. Light refreshments are served. An annual picnic is held in May.

Rare Bird Reports

Rare bird information for Arizona is best obtained from AZNMBirds, the birding listserv run by the University of AZ. To join the list, send an email to list@list.arizona.edu. Put the command Subscribe AZNMBirds in the subject line and leave the message section blank. You can elect to receive daily reports on rare birds and other announcements. "Rare bird information courtesy of AZNMBirds (University of Arizona)"

Membership

The Desert Rivers Audubon Society is a 501(c)(3) non-profit organization incorporated in Arizona to provide environmental education and conservation opportunities to valley residents, and to advocate for our environment. For information on donations, planned giving and bequests, see desertiversaudubon.org/giving-support. Join Desert Rivers Audubon Society at desertiversaudubon.org/membership. Contact audubon@emailcustomerservice.com and request that they "hard-code" your membership to Chapter B08, Desert Rivers Audubon Society.

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SPRING
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2018
YEAR
OF THE
BIRD

birdyourworld.org

2018 is the Year of the Bird

Re-focus on the beauty of birds and the threats they face. See audubon.org/yearofthebird for ways to help, then tell us about it at [Facebook.com/Desert Rivers](https://www.facebook.com/DesertRivers), on Twitter at @DesertRiversAud or on Instagram #desertriversaudubon.

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Photo : Mike Rupp

Conservation Commentary

Mike Evans

2018 has been declared the Year of the Bird by the National Audubon Society, the National Geographic Society, BirdLife International, and the Cornell Lab of Ornithology. The designation commemorates the centennial of the passage of the Migratory Bird Treaty Act (MBTA), passed to stop the slaughter of birds for food, feathers, and predation of crops and animals. Thankfully, feathered hats are no longer the "in" thing, but today's threats are much more difficult to solve: climate change and habitat loss. And at this critical juncture, the MBTA itself is under attack.

Birders value the beauty and majesty of birds: 10,000 species in all, found on all continents and oceans, in all biomes. Only the ocean depths are devoid of avian lifeforms. Their eye-popping color and their awe-inspiring behaviors become unforgettable memories, the stuff of our favorite stories. And it would be a good guess that many of you enjoy art, poetry, books, and music that touch our soul and warm our heart that are connected to birds. So, I'm not going to talk about that.

Let's talk science and conservation: why do birds matter in Arizona?

Let's start with the good news on apex predators: hawks, eagles, and falcons. We almost lost Bald Eagles and Peregrine Falcons because of pesticides and biological magnification. The effects of pesticides, including the thinning of egg shells, concentrate in organisms as you go up the food chain. In the mid-70's very few breeding pairs of Bald Eagles or Peregrine Falcons were left in Arizona. Because of conservation efforts, we now have something like 55 pairs of breeding Bald Eagles and countless pairs of Peregrine Falcons in our state. We see these birds every year — sometimes right in the city! More importantly, we know that our children and grandchildren will see them as well. The birds taught us a lesson about the widespread and indiscriminate use of pesticides. Will we forget what we learned?

Arizona is known for its riparian locations — shady expanses of cool water bringing welcome relief anytime of the year. But we have decimated much of the riparian habitat in our state, and as a result, several riparian bird species are in trouble, including the Yellow-billed Cuckoo, Southwestern Willow Flycatcher and Bell's Vireo. Their decline is evidence of habitat loss and climate change. A hotter and drier climate with greater chance for sudden, intense flash flooding may preclude our children and our grandchildren from seeing these species in Arizona. Will we save what little we have left of this precious resource?

Other birds are at risk due to habitat loss caused by forest fires, including our sky island forests in Southeast Arizona. The 21st century has already seen large destructive fires burn through these high-altitude forests. The Mexican Chickadee and Yellow-eyed Junco, as well as Grace's and Red-faced Warblers are in peril. Will climate change coupled with forest fires remove these species from their historic range?

Around the Tucson and Phoenix metro areas, our desert bird species are threatened by fire as well, set up by the invasion of exotic grasses. Will the Gilded Flicker, Elf Owl and Ferruginous Pygmy Owl and the saguaro forests in which they live survive beyond this century? As Jimmy Buffet sings, only time will tell.

The metaphor of the canary in the coalmine still resonates. Our fascinating hobby is a source of delight as we see and hear and count the birds, but it is also the raw data of science, wildlife conservation and natural resource management. Our observations form the record of our successes and our failures in bird conservation and the larger natural world. When we make decisions on what is best for birds, we are deciding how to conserve and protect the habitats and biomes where those avian species live. We did a pretty good job in the first century after passage of the MBTA. Who's up for another hundred years of good work?

Say your prayers and hope for a wet monsoon season. Never begrudge the desert its rain! Stay hydrated out there, and here's hoping to see you in the field.



Pinal Mountains



San Pedro River

AUDUBON AT HOME

Butterfly Gardens, Mother Nature and Me

By Lynnette Allison

I recently visited a California friend blessed with two very green thumbs and a lovely garden. The early warm weather provided a perfect backyard setting for a friendly chat, surrounded by chirping birds at the feeders and butterflies sipping at the fragrant flowers in the far corner garden. It was like watching flowers with wings, or magical fairies. I was so jealous! And then my friend explained how the transition from native plants only to a pollen-rich butterfly garden was not so difficult. It would just take patience, research, discovery, perseverance ... and dirty hands.

Here's what I learned:

1. PLAN. Know what you already have growing in your yard. Inspect your garden space for areas to develop, including both sunny and shaded spots, and — very important — a nearby water supply. List existing must-keep garden plants, noting what should be trimmed or pruned and what should be removed.

2. BE FLEXIBLE. Imagine one or two large, dramatic and colorful clay pots filled with butterfly-loving flowering plants or vines. Include plants such as milkweed and dill that butterfly larvae feed on. Now find the perfect garden place for one or two middle-sized clay pots. Finally, visit a few local plant nurseries and take notes on the plants that please you AND grow well in clay pots. Consider including a low-water low-growing groundcover as a garden "carpet." Allow grasses to grow taller in some garden areas as shelter. A garden develops seasonally and using various-sized containers and a variety of plants open up limitless possibilities.

3. LEARN. Search online and discover the fascinating life-cycles and migration habits of Arizona's butterflies. This knowledge will influence your final garden choices. Butterfly families come in all sizes and colors, and they migrate through Arizona from diverse locations, from early spring until November. Though most are regional, some butterflies migrate great distances, following food sources and local weather patterns. Monarchs are well known long-distance travelers; a dependable food supply is critical to their survival. Common Arizona butterflies include the Painted Lady (also called the Cosmopolitan) and the Buckeye, with large eye-spots on its upper side. Recently hatched butterflies benefit from a sheltered day or two as their wings unfold and grow stronger. Provide shallow dishes of fresh water under cover

among garden plants, allowing butterflies, lizards and other various reptiles to have a cool water source.

4. GET STARTED. Gather your garden notes, get your paper and pencils, and open your Arizona landscaping books and booklets. It's time to create your garden list and planting schedule! Just remember, my friends: beauty is in the eyes of the beholder ... and it's all beautiful in a butterfly garden. Best of all: birds are known to like butterfly gardens, too!



SEMINAR IN THE PARK

Article and Photos
by Jim Burns

I gravitated from birding with binoculars to birding with camera a couple decades ago when I realized that observing how birds live their lives was more challenging and more rewarding to me than simply seeing them and running up a score on a checklist. The camera dictates that I move more slowly and cover less ground, but more importantly it's an excuse to linger and witness behavior, which I call "lifestyle." It's calming, fascinating, and invariably leads to more questions than answers.

I arrive at the park about half an hour after sunrise. It's late November and I'm dressed in layers because the temperature is closer to freezing than to today's projected daytime high, but I figure I'm going to be here a long time. It's a big park, there are a lot of trees, and there's only one Lewis's Woodpecker, just one of the many unexpected species reported around the Valley in this winter's irruption of mountain birds into the desert lowlands.

The initial report from a week or ten days ago said the bird was seen in a Fan Palm near the volleyball courts. Right, and I'm often seen in my front yard ... except when I'm not. I've parked right in front of the volleyball courts, and as I exit the vehicle I glance at the row of palms behind them. There's a Lewis's Woodpecker silhouetted on the first one, about 25 feet up, plainly visible under the bottom of the untrimmed fronds. I still have one foot inside the car and I'm still reaching for binoculars and camera.

There was a time, years ago, when I might have just swung right back into the driver's seat and headed home, mission accomplished. Site fidelity, sometimes even down to a specific tree, for overwintering birds has always amazed me, probably because I've so often in my birding lifetime been in the right place at the wrong time. Really, this woodpecker this morning could be a hundred miles from here, or it could be in a tree a hundred yards away hunkered down so I would never find it in a day long search.

I walk over to a picnic table and sit down in a sunshaft to ameliorate the early morning chill. Lewis's Woodpecker is generally listed from "uncommon and rare" (Arizona) to "fairly common but local" (throughout the interior West). I saw it in Washington and Colorado before I saw it here in Arizona, and my first in state sighting actually happened as I was running the Prescott marathon one November. If I had to see one in breeding territory, I'd go to the White Mountains in summer and search open Ponderosa Pine or pine/oak forest.

Oaks and their acorns are certainly the habitat markers for Lewis's during their winter altitudinal migrations and occasional lowland irruptions. I remember one November counting ten(!) hanging out together, storing acorns, in pine/oak on top of Mt. Ord.

Palm trees, though, not so much. Lewis's Woodpecker in a palm tree is not mentioned in *The Twelve Days of Christmas* and must surely be one of the ultimate birding oxymorons. Nonetheless, I do have a personal record of a Lewis's in the Parker Oasis along the Colorado River on a February, 1990 field trip, and I know there are palms along the lower Colorado.

I watch as the Lewis's drops from the palm, literally, then levels out ten feet off the ground, and flies off to the northwest. I am sure he will return. There is no rational reason to assume this bird is a male because Lewis's must be examined in hand to determine sex, but I have so labeled him because the species was named for Meriwether Lewis, its first descriptor, and Lewis is a male name. I am certain he will return to this palm because he has apparently been here in the same place 10 days, and every day I sit in the same chair to read the morning newspaper. So, I am twice guilty, once for anthropomorphizing and once for concocting an egregious non-sequitur.

He returns. I stand up and take one picture for the record, then start to sit down when it dawns on me what the camera just captured him doing—caching an acorn. The wheels are turning, and now I'm all in. As he leaves again I move quickly toward the palm so I can see where he goes. Not far. Thirty yards away is a small oak. "Lewis" (see how my mind rolls) disappears into the thickest branches, roots around for a moment, then flies out with another acorn, returns to the same place, and adds to his cache at the base of a trimmed palm frond.

I shoot for three hours, mostly Lewis in flight, because I've never had a chance for flight shots of a Lewis's Woodpecker, and how often can I expect to nail the focus? About halfway through the session Lewis begins utilizing a different but nearby oak and a new cache farther away in a condo complex across a busy surface street. The new cache is also at the base of trimmed fronds in a tall palm. As the morning warms, his trips become a continuous stream of comings and goings, gleanings and cachings, but when noon hour approaches things slow down, and ultimately he flies out of sight to the south, gone for the day.

Back home on the computer I peruse the morning's images, well over 100. Disappointment with how many are trash is softened by the satisfaction of a few keepers. All you need is one good one, right? I am delighted to have gotten an intimate look at a slice of Lewis's Woodpecker life that many birders will never see. Then, as I progress through my work flow from checking focus to looking for compositions that might reveal aspects of that lifestyle, I am blown away by a sudden realization. Two patterns emerge that I had not noticed through the viewfinder in the camera—that could not have been noticed in the fractions of moments when Lewis was actually seen in flight through the viewfinder.

To wit, in every frame over dozens of flights the acorn is carried in exactly the same way, not perpendicular to the bill but parallel to it with the larger, heavier end outward, and, in many of the frames, the nictitating membrane is deployed across the eye. More questions than answers! There must be a reason a bird always carries a food item in the same precise way? And who knew that birds, some birds anyway, fly with the nictitating membrane closed? Can they even see with it closed?

As I ponder the first question, I remember that Osprey always carry fish the same way, parallel to their body and head first. It is assumed that this is evolutionary behavior learned by this species for aerodynamic flight. Birds are, for their very survival, all about energy conservation. How inefficient



would it be to fly with the tail of the fish forward catching the wind and flapping side to side. An acorn, though, is rigid and its bottom end, the style, is thinner than the stem end.

Here is what I decide about Lewis and his acorns. Yes, parallel to the bill for aerodynamic flight, and it is easier to wedge the style end into the bill because that is the more tapered end, but additionally and perhaps more importantly, for ease of storage. To my knowledge woodpecker species eat at their cache rather than removing the food and taking it elsewhere to consume. If the acorn were placed style down into the crevice, it would be off balance and might fall out. And at mealtime the acorn would shift around under the force of pecking it to expose the protein inside. To preclude this, to infill around the stored style, would require time and energy.

Think mortar and pestle, the crevice becomes the mortar, the woodpecker bill is the pestle. We've observed Gilas, Gilded Flickers, and Curve-billed Thrashers dig shallow depressions in the dirt of our yard, then roll ripe Russian Olives into them before jabbing with their bill to open the fruit. This is, in a way, tool usage, the crevice or the depression, in fact, tools.

Having established that Lewis is smart enough to gather and cache most efficiently, here's what I gleaned from the literature about his nictitating membrane after reviewing his photos. Its purpose is to clear debris and moisturize the eye, and in flight would be one of the most critical times to utilize it. In some species it is transparent, in some opaque, so drawing it across the eye does not completely cut off a bird's vision. Though I had never seen or taken a flight photograph showing the nictitating membrane, most birds apparently do close it briefly, but repeatedly, in flight.

There remains only one unanswered question. My new sunglasses are "transitions," and the first time I wore them was the morning in the park with Lewis. I noticed as I moved to keep the sun behind me and the camera between the Lewis and the sun, the lens on the sunny side, as advertised, definitely "transitioned" darker. Can birds do this? I caught Lewis both coming and going with the sun always in the eastern sky, so I have no photos showing both sides of his head. I infer from my reading that shielding the eye from ultraviolet rays is one purpose of the nictitating membrane. Do birds' "third eyelids" work in conjunction with one another, or can they be used independently, sunny side only?



Lewis's Woodpecker, *Melanerpes lewis*, with its bottle green back, silver collar, red face, and salmon underparts, is a uniquely beautiful bird, the favorite in its family for many birders. It is also unique among the woodpeckers because of its "lifestyle"—it flies like a crow, captures insects on the wing, and at times migrates in flocks. Without the camera, Lewis would be just a checkmark on a list. With the camera, my morning with him becomes a memorable avian seminar.

Jim Burns has been photographing birds for 30 years. Find his column, Bird is a Verb, at www.jimburnsphotos.com.

"A birder all his adult life, Jim Burns has been photographing nature for thirty years and writes a birding column, "Bird is a Verb," which began on the Environmental Page of the Arizona Republic and subsequently migrated to his website, www.jimburnsphotos.com every other Thursday."



Hunters and Birders Join Forces

Jerry Lang

Birding and bird hunting are the yin and yang of bird conservation. What could birders have in common with the duck hunter in his blind or the turkey hunter calling in a tom? Although for different reasons, both birders and bird hunters share many basic values:

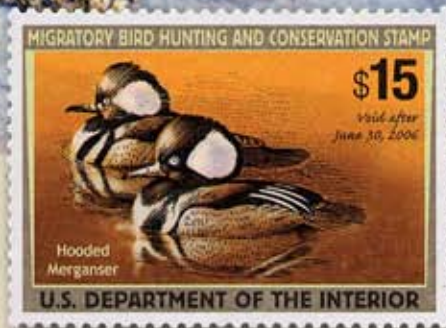
*Preserving, improving, expanding bird habitat,
Maintaining public ownership and expanding
public access to our national wildlands,
Believing in science-based habitat manage-
ment,*

*Seeking a stronger political voice to insure
enactment and preservation of environmen-
tally sound laws and regulations, and
Encouraging youth to learn and experience
more about the outdoors and the threats to
our environment.*

How it started

The Dust Bowl of the 1930s was a wakeup call, sounding the alarm not just for better farming practices but also for change from a frontier mentality regarding fish and wildlife. People finally realized that clear-cutting, killing, plundering, draining and plowing to your heart's content would result in the extinction of many bird and other species, including game.

One of the first attempts to fund conservation programs was the Migratory Bird Hunting Stamp Act, signed by Franklin Roosevelt, requiring every waterfowl hunter 16 years old and older to purchase a stamp (Duck Stamp) in addition to a state hunting license each year. This program continues today, and revenue from the sale of stamps is used to fund conservation projects at National Wildlife Refuges. This was a helpful first step in 1934, but waterfowl habitat and waterfowl numbers continued to decline. In 1937 the Pittman-Robertson Act (officially titled the Federal Aid



in Wildlife Restoration Act) was passed to raise additional revenues for wildlife conservation efforts at the state level. Funds are generated through a 10-12 percent federal excise tax on manufacturers of firearms, ammunition and archery equipment. These funds are deposited in the Wildlife Restoration Account (WRA), and interest is deposited in the North American Wetlands Conservation Fund. The U.S. Fish and Wildlife Service makes WRA matching grant funds available to states that agree to use their hunting license fee revenues strictly for fish and wildlife programs. The grant program strongly encourages public-private partnerships. Billions of dollars to aid state fish and wildlife agencies have been generated since 1937 through these excise taxes.

The North American Wildlife Conservation Model was developed by the hunting lobby to guide state and federal wildlife agencies in the development of policy, including the award of WRA grants. The key tenants of the North American Model are: wildlife is a public-trust resource and is not owned by individuals, markets for game should be eliminated, wildlife is allocated to the public by law and not market principles such as land ownership or other status, wildlife should be killed only for a legitimate purpose, wildlife is considered an international resource, science is the proper basis for wildlife policy, and the democracy of hunting (the right to hunt is not restricted to those of means). Hunting organizations refer to these seven tenants as the Seven Sisters of Conservation.

Hunters unite

The signing of the Pittman-Robertson Act in 1937 was also the year that Ducks Unlimited (DU) was founded by wealthy sportsmen who decided to do something about plummeting migratory duck populations. In 1935, the DU founders funded and conducted the first International Wild Duck Census using aerial surveys of the prairie pothole regions of Canada and the upper Midwest. William Vogt, a National Audubon editor, took part in this waterfowl survey. Among Vogt's many other accomplishments, was assisting Roger Tory Peterson in getting the first edition of "A Field Guide to the Birds" published in 1934.

DU's single mission is habitat conservation, and with more than 700,000 members it is now the world's largest private, nonprofit



waterfowl and wetlands conservation organization. DU's multi-pronged approach to conservation is much like that of The Nature Conservancy: working with partner organizations and land owners, acquiring land, establishing conservation easements and management agreements, and using geographic information systems for habitat evaluation, monitoring and management. DU has protected, restored, and enhanced approximately 14 million acres of wetlands through its efforts in the U.S. and Canada.

DU projects focus on Canada's western boreal forests and the five-state prairie pothole region — the core of what was once the largest expanse of grassland in the world, the Great Plains of North America. Other project areas include Central Valley/Coastal California, Gulf Coast prairies, and the lower Mississippi River Valley. Projects also have been underway in the lower Colorado and lower Gila River watersheds of Arizona and southern California. Projects at Cibola National Wildlife Refuge (NWR), Colorado River Indian Tribes, Havasu NWR, Imperial NWR, Quigley Wildlife Management Area, Pratt Agricultural Lease and Duke Energy Arlington Valley involved salt cedar removal, water conveyance and control for restored wetlands, and planting of native riparian vegetation.

Partnerships involving DU have also sponsored a wetland restoration project in the Whitewater Draw Wildlife Area near Wilcox, Arizona in the Sulphur Springs Valley. The project involved acquiring or restoring 120 acres of palustrine emergent wetlands and surrounding uplands. Ducks in the Desert is a recent initiative by DU, with a goal of raising funds to preserve and/or restore over 6,000 acres of wetlands in Nevada, Utah and Arizona.

Another hunter-based conservation success story is the re-establishment of wild turkeys throughout their historic range across the U.S. The National Wild Turkey Federation's (NWTF) 250,000 members and biologists along with the U.S. Fish and Wildlife Service and state wildlife agencies across the country played a significant role in bringing the U.S. wild turkey population back from an estimated 30,000 in the 1930s to about 7 million currently.

In Arizona, the NWTF has invested approximately 2.2 million dollars on wild turkey restoration — much of the effort on restoring the Gould's subspecies of turkey to historic sky islands habitats in southern Arizona. The federation has also worked in Apache-Sitgreaves National Forest with the U.S. Forest Service on restoring wet meadow sites and is involved in the Pinaleno Ecosystem Restoration Project underway on Mount Graham. This later project involves thinning of pine and fir stands along with controlled burns to improve habitat and reduce fire hazard to benefit Mount Graham red squirrels and Mexican spotted owls as well as turkey populations.

Other national bird hunting organizations with active habitat conservation programs include Pheasants Forever, Quail Forever and the Ruffed Grouse Society. Pheasants Forever and Quail Forever

often work together and in conjunction with the Natural Resources Conservation Service and state agencies to assist landowners with habitat improvement projects. Much of their focus is on Farm Bill issues such as the Conservation Reserve Program and the Agricultural Conservation Easement Program. The Ruffed Grouse Society conservation activities are mostly concentrated in the eastern U.S.

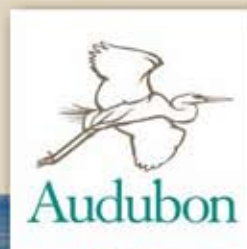
A way forward

There is no doubt that through the Pittman-Robertson Act, Duck Stamp purchases and other means, hunters have played a vital role in improving bird and other wildlife habitats throughout the country. However, there is increasing concern that because hunters have long "had the ear" of state fish and wildlife agencies, now the more numerous non-hunting members of the environmental community do not have a sufficient voice in wildlife management decisions. The hunting and fishing lobbies have a strong voice in state and national politics, which may be disproportionate to their actual financial role in program funding. Despite the much larger funding role of federal agencies as well as large non-profits such as The Nature Conservancy and the Wildlife Conservation Society with many non-hunting members, state wildlife budgets are still viewed through the lens of a riflescope.

Despite differences in philosophy or motivation, environmental organizations such as Audubon have many common interests and similar approaches to improving bird and other wildlife habitat nationwide. Much more collaboration is needed between the hunting and environmental communities as modeled by such efforts as the Western Rivers Action Network's (WRAN) protective strategy development for the Colorado River Basin. This effort involves such diverse organizations as the Arizona Elk Society, Ducks Unlimited, The Nature Conservancy and National Audubon.

While often there is cooperation at the national organizational level, grass roots members of both the hunting and non-hunting communities need to come together for the common purpose of protecting and improving bird habitats across North America. We need to get past the thinking represented by "They're Bambi killers" on one side or "They want to take away our God-given right to hunt" on the other. Bird hunters and birders have a much larger common cause: improving the world for birdlife.

As Ted Williams, former writer for National Audubon (Incite) as well as staff writer for Outdoor Life and other "hook and bullet" publications has said, "If America's 15 million hunters and 50 million anglers were ever to join forces with environmentalists, they would comprise 60 to 70 percent of the population, an absolutely irresistible coalition." Given the current anti-environmental political climate at the federal level, such a coalition would be a very good thing.



The Fall of the Migratory Bird Treaty Act: A Grim Modern History

Rebecca Stephenson



The year was 1918. Having just witnessed the human-caused extinction of one of the planet's most numerous birds four years prior, along with the near extinction of many water birds during the plume trade of the late 1800's, the people of the United States were shocked into action. This was the year that the Migratory Bird Treaty Act was officially signed into reality – a vow to protect the birds from people by never allowing such reckless and irresponsible behaviors to go unchecked again.

And so, for the last 100 years, this strict act has presided over 1,000-plus bird species with an astounding absoluteness that brooks no exception, designating it "unlawful to pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export, or transport any migratory bird, or any part, nest, or egg of any such bird." But, as with the Passenger Pigeon, it seems that all good things taken for granted come to an end.

The year is now 2018. Rapid human progress and leaps in technological advancement have brought new threats to the birds we share our land with. The ubiquitous electrical lines that crisscross the land clothesline 25 million birds a year, oil pits and spills drown and poison millions more, and even Earth-friendly solar and wind farms incinerate and chop birds respectively. These numbers are staggering, billions overall compared with the estimated 5 million birds killed per year during the height of the plume trade. These modern killings are accidental, but the blood still falls on the hands of mankind.

When the act was drafted, the verbiage very much targeted human disturbances, but erred towards direct activities like hunting and collecting. This made sense in 1918, when less than 30 percent of homes had electricity, but our predecessors could never have envisioned what a bird's eye view of the landscape would look like in 2018.

First used against industries in 1972, the MBTA has continued to do its job, albeit with increasing difficulty. Enforcement of the

act falls under the jurisdiction of the United States Fish & Wildlife Service (USFWS) and typically comes in the form of fines and, in some extreme cases, jail time. In recent days, the act has had to bare its teeth a lot more.

In 2008, a California oil refinery was fined \$3 million for the deaths of 1,500 birds that drowned in open oil tanks. The \$1 million paid by Duke Energy for the deaths of 14 Golden Eagles and over 150 other birds at two wind facilities in Wyoming received high media attention. That same year, BP also pled guilty to 14 criminal counts relating to the 2010 Deepwater Horizon oil spill, the largest ever in U.S. waters. Part of the settlement was a \$100 million payout – all applied to wetland restoration and mitigation. While these punishments seem harsh, retribution is typically only assessed when companies fail to make attempts to prevent the killing of birds.

In many cases, avoiding needless bird deaths is relatively simple and inexpensive so long as corporations are willing to work with biologists to implement best management practices. For example, altering the height and spacing of powerlines keeps birds from colliding with them, placing nets or covers on open oil tanks prevents birds from landing in toxic waters, and adding colored materials to gas makes flares visible so birds do not fly into them. Altering tower settings at solar farms eliminates the concentrated beams known to incinerate birds with no impact on energy expenditure, and simply changing solid red lights to blinking lights on turbines and towers reduces bird collisions by up to 70 percent. Intelligent placement of potentially harmful facilities has also reduced bird deaths. For example, facilities that require toxic ponds should not be constructed on the Pacific Flyway, where entire populations of birds seek water sources during migration.





The extra media focus and significant penalties drew the attention of the general public as well as potentially liable corporations, and both opponents and supporters of the act began drafting disparate plans for its future.

In 2015, the USFWS announced the start of work on a long overdue "modernization" of the act, which sought to address novel concerns while upholding its original intent: to protect birds from human-caused harm. One idea was to create a permit system that would allow for the unavoidable killings of birds so long as reasonable modifications were made to avoid such killings.

But beginning as early as 2014, corporations who had been burned by the act and others who feared similar penalties lobbied to call for a different rewrite altogether, absolution of all responsibility for the accidental deaths of birds. By mid-2015, opponents proposed an amendment that would ban the Department of Justice from enforcing the MBTA in certain situations – in effect, neutering its ability to function. Mere months later, this loss of function was already in effect: when the USFWS prosecuted a Texas oil refinery for the deaths of birds in uncovered tanks, the courts reversed the punishments.

After the 2016 presidential election conservationists became desperate. In the final days of the Obama administration, the Office of the Solicitor issued an opinion in favor of continuing to prohibit accidental harming of birds. Less than one month later, this opinion was "suspended and temporarily withdrawn" by the new administration.

Along with many other bird conservationists, I submitted a letter to both Arizona senators in 2015, arguing the necessity of this vital protector of birds, especially in a time of increasing threats. Senator John McCain responded with casual disregard, assuring me that all would be well while erroneously referring to it as the Neotropical Migratory Bird Conservation Act, a separate piece of legislature that was passed in 2012. Senator Jeff Flake responded with a far more alarming dismissal: "While it is reasonable to prosecute those who intentionally violate the MBTA, prosecuting incidental violations could have far-reaching consequences for all kinds of activities – from operating wind turbines to driving."

At first glance, this statement seems innocuous – perhaps even correct. And therein lay its danger. In December 2017, a legal memorandum prepared by Daniel Jorjani solidified Flake's viewpoint on a national level, bypassing both Congress and the courts. Jorjani, a longtime advisor to Charles Koch, who owns a chemical refining and manufacturing corporation, made his stance clear. He focused his attack on the wording of the act: "incidental take," he writes, is "take that results from an activity but is not the purpose of that activity." By this logic, he argued, "the vast majority of Americans" are "potential criminals." He also appealed to the environmentally-minded, declaring

that fining solar and wind industries was a hindrance to green energy initiatives.

Bird conservation groups were not taken in and banded together for a last-ditch effort. In January 2018, seventeen former Interior federal officials, including seven who formerly held the Chief of Migratory Bird Management role (a position that now stands empty under the current administration), submitted a retaliation letter, writing: "We respectfully request that you suspend this ill-conceived opinion, and convene a bipartisan group of experts to recommend a consensus and sensible path forward," adding, "Your new interpretation needlessly undermines a history of great progress, undermines the effectiveness of the migratory bird treaties, and diminishes U.S. leadership."

But it seems that this "bird-killer amendment" is here to stay, at least for now. Currently, corporations are no longer liable for incidental take – meaning they are not required by law to make simple modifications to prevent bird deaths. The ramifications of this ruling are significant and devastating. Funds from assessed fines have gone towards restoration efforts across the nation, and the threat of citations has led to operation modifications that have saved millions of bird lives. As it stands now, it is completely up to the companies to implement such alterations on their own.

The birds and the people who love them have lost in a big way. "In a time when many migratory bird populations are experiencing significant decline, these changes would take the teeth out of the only law that protects the majority of our native birds," laments Steve Holmer, vice president of the American Bird Conservancy. "Any change to the act should make killing birds more difficult, not easier," declares Brian Rutledge, the director of Audubon's Sagebrush Ecosystem Initiative. It is a giant step backwards on a subject that both parties once agreed upon as having the utmost importance, even during a world war.

As we face what is perhaps avian conservation's darkest chapter, those of us who care must do what we can to do right by the birds: keep cats indoors, work to make windows bird-safe, and reduce water and energy use.

"Rebecca Stephenson holds a Bachelor of Science in Ecology & Evolutionary Biology and a minor in Plant Sciences. She travels for birds, music, and celestial events."



These homeowners and organizations shared their bird-friendly yards and habitats and their expertise at the 2017 Tour de Bird on November 4, 2017. On behalf of our human visitors and the birds, Desert Rivers Audubon Society says thank you!

Cauleen Autery
Mary and Dan Bossler
Krys Hammers
Jeff and Jenny Winkler
Wild Birds Unlimited, Gilbert

Diane Beatty
Karen Gaylord
Jeanne Wellwerts
Chandler of Chandler

If you are willing to open your bird-friendly yard on our next Tour de Bird (November 3), please contact Krys Hammers at krys.hammers@gmail.com.

A Big Day: From “Burger Kinglets” to American White Pelicans

Kathe Anderson

With a goal of sighting 75 bird species, eight of us set out on January 22 to see what we could find in a variety of habitats from Oak Flat, east of Superior, to the Gilbert Water Ranch. Eleven hours later, the group tallied the list and discovered we'd surpassed our goal!

Our first stop was the Circle K in Superior, where the bathrooms are heated. We didn't overlook the Burger Kinglets (one birder's amusing nickname for House Sparrows) or Eurasian Collared-Doves, but concentrated on the Northern Cardinal sitting in the sun on an electrical wire and singing. How bad could the day be if it started like that?

Our second stop was Oak Flat, a sacred place to the San Carlos Apaches, at about 4000 feet. The area now belongs to Resolution Copper, a foreign-owned mining company, which acquired the land in a controversial land exchange hidden in the National Defense Authorization Act of 2015. While increasing mining activity is evident, as are remnants of the Native American protest, the scenery remains lovely oak-scrub habitat, lush amongst the rock outcroppings. We saw several species there that we didn't see anywhere else that day, including Western Bluebirds, Woodhouse's Scrub-Jays and Chipping Sparrows. As we left, about eight javelinas foraged on the edge of the road — a wildlife viewing treat!

From there we started west, spending a couple of particularly fruitful hours at our third stop, Boyce Thompson Arboretum. In addition to winter species regularly-seen at the desert oasis, such as Spotted Towhees and Hermit Thrushes, we got great looks at the unusual Fox and White-throated Sparrows and a glimpse of a Pyrrhuloxia that couldn't sit still. A trio of vireos—Bell's, Plumbeous and Hutton's — added to the growing list.

Queen Valley, a small golfing community nestled into stunning Sonoran Desert scenery five miles north of Route 60, was our fourth stop. The water level of the ponds and seeps there can vary greatly; unfortunately, some excellent scrubby habitat has been destroyed recently. Previous Christmas Bird Counts have resulted in a remarkable number and assortment of species there, including Western Meadowlarks, Brewer's Blackbirds, Greater Roadrunners, and once, a spectacular Scott's Oriole. This day, however, we had to be content with more ordinary finds. Still, we added a Vermilion Flycatcher and a couple of Harris's Hawks for our efforts.

Our fifth stop, the garden center at Lowe's at Ellsworth Road and Southern Avenue in Mesa, can hardly be called a “habitat,” but for the Big Day, it was! There we added the two reliable Great Horned Owls that have nested there for eight years. They seem to be a point of pride for Lowe's employees, even though they are entirely invisible to most of the shoppers. Note where the walls are painted with whitewash and look up. Or look down and find owl pellets for insight into these owls' prey.

Remarkably, it wasn't until the Gilbert Water Ranch, our final birding spot, that we saw a Mourning Dove! We spotted the usual variety of waterfowl, including nine species of ducks, plus the expected members of the heron/egret family. We also saw cormorants and sandpipers, and to our delight, a small flock of American White Pelicans, magnificent in flight. We missed out on the unusual warblers that have been hanging around the cottonwood trees near Pond 1, but we couldn't whine too much. We'd had a delightful, if somewhat exhausting, adventure!

Kathe is an avid birder, having led hundreds of field trips and taught dozens of hands-on birding-related classes for individuals, conservation organizations, festivals, private groups, and life-long learning programs. She loves sharing her passion with others.



Arizona Sightings

More detailed information available on the AZFO documentation page at AZFO.org



Streak-backed Oriole (*Icterus pus-tulatus*), San Bernardino NWR, Cochise County. This Streak-backed Oriole was found by Richard Webster on 18 January 2018 and photographed by Bradley Hacker on 05 February 2018. Casual visitor, mostly in fall and winter though it has bred. Heavy-based straight bill with black on underside of lower mandible, brightest

orange on the face and particularly the malar region, white edging to the wing feathers.

Brown Thrasher (*Toxostoma rufum*), Paradise Valley (private yard), Maricopa County. This Brown Thrasher was found by Brian Ison on 21 January 2018 and photographed by Brian on 04 February 2018. Brown Thrasher is a casual fall, winter and spring visitor. Long tail with bright rufous upperparts. Bold white wing-bars, and boldly streaked breast on otherwise white underparts.



Rose-throated Becard (*Pachyramphus aglaiae*), Santa Gertrudis Lane, Tubac, Santa Cruz County. This Rose-throated Becard was independently found by multiple groups on 20 January 2018 and photographed by Barry McKenzie on the same date. Once a regular breeding species in a few locations, Rose-throated Becard had almost disappeared from Arizona in recent years. Recently multiple individuals have been found along the Santa Cruz River, including a pair attend-

ing nest(s). The male is nearly unmistakable in this plumage with the pink throat and dark crown.

Greater Scaup (*Aythya marila*), Saguaro Lake, Maricopa County. This Greater Scaup was found by Sean Fitzgerald and Troy Corman on 18 January 2018 and photographed by Sean Fitzgerald on 18 January 2018. Rare but annual winter visitor on larger lakes and reservoirs in Maricopa County. Broad, smooth rounded head, lacked peaked crown of Lesser Scaup, also a relatively broader bill. Observed in flight briefly, during which it showed extensive white extending into the primaries. Also showed wider white stripe in the secondaries than Lesser Scaup.



Sinaloa Wren (*Thryothorus sinaloa*), Santa Gertrudis Lane, Santa Cruz County. This Sinaloa Wren was found by independently by Bill Lisowsky and Steven Bonta on 01 January 2018 and photographed by Rob Woodward. 4 accepted records for the state. This species is essentially a west Mexican endemic.

Trumpeter Swan (*Cygnus buccinator*), Phoenix Zoo, Maricopa County. This Trumpeter Swan was found and photographed by Kyle Waites on 14 January 2018. This juvenile Trumpeter Swan flew into the Childrens Zoo Lake of the Phoenix Zoo. Though possibly increasing, Trumpeter Swan remains very rare in Arizona, with six accepted records and several more pending.



Laughing Gull (*Leucophaeus atricilla*), Lake Havasu, Mohave County. This Laughing Gull was found by Brittany O'Connor and photographed by David Vander Pluym and Thomas Benson on 14 January 2018. About 30 prior records for Arizona, primarily from late spring and summer. If accepted by the ABC, this would be the first winter record for Arizona.

Prairie Warbler (*Setophaga discolor*), Saguaro Lake, Maricopa County. This Prairie Warbler was found by David Wiedenfeld on 05 January 2018 and photographed by Gordon Karre on 11 January 2018. Casual, primarily late fall migrant and winter visitor with 17 prior records and 1 pending for the state. Unique face pattern and black streaks confined to sides of yellow breast.



Black-legged Kittiwake (*Rissa tridactyla*), Site Six, Lake Havasu City, Mohave County. This Black-legged Kittiwake was found and photographed by David Vander Pluym on 03 January 2018 and photographed by Lauren Harter on 04 January 2018. Casual late fall and winter visitor to Arizona with 18 prior accepted records (and 1 pending).

White-winged Crossbill (*Loxia leucoptera*), Tunitcha Mountains, Apache County. These White-winged Crossbills were found by Felipe Guerrero, Caleb Strand, and Micah Reigner on 10 December 2017 and photographed by Felipe Guerrero on the same date. One prior record from Arizona, at the South Rim of the Grand Canyon on 17 November 2007. This winter is one of the largest irruptions on record for this species



ANNOUNCEMENTS

See DRAS website calendar for **more comprehensive information**. Register for field trips by emailing our Field Trip Director Gwen Grace at gwengellen@gmail.com, or the trip leader.

Monthly Speaker Series

Monthly Speaker Series programs are held at the Southeast Regional Library at the southeast corner of Greenfield and Guadalupe Roads in Gilbert. Browse our book table for the latest birding guides and more! Doors open at 6:30 p.m. and the program starts at 7 p.m. Watch the DRAS calendar on our website for announcements of future speakers



Hope Kids Birdwalk

Hope has wings – A group of children and families from HopeKids discovered the beauty of birds during a tour of the Gilbert Riparian Preserve recently. HopeKids provides support and encouragement to families who have a child with cancer or some other life-threatening medical condition. Desert Rivers Audubon Society hosts a special guided walk for these families each year.

Field Trips

Please check out all field trips on the DRAS Calendar page on the DRAS website: desertiversaudubon.org/calendar



Santa Cruz Field Trip Report

Gwen Grace

The cotton fields, lettuce crops, cattle ranches and sheep farms in the Santa Cruz Flats near Picacho Peak are known for raptors, and on January 21 a group led by Claudia Kirscher discovered why.

The first sighting along the road was a rare Harlan's Red-tailed Hawk. The telephone lines held many more surprises, such as Red-tailed Hawk "morphs" followed, along with harriers, kestrels and Prairie Falcons. Pecan trees held Meadowlarks, woodpeckers and flickers, and finches. Thrashers and towhees scoured the ground.

Hinde Silver and Laura Royal spotted a Crested Caracara far away in a field. The finale was a murmuring of thousands of Yellow-headed Blackbirds, which blacked out the sky before lighting within feet of us.

Photo above from left: Hinde Silver, Babs Buck, Claudia Kirscher, Laura Royal and Scott Brockenbrough. Gwen Grace was behind the lens.

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Young Birders'

Identifying Small Brown Birds

Birders of all ages and experience have been challenged with identifying a small brown bird they have in their view. Is it a Sparrow? Towhee? Thrasher? Wren? At Gilbert Riparian Preserve, we have an abundance of brown bird species. Here are some guidelines for our Young Birders. I am thinking of one of these now, and let's see how long it takes you to deduce the species!

Here are some characteristics of the bird in your binoculars that you want to focus on:

(1) Size - Start with a familiar bird's size (for example sparrow), and determine, is this one sparrow-size? Smaller than a sparrow? Larger than a sparrow? (Answer1 - Smaller)



(2) Behavior - What is it doing? Is it perched on a branch, very still, sunning itself? Is it flying back and forth from a favorite branch snatching flies? Is it on the ground shuffling debris with its feet to reveal bugs? Is it constantly moving amidst leaves and branches, gleaning insects as it explores a favorite tree? (Answer 2 - constantly moving and gleaning)

(3) Color Pattern - Is the bird mostly brown? Is there striping anywhere (for example on the tail? On the back?) Are there "wingbars" (white or yellow borders on wing coverts that form a "bar" line across the wing)? Does it have a distinctive patch of different color anywhere (throat? head? belly?) (Answer 3: narrow dark bars across the tail. One white line above the eye; "eyeline").



(4) Habitat - Is the bird near water? Is it staying in piles of dense twigs, brush, and leaves? Is it in the desert in sagebrush? Is it alone or with other birds? Is it high in the air darting about for bugs?(Answer 4: in piles of twigs and dense brush)

Just think of these four focus areas and you should be able to narrow down the species to one or two. So, do you now know the bird I have been thinking of? I think it could be one of two species: House wren or Bewick's wren.

Bewick's Wren=
Answer!



House Wren

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Watching People Light Up for Birds

When he was a child in Minnesota, Desert Rivers Audubon Society member John Krick loved to explore the outdoors and observe the wildlife, especially things up in the air, flying. As a teen he started hunting ducks, and realized he needed to be able to differentiate between water birds. "The guides that came with the hunting license got me started and bird guide books were the next logical step," he explains. "In the 1960s I learned the environment was in trouble and joined the environmental movement." Later, he soaked up nature classes while working at the Teton Science School in Jackson Hole, Wyoming. There he met an excellent birder who taught him field identification.

Krick now passes that expertise along as he guides birdwalks at Gilbert Water Ranch and Veterans Oasis Park. His groups include people who have never before held binoculars and people as knowledgeable as himself, including one seven-year old who "knew more than me at every turn!" Another time a rebellious-looking young man showed up with his grandfather's binoculars. Krick saw his excitement seeing the birds: "It was a neat experience."

Krick said he walks away from encounters like this wondering "how do you feed that enthusiasm?" In a few words, that's the Desert Rivers mission. facebook.com/WBUMesa/ @WBUMesa mesa.wbu.com



Membership in Desert Rivers Audubon Society helps support our chapter's outreach activities and operating costs. Annual membership entitles you to our quarterly magazine, priority status for field trips and events, and discounts on products and services. See desetriversaudubon.org/membership.

Students/Senior (65+)	\$25	Individual	\$30
Senior Couples	\$40	Family	\$50
Corporate	\$300+		

The National Audubon Society and local Audubon chapters are separate entities. All Desert Rivers Audubon dues are dedicated to local programs. You may hold concurrent memberships in National Audubon and any number of local chapters. If you are a National Audubon member, you may assist this chapter by designating Desert Rivers (Chapter B08) as your assigned chapter by emailing

audubon@emailcustomerservice.com

How to Join Desert Rivers

Background Photo: Three Sisters, Sedona