



TERN OF EVENTS

PRESQUE ISLE AUDUBON SOCIETY NEWSLETTER
AUGUST 2015 ISSUE 15:06

To conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the enjoyment and benefit of humanity and the earth's biological diversity in northwestern Pennsylvania.

THE PRESIDENT'S PERCH

After re-reading this Perch for the umpteenth time, I should preface it by saying that I am all for clean and renewable energy; realizing that the predominantly petroleum-based energy resources used in this country are a major source of pollution, habitat destruction and are overall a detriment to wildlife including birds. It is, imperative; however, that as we move into a renewable energy era we do what we can to make sure it is done right.

Back in 2013 I wrote about PA House Bill 1576, which would have severely impeded the ability of the PA Game Commission and Fish and Boat Commission to list and protect endangered species in PA. Since its introduction, that bill was picked up and laid back down on the table over ten times by the legislature. As of my last check on the PA General Assembly website (www.legis.state.pa.us) the bill was picked up and then laid back down on the table on September 16, 2014. According to Paul Burroughs, our esteemed PIAS Vice President, he and his sources that followed the bill cannot find information that the bill was ever reintroduced for a vote. So, hopefully, this bill lost traction and will not rear its ugly head again. There was much push back against this bill from conservation organizations such as the Sierra Club and Audubon chapters across the commonwealth which may have killed it. Thanks to our members who took the time to contact their respective representatives. To be sure, there are many more pieces of proposed legislation, both state and federal, that aim to curtail previously passed legislation that afford

protections to delicate and vulnerable ecosystems and/or the species that reside within them. Most of these proposed bills are written as an attempt to loosen or preempt the "constraints" faced by big industry: land development, big agriculture, fossil-fuel generators and now, it seems, green/clean energy producers. These laws require that industries and corporations apply due diligence and conduct and apply research to limit their impact on the environment before they can begin their proposed projects.

(Cont. on Page 2)



AUGUST THINGS TO DO!

And September

- August 11, Tuesday** – Erie Gives Day from 8:00 AM until 8:00 PM (See Page 5)
- August 14,15** – Hidden Treasures of Presque Isle. Friday evening and Saturday from 8AM to 3PM. Free and open to the public (See Page 6)
- September 1, Tuesday** – First Meeting of the Festival of the Birds Committee for 2016 at 6:00PM in the Board Room at the TREC. (See Page 7.)
- September 25, Friday** – Deadline for entering The Nature Photo Contest (See Page 6)

THE PRESIDENT'S PERCH (Cont.)

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One longstanding piece of federal legislation that should be very familiar to PIAS members is the Migratory Bird Treaty Act (MBTA) of 1918 which, in a very small nutshell, protects birds from people (more details to follow). In case you haven't heard, this act has now come under attack by a bill proposed to amend the MBTA as well as the Bald and Golden Eagle Protection Act. First, a little backstory: Initially, the Commerce, Justice, Science and Related Agencies (CJS) appropriations bill of fiscal year 2016 seemed pretty straightforward. It was just your regular run of the mill appropriations bill; until Senator Jeff Duncan of South Carolina had the brilliant idea to add the following amendment: "None of the funds made available by this Act may be used to prosecute or hold liable any person or corporation for a violation of section 2(a) of the Migratory Bird Treaty Act (16 U.S.C. 703(a)". What, you may ask, does section 2(a) of the MBTA state? *The MBTA provides that it is unlawful to pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export, or transport any migratory bird, or any part, nest, or egg or any such bird, unless authorized under a permit issued by the Secretary of the Interior.* So, in other words, while the MBTA would still have been the law of the land, there would have been no money for the Department of Justice to pursue and prosecute offenders, at least for the one year that the bill was in effect. Just to bring it home; if this bill had been made into law less than a year prior to the Deepwater Horizon (DWH) disaster there would have been no monies to prosecute BP for the thousands of birds killed. (below)

The *Tern of Events* is published by the **Presque Isle Audubon Society**, a chapter of the National Audubon Society and a member of Audubon Pennsylvania serving northwestern Pennsylvania including Erie and Crawford counties.

Address: 301 Peninsula Dr., Suite 8
Erie, PA 16505

Website: www.presqueisleaudubon.org



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THE PRESIDENT'S PERCH (Cont.)

Do you think BP would have just volunteered to pay for the restoration of the area? Yeah? And I have some swampland in Arizona for sale. Interested? Fortunately, although passed in the house, the amendment was removed from the bill and was never approved by the Interior Appropriations Committee. But don't start cheering yet.

Duncan had yet another trick up his sleeve and has proposed H.R. 493 which seeks to rewrite [read: GUT] portions of the MBTA as well as the Bald and Golden Eagle Protection Act.

Duncan's H.R. 493 would amend the Migratory Bird Treaty Act to "exempt from criminal liability any taking, killing, or other harm to a migratory bird that is accidental or incidental to the presence or operation of an otherwise lawful activity". So, let's look again and apply this to the DWH disaster. They (BP) were just conducting their business; they didn't intend to kill all those birds. So now, it's not a matter of there being no funding to enforce the MBTA, it simply would not have been an infraction because the deaths were "accidental". The deaths would be a moot point so to speak. Sad. Under this proposed version of the MBTA, BP would not have been in violation of the Act and therefore not responsible for reparations under it. The same would have been true of the Exxon Valdez oil spill (below)



and the prosecution of Duke Energy which resulted in a \$1,000,000.00 fine when two of their wind projects in Wyoming were found negligent in the killing over 150 birds including 14 golden eagles.

While the MBTA would certainly apply to the killing of the bald and golden eagles at the Duke Energy wind sites, the Bald and Golden Eagle protection act was also violated. H.R. 493 seeks to amend that Act to require that the US Fish and Wildlife Service (USFWS) grant 30+ year permits to industries that run the risk of killing eagles and, further, that the USFWS has one year to process and reply to each prospective permittee. Failure of the USFWS to meet that deadline would absolve the applicant from all liability under the proposed amendment to the Act. I'm not sure how long it takes the USFWS to process such a permit, but if that permit is to include proof from the applicant of research regarding environmental impact studies, one year seems like a very short time.

I'm not going to get into the speculation that Duke Energy had some influence on Representative Duncan's proposed amendment to the CJS Appropriations bill or H.R. 493, but if you'd like to do your own research you might start here with an article by Alisa Opar at National Audubon's website: <https://www.audubon.org/news/duke-energy-looking-payback>.

While several of the resources I've consulted to write this Perch are not convinced that this bill will ever come to fruition; it has gained only a few co-sponsors and not a great deal of support. It is being watched closely by conservation organizations, including National Audubon. Given the potential devastation this bill could wreak, we cannot sit idly by and hope for the best. I implore you to contact your legislators now to oppose this bill. The following is a link to the Audubon Advocacy center and an email you can use to contact your representatives:

<https://secure.audubon.org/site/Advocacy?cmd=display&page=UserAction&id=1911>.

If you do choose to do this, let us know and share it on our Facebook page and share it with your family and friends.

~Michele Rundquist Franz, PIAS President

BIRD REPORT

The following birds of note were reported from June 1 to July 22, 2015 from Presque Isle State Park unless noted otherwise.

American White Pelican—2; June 8 to 10; Gull Point; J.M., S.S., and park interns. First June record in Erie County.



Least Bittern—1 pair; June 11; head of Presque Isle Bay; B.B.

Black-crowned Night-Heron—1 imm.; July 14; near Vista 1; B.P.Z.

Merlin—adult with three chicks in a nest; July 9, 2015; west Erie; fide and confirmed M.B. Mary also had a couple of adults near her house a few days later.

Sandhill Crane—3; June 14; Northeast of Waterford; (fide J.H.) (Below)



Whimbrel—total of 10; periodically from June 8 to July 21; Gull Point; R.D., et al. (Below)



White-rumped Sandpiper—1; June 1; Gull Point; M.B. 1; June 23; Gull Point; R.D.

As many as eight **Common Tern** nests were at Gull Point through the summer, but none were successful; M.B.

White-throated Sparrow—1 singing bird; July 2; Pine Tree Trail; J.F. (Below)



Willet—1; July 9; Gull Point; M.B.

Upland Sandpiper—1; July 8; Erie Bluffs S.P.; R.D.

Confirmed breeding of **Ring-billed and Herring Gulls** at the Bucyrus building on West 12th St. in Erie. A downy young was seen by L.M. walking across the street on June 9, 2015.

(Cont. on Page 5)

BIRD REPORT (Cont.)

On June 30, 2015 a down-covered juvenile Herring Gull accompanied by an adult was at the manufacturing distribution warehouse on Greengarden Blvd. in Erie; **J.M.**

A gull chick was also seen near Peach Street and West 9th Street in early July; **B.Gr.**



HERRING GULL CHICK

Pine Siskin—1; June 17; Union City; **D.P.**
4; fourth week of June to at least early July;
Fairview; **D.M.** One downy young bird was
there on June 27. 1; July 5; Greene
Twp.; **B.P.Z.** 1; July 11; Ranger's station



PINE SISKIN

Contributors: B.B-Brian Berchtold, M.B.-Mary Birdsong, R.D.-Roger Donn, J.F.-Jim Flynn, B.G.-Bonnie Ginader, B.Gr.-Bob Grubbs, J.H.-James Hill III, J.M.-Jerry McWilliams, L.M.-Linda McWilliams, D.M.-Drew Mortensen, D.P.-Donna Peters, S.S.-Sara Sargent, B.P.Z.-Bob & Pam Zelenak.

~Jerry McWilliams, Bird Records Chairman
jerrymcw@aol.com 814-240-8594



Dear members and friends of PIAS,

Erie Gives Day is August 11. From 8:00 am until 8:00 pm that day you have the chance to help our Presque Isle Audubon chapter continue its mission. Your gift will allow PIAS to educate children in school programs, conduct outreach at nature-based events, protect the habitat in our three sanctuaries, and work toward improving habitat in other locations throughout our region.

The best thing about Erie Gives Day is that every gift received generates an extra donation from the pool of money earmarked by the Erie Community Foundation as matching funds for the event.

Your gift can be made online at <http://www.eriegives.org> or by calling the Erie Gives phone bank at 814-454-0843. If you are in the area, you can also stop by the Erie Community Foundation at 459 West 6th Street in Erie. The minimum gift is \$25. You can also visit the Erie Gives site right now to sign up for an email to remind you to make a donation to PIAS on that day.

Please consider a donation to PIAS during Erie Gives Day—the birds and all of nature needs our help!

With many thanks.

Our mission:

To conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the enjoyment and benefit of humanity and the earth's biological diversity in northwestern Pennsylvania.

15TH BIENNIAL NATURE PHOTO CONTEST
Sponsored by
**ERIE NATIONAL WILDLIFE REFUGE AND
PRESQUE ISLE AUDUBON SOCIETY**



The Friends of Erie National Wildlife Refuge and the Presque Isle Audubon Society invite all **amateur photographers** to enter their **15th biennial Nature Photo Contest** for 2015.

Here's your chance to submit photos in any or all of three categories: plant life, wildlife and landscape.

Prizes are awarded for each category-both cash prizes and honorable mentions. A \$75 cash prize is awarded for best photo taken at the Refuge. But photos don't have to be taken there to be submitted for entry.

Erie National Wildlife Refuge is over 5,000 acres of diverse habitat in and around Guys Mills, Pennsylvania, which is 10 miles east of Meadville. The Refuge was established in 1959 to provide migratory birds with nesting, feeding and resting sites. The Refuge is designated by the National Audubon Society as an Important Birding Area. Over 230 species of birds can be seen there. Deadline for entry of photos is September 25th.

Official contest rules can be found on the web at www.friendsofenwr.org or call the Refuge office at 814-789-3585.

**HIDDEN TREASURES OF
PRESQUE ISLE**

Join experts from the Carnegie and Cleveland Museums of Natural History and other local organizations to learn about the rare plants and animals, natural events, and historical significance that make Presque Isle State Park a special place. This event, organized by Pennsylvania Sea Grant, will take place on August 14 and 15, 2015 and is free and open to the public.



More information on these hikes, tours, and lectures can be found at: www.paseagrant.org or by contacting Marti Martz, at (814) 217-9011, x104 or mam60@psu.edu

Most sessions will run approximately one hour to allow participants to attend multiple activities. Hikes may run longer.

Please dress for the weather and bring water, bug spray, etc.

ALL EVENTS ARE FIRST COME FIRST SERVED

Of special interest to birders:

8/14/15, 7:30 pm, Purple Martin Roost Watch
(Foot of Sommerheim Drive-bring a chair)

8/15/15, 8 & 10am: Guided Bird Hikes with Pa. Audubon staff (Rotary Pavilion)

Learn something new about the many birds that utilize Presque Isle on one of these hour-long hikes. Binoculars are suggested.

MEMBERSHIP REPORT

As the summer months are waning, bird watching will get more interesting with the approaching Fall. Our newsletter will keep you posted on upcoming events and field trips. We have some new members as well as renewals to the Presque Isle Audubon.

Erie: Patricia Bayless, Noah Conner, Amy Daugherty, Lori Mraz, Donald Kraus, David Sublette

Albion: Florence Hellyer

Cambridge Sps: Janelle Harrawood

Corry: Colleen Amy-Rambish

Edinboro: Lianne Walker, Kim White

McKean: Jack Kerlin

Meadville: Christine Lang

North East: Martha Campbell

Waterford: Susan Messenger

Our Chapter only members are:

Karen Rose Cercone

Mike Plyler

Judy Lipsitz

Thanks to everyone. If you have any questions, just email them to membership@presqueisleaudubon.org

~Ron Intrieri, Membership Chairman

FESTIVAL OF THE BIRDS COMMITTEE MEETING

Tuesday, September 1, 2015



Our Festival of the Birds committee will be making plans for the 2016 festival at a meeting on Tuesday, September 1 at 6:00PM in the TREC Board Room. At this meeting we will establish a timeline for tasks to be done as the year progresses. Brochure design will be discussed and a deadline date for sending out brochures will be settled on. A schedule of field trips and workshops will be planned. Advertising plans will be spelled out and fees for the weekend events will be established. Registration details will be examined and finalized. Ticket auction parameters will be confirmed.

In addition to the work at the meetings, we need help with the Friday evening reception, the breakfasts on Saturday and Sunday mornings, registration, recruiting sponsors and publicity to name a few areas. We also need field trip leaders and workshop presenters.

These are some of the activities that need to be completed. Some are part of the pre-planning and some are part of the weekend event itself. If you are interested, you can attend the first meeting or, if you prefer, you can contact me at jrplkm@aol.com or all 825-8394 with your questions.

~Janet Price, Festival Chair

The Presque Isle Audubon Society's newsletter, the *Tern of Events*, is published monthly, except in January and July. The deadline for submissions is the 15th of the month preceding publication. All published material is subject to editing.

Send submissions to Janet Price, editor, via jrplkm@aol.com or 418 E. 36th St., Erie, PA 16504. If you have any questions, call Janet at 814-825-8394.

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PRESQUE ISLE AUDUBON SOCIETY
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ERIE, PA 16505

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**Presque Isle Audubon Society
Chapter Only Membership Application**

Chapter only membership includes membership in the Presque Isle Audubon Society ONLY and the chapter newsletter, *Tern of Events*.

Individual membership \$15.00/year

Name _____

Address _____

City _____ State _____ Zip _____

Chapter only members, both new and renewal, will receive the online version of the *Tern of Events* unless they specifically request the paper copy. **Please provide your e-mail address for the online version of our newsletter.**

E-mail address _____

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Return this form with your check payable to the Presque Isle Audubon Society to:

**Presque Isle Audubon Society
Ronald Intrieri, Membership
Tom Ridge Environmental Center
301 Peninsula Drive, Suite 8
Erie, PA 16505**

**National Audubon Society
Membership Application**

Please enroll me as a new member in the National Audubon Society which includes membership in BOTH the National Audubon Society and the local Presque Isle Audubon Society. National members receive *Audubon Magazine* (6 issues per year) and the local chapter newsletter. **Please include your e-mail address to receive the online version of the newsletter.**

Introductory membership \$20.00

Name _____

Address _____

City _____ State _____ Zip _____

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Mail this form with your check payable to the National Audubon Society directly to:

**National Audubon Society
Chapter Membership Data Center
P.O. Box 422250
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