



ROADRUNNER RAMBLINGS

MESILLA VALLEY AUDUBON SOCIETY

<https://www.mvasaudubon.org/>

Vol. 42, No 2, Summer 2020

The Migratory Bird Treaty Act – Where are we at with Federal Bird Protections?

By Trish Cutler

In December 2017, the Trump administration “reinterpreted” the Migratory Bird Treaty Act of 1918 (MBTA) to apply only to direct (intentional) take rather than incidental (unintentional) take. However, incidental take (such as an oil spill) is responsible for approximately 99.9% of bird mortality in the United States, so this move essentially guts federal protections for birds. At that time, the U.S. Fish and Wildlife Service (USFWS) directed its Office of Law Enforcement to stand down on all investigations of incidental take and to drop active cases.

MBTA has now gone unenforced for more than two years, and we know that 1-5 billion birds (according to USFWS) are killed each year in the United States from incidental take.

This new interpretation comes at a time when it is common knowledge that our bird populations are already in significant decline due to habitat loss and climate change.



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Male Ladder-backed Woodpecker taken at Desert Trails

Community Park on Feb. 6, 2020 by Susan Keller.



3/14/2020: The first day water comes down the Rio Grande each spring is a wonderful time. Photo: Rio Grande, south of Leasburg. Sid Webb

President’s Letter Elaine Stachera Simon

Dear MVAS members:

On behalf of the MVAS board, I hope that everyone is staying safe and sane. Wave to your neighbors, call your loved ones, and, of course, watch the birds.

As you know, in the wake of COVID-19, all MVAS group activities were canceled for March and April. By the time you read this, we’ll know more about what will happen in May. Group activities may be at a standstill, but the MVAS board continues to work so that we can come roaring (chirping?) back when it’s safe to do so.

One sign of spring in New Mexico (in addition to turkey vultures, mockingbirds, and kingbirds) is the welcome release of the water in our Rio Grande. As desert birders, we are keenly aware of the importance of a healthy river to birds and other wildlife. According to Audubon NM, “Millions of migrating birds representing over 250 species

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depend on key western rivers for their survival. Over 100 species spend some portion of their life cycle in riparian areas, and many of these species are now threatened or endangered—as demands increase but water supplies dwindle.”

Birding along the Rio Grande brings great joy. What can we do locally to protect our river, its water supply, and the birds that rely on it?

While we are confined to our homes, maybe we can start by **thinking**. How do we think about our Rio Grande and its water? What we can do to ensure birds have what they need?

Since we are inside, we can start with big-picture stuff. Plenty of websites instruct about low-flow showerheads and shower regulators, low-flow toilets, and turning off the water when we brush, shave, and lather. Electricity production takes water (easy to forget). Summer is coming...think about letting it get a few degrees warmer in the house before the a/c switches on. Meat production takes enormous amounts of water. Switch to a plant-based diet, or have a couple of meat-free days each week.

In my household, we are trying to be creative. We have a bucket in the shower that collects water as it heats up—that goes to water pots and plants. We use gutter extenders to direct rainwater straight to the tree in the front yard. Un-consumed tea and coffee, water from rinsing vegetables, and (cooled) water from cooking pasta and potatoes goes into another bucket in the kitchen for the composter or for watering.

Perhaps most important at the local level is to be informed. Stay updated on what’s happening in the news with regard to the Rio Grande (and the Gila). Pay attention to what you yourself see when you are birding or hiking along the river. What are the impacts? What can be done? Start the conversations.

“What difference do I make, just one person?” you might ask.

MVAS membership is 300+ strong—**together we do** make a difference.

Good (safe) birding.
Elaine Stachera Simon
President, MVAS



Spotted Towhee and Crissal Thrasher at Mesilla Valley Bosque State Park. Tom Johnson 3/2020.

MVAS BOARD: ZOZZOOOM

The MVAS Board is zooming! We have all been indoctrinated into the new routine of stay at home meetings using ZOOM. What have we been doing? This can be divided into attention to local, state and national issues.

In attending to local issues related to our organization, sadly the cancelling of bird walks, field trips and general meetings has weighed heavily on us. It is currently uncertain when policies will change, but the board has canceled the May General Meeting. We are working to provide a video update about our scholarship winners and the membership drive, though, and will announce these when we've got it figured out. Stay tuned. Mark Pendleton has written an ongoing multipart article about birding during the COVID-19 pandemic and appears on the MVAS web page (<https://www.mvasaudubon.org/bird-walks>).

The Board has been keeping close watch over the MVAS Bird Survey and Conservation Project. Members of the survey team continued to do their birding and submit their eBird lists from the project site on the Rio Grande until the city park shutdown. What is difficult currently is to address the outreach portion of the grant, as social distancing is so important and prevents student and other groups from going to the project site.

The board is also checking possible "Adopt a Spot" locations in Las Cruces as part of the City's Keep Las Cruces Beautiful initiative, and MVAS could help to keep a good birding location clean as a member organization of this effort. We'll let you know when we know our spot!

On a local and state level as 2019 ended MVAS addressed the issue of the Holloman Air Force Base proposal to increase dramatically its pilot training program, with flights directly over New Mexico Wilderness Areas, such as Aldo Leopold and Organ Mountain Desert Peaks. After attending a public presentation by Holloman Air Force Base, MVAS submitted its response, which appears on the webpage (<https://www.mvasaudubon.org/nm-audubon-society>). Final decisions are still pending.

More recently, the issue of the "reinterpretation" of the Migratory Bird Treaty Act of 1918 has had our attention. This is a regional and national issue and was the focus of Trish Cutler's presentation at the MVAS March general monthly meeting (see her article in this newsletter). In response to her lecture, the board sent a letter to the editors at the *Las Cruces Sun News* and the *Gallup Sun*, both of which were printed. In honor of International Migratory Bird Day (always the second weekend in May), MVAS board member and City Councilor Gill Sorg is working with a couple of MVAS members on a proclamation for the City of Las Cruces.

The board is very appreciative of the MVAS membership and those who contribute to this chapter and participate in our activities. Speaking of contributions and participation, it's time to renew annual memberships! See details from membership coordinator Diane Moore, below. Thank you!

Thanks for the pics, Judy...



Immature Sharp Shinned Hawk. 3 of 12 photos from her backyard. Submitted by Judy Lazarus Yellon 3/9/2020

Membership Dues are due

It is time for the 2020 membership drive. Your membership in the local Audubon chapter is very important to us. Membership fees go directly to support activities for the community, school children and NMSU students. Our goal is to enhance bird conservation worldwide through these programs:

Audubon Adventures, an environmental education program for 4th graders.

Richard Bischoff Scholarship for NMSU students researching conservation.

Roadrunner Ramblings Newsletter issued quarterly via email

Free Birding classes

Please renew your membership today. If you have already renewed, thank you. And thank you for your previous support to the chapter.

Complete the form below and send with your check made payable to MVAS.

Membership, MVAS
PO Box 1645
Las Cruces, NM 88004

Name _____ Address _____

Phone _____ E-Mail _____

Renewing member ___ New Member ___ Amount Enclosed Membership Fee \$ 15.00

Donation amount _____

Total Enclosed _____



Hungry Northern Mockingbird at Tellbrook Park.

Sidney Webb 4/4/2020

Meetings, Bird Walks, Field Trips

All MVAS general meetings, bird walks and field trips are canceled through May 2020. Works in progress include an online bird identification class and a presentation by recipients of the Bischoff Scholarship of their activities. Updates will be sent to members via email and will be posted on the MVAS website and Facebook.

National Audubon outreach to chapters during national shutdown with online programs

In these troubled times, it is reassuring to have National Audubon Society to help local chapters navigate the uncertainties confronting us. A major challenge for us all is to stay involved with our love of birds in the absence of local activities that we have all come to take for granted. To this end, on the National Audubon website there is a section <https://www.audubon.org/joy-of-birds> that has many articles to help the lonely birder.

Within that section is an article that directly addresses the issue of local chapters needing help with outreach to their members. "*13 Virtual Bird and Conservation Events to Tune In to This Spring*" gives brief descriptions for online events, mostly sponsored by local Audubon Chapters throughout the country, that are open to the public and can be accessed via computer. Although some have already taken place, copies of their video conferences are still posted. There are many that are ongoing. Its address is: <https://www.audubon.org/news/13-virtual-bird-and-conservation-events-tune-spring>.

For members with elementary aged children or grandchildren Audubon has a site attractive to kids: <https://www.audubon.org/get-outside/activities/audubon-for-kids>. It has downloadable magazine, projects, drawing exercises and more.

And, from eBird.org:



On 9 May, birding's biggest day is back!

Global Big Day is an annual celebration of the birds around you, and this year is no different. While not everyone may be able to leave home to bird this year, Global Big Day is still an opportunity to check in with the birds in and around where you live. Join us on 9 May and be a part of a global birding community by sharing what birds you see around you with eBird.

Participating is easy. Wherever you are, you can be a part of the global community of birders on 9 May. Please remember to always put safety first and follow all local safety guidelines and closures. You can enjoy birds from inside your home and still be part of Global Big Day. More on [\]https://ebird.org/news](https://ebird.org/news).



Choosing Our Birding Tour

By Judy and Jay Wilbur

Near the end of November 2019, we decided we needed an adventure. Okay, we said, let's go on an extended birding tour outside the US. Our previous tour experience was limited to some day-excursions at birding festivals in New Mexico and Arizona. How should we go about choosing a long tour that delivered what we wanted? Four key questions presented themselves.

First, where and when should we go? Escaping New Mexico's mid-winter seemed a good idea so we looked for a place with lots of birds and lots of warm weather. Costa Rica fit those needs perfectly! It also seemed a safe place to travel.

Second, how long did we want to be gone, and what level of birding were we hoping for? It seemed to us that two weeks would be the minimum time needed to blunt the cold of winter, and three would be better. Being in our 60's, we wanted to make sure we didn't exhaust ourselves with round-the-clock birding, which some tours offer. On the other hand, we did want to see lots of birds. We decided to look for a medium intensity trip, one that took breaks, limited hiking to moderate levels, and perhaps mixed in some non-birding activities.

Third, what services did we want from the tour company? Did we want a birding guide, or did we think we could find the birds on our own? Did we want the company to provide lodging, meals and transportation, or did we think we could arrange these on our own locally? Did we have some specific places in Costa Rica we wanted to go, or did we want the tour company to pick our itinerary? We decided we wanted a reliable, well-experienced tour company that would do everything for us, and do it right. We did not want to have to plan anything. We wanted to be able to go to Costa Rica, enjoy the country and its birds, and let others do all the work and make all the decisions.

Fourth, was all this obtainable within our budget?

Our research began by asking fellow birders what tour companies they had used and liked. We compiled a list of five companies that arranged birding tours and scoured their Internet sites. Next, we compared itineraries and read reviews. We looked at what eBird reported would likely be seen at these various birding hotspots during January and February.

Two tours offered by Road Scholar seemed to be the best choice for our requirements. They offered 11 day birding tours of both North Costa Rica and South Costa Rica. Furthermore, these two tours could be taken back-to-back for a total of 22 days from mid-January to mid-February. Birding was divided between morning and afternoon sessions with a sit-down lunch in-between. Total hiking was limited to a maximum of three miles per day. Some of the birding sessions were by boat. Lectures and opportunities for local sightseeing were occasionally inserted in the schedule. All lodging, meals, and transportation, as well as top-quality guides, were included in an all-inclusive package at a reasonable price.

Back from our trip, we can say that these two tours exceeded our expectations. We had a terrific time and saw a total of 377 bird species, of which about 265 were lifers. We also saw an array of wildlife including monkeys, sloths, and a puma. Our lodging was uniformly great. The food was good to delicious, and always healthy. Our birding guides were exceptionally skilled and knowledgeable. And finally, we met some really terrific people. We certainly hope we'll have an opportunity to return in the future.

Migratory Bird Treaty Act, continued from page 1

In February, the USFWS proposed a rule to codify this reinterpretation of the MBTA, and accepted comments through 19 March 2020. Next, USFWS will write an Environmental Impact Statement (EIS, required by the National Environmental Policy Act, NEPA), but it is expected that the MBTA will be gutted—regardless of huge amounts of negative input from the public, conservation organizations, and past USFWS and Interior Department directors. Why do we expect this? At a recent Senate hearing on this rule change, current Interior Secretary David Bernhardt “visibly shaking and combative,” said, “So at the end of the day, we are doing this regulation.”

States, including New Mexico, are generally not well equipped to protect migratory birds. States have long relied on the MBTA and federal protections. Our outdated New Mexico regulation states that insectivorous birds, hawks, vultures, and owls are protected. However, penalties for harming them are either very minor or unclear, and New Mexico lacks the manpower to enforce these provisions on a meaningful scale. We need the MBTA, and we need much better state regulations when the MBTA is officially gutted.

What can you do?!

Read the newly introduced *H.R.5552 - Migratory Bird Protection Act of 2020* and urge Representative Torres-Small to cosponsor it. Representative Deborah Holland is a cosponsor.

Participate in the EIS process to the maximum extent possible, regardless of if the USFWS is not listening. This fight will likely be played out in court, and your comments and ideas are important. Watch for opportunities on the MVAS Facebook page and at www.Audubon.org.

Other federal agencies can still opt to protect birds by avoiding and minimizing impacts. Stay abreast of their activities, and comment on their Environmental Assessments and Environmental Impact Statements. E.g., Bureau of Land Management, Forest Service, Department of Defense, and National Park Service lands.

Urge your state representatives and New Mexico Department of Game and Fish to improve New Mexico’s

non-game protection laws, especially for birds. Urge the State Land Office to avoid and minimize impacts to birds.

Urge your city and county governments to carry out best practices for birds and avoid and minimize impacts. Develop local watch groups to monitor and report activities that harm birds in order to have them rectified.

Maintain your Audubon memberships at local, state, and national levels! Both Audubon and the State of New Mexico (among many others) are challenging the Trump administration in court over this short-sighted reinterpretation.

Provide nutritious food and clean water to your backyard birds. They need your help!

Teach young people about birds. Current bird conservation efforts will be futile if younger generations don’t appreciate and value birds as we do.



Great Horned Owl from Leasburg Dam State Park and
Loggerhead Shrike from Desert Emerald Park
Submitted by C.J. Goin

Humans are a naming, organizing species. We categorize and taxonomize the world around us. That's OK, but we should remember that birds and all nature, if self aware at all, don't think of themselves in our terms. They go about their lives as they have for millennia, long before humans were about. We'll understand them better by doing so.

Having said that, if we're going to name birds, we should do it sensibly. And, in large part, we do. I mean, a Yellow-headed Blackbird is named to a tee. Even the scientific *Xanthocephalus xanthocephalus* is spot on! And, when, after hearing it vocalize for 45 minutes from the depths of a thicket, you **finally** see a Yellow-breasted Chat, you know *exactly* why it's called that! It's also obvious why Red-tailed Hawks are named thus, although Orange-tailed might have been better. Long-tailed Duck, White-crowned Sparrow, Painted Bunting, and Belted Kingfisher are merely a few other examples of sensible naming.

With birds, anatomical features and color are often part of the name. Ring-billed Gull, Black-capped Chickadee, Broad-tailed Hummingbird, Northern Shoveler, Northern Pintail, and Violet-green Swallow come to mind.

If avian names with obvious color associations are myriad, those with a habitat/geographic reference are numerous as well. Tundra Swan, Swamp Sparrow, Alder and Willow Flycatchers, plus Surfbird and South Polar Skua are just some examples. Anatomy provides yet another hook from which to hang names. Think of the Tufted Titmouse, the Great Crested Flycatcher, the Long-eared Owl, Great-tailed Grackle, and a bevy of other bird names based on body features.

And most of you could probably reel off scads more equally apt birds names,

But . . .

Sometimes there's a disconnect. In some cases it's egregious; in others, amusing or only partially cock-eyed. Take the Ring-necked Duck for example, What rational explanation is there for Ring-necked rather than Ring-billed Duck? Was the namer less than completely *compos mentis*? How many people have ever seen the ring in question? Precious few, I'd venture. How many have seen the ring on the *bill*? A whole lot more to be sure. So why not call it Ring-*billed* Duck? Another of the many mysteries of birding!

Color based names provide more examples of less than completely accurate monikers. How about Red-bellied Woodpecker for one? Granted, there is some red, but it's not easily visible. Or Green Heron, for that matter? Green-backed Heron, or Chestnut-necked Heron maybe, but green isn't the first impression I get of this bird.

And then, there's the European Starling, probably my favorite geography based inept name. It's been, after all, what, more than a century since they were introduced from Europe into North America? In that time I imagine that they have gone thoroughly native, so insisting that they are "European" seems at best errant pedantry.

Only slightly less grating to the sensibilities is the name Meadowlark. They are not larks, but belong to the same family as blackbirds, grackles, and orioles. So here, whoever named these birds wasn't following taxonomy. Plus, meadows aren't their primary habitat. So, go figure!

Then, there are the ones that are amusing or only partly inaccurate. Or maybe they're merely amusing rather than annoying *because* they're only partly off. Whatever the case, they're great fodder for a *word* as well as *bird* nerd writing articles for a newsletter!

Kenn Kaufman mentions some in his excellent book, *A Season on the Wind: Inside the World of Spring Migration*. One is the American Tree Sparrow. They do spend *some* time in the USA, but not nearly as much as in Canada. Also, they have only a tenuous association with trees. This bird spends most of its life in open areas where trees are scarce. So, why the name?

What's in a Name? continued

Kauffman also writes about terms as well as names. He points out that the term “Shorebird” is a potential source of confusion, especially for non-birders. Granted, many of these birds can be seen at shores of one kind or another. But vast numbers of them spend a large percentage of their lives migrating over the interiors of most of the earth's continents. In North America, large numbers of sandpipers, plovers and their allies also breed in the Canadian tundra. Hardly what you'd call “shore.” And then there's the name sandpiper itself. Even when at a shore, many of these small birds might better be called “mudpipers” or “rockpipers” or some such name, judging by the habitat they prefer.

Then there's the term “Birds of Prey”. On the surface, a seemingly sensible, well thought out descriptor, no? After all, we all know that eagles, ospreys, kites, buteos, accipiters, falcons and owls all prey on other creatures. But what about Shrikes and Roadrunners? Our sister chapter, the Southwestern New Mexico Audubon Society based in Silver City counts them in its annual raptor count, and I agree. They, do, after all, seize their prey.

But so do many “pretty” or “cute” birds that get oohed, aaahed, and gushed over. Kinglets and Chickadees are ruthless in their pursuit of insects, is this not taking prey? Tanagers, Wood Warblers, Orioles, Vireos, Wrens, and a host more also consume vast quantities of insects, spiders and related creatures. Swallows do as well. The Robin with its worm is a classic example of a bird seizing its prey. But we don't call them birds of prey. Should we?

I don't know, and in the end it doesn't matter. Because taxonomy schemes are human constructs anyways and don't correspond to some innate natural self-known characteristics of the organisms they categorize. Birds probably don't know and couldn't care less what we call them and the terminology we use reflects way more about us than it does about them. (Maybe our horror of “creepy crawlies”—most people have it—makes us look on such creatures as not worthy of being elevated to the status of prey.) So, let birds be birds, see them as such and marvel at their complexity and all they can teach us about the world around us.

The MVAS Bird Survey and Conservation

Project: 3 photos taken during a visit to the survey site by Sid Webb and Mark Pendleton on April 8. Mexican Duck, Swainson's Hawk, and a pair of American Kestrels (f on left, m on right) For more information on the MVAS Bird Survey, visit <https://www.mvasaudubon.org/conservation>



Officers and Board, MVAS 2020

President: Elaine Stachera Simon

Vice-president: Mark Pendleton

Secretary: Aaron Lucas

Treasurer: Diane Moore

Directors (6 elected, with three year terms, 2 being elected each year)

Director 2018–2021: vacant

Director 2018–2021: vacant

Director 2019–2022: Sid Webb

Director 2019–2022: Gill Sorg

Director 2020-2023: CJ Goin

Director 2020-2023: Annie Mitchell

Last year's president—vacant

Committee chairs:

Conservation: vacant

Education: CJ Goin

Field Trips: Mark Pendleton

Programs: Vacant

Newsletter: Sid Webb

Website: Sid Webb

Membership: Diane Moore

Christmas Bird Count: Wayne Treers,

Facebook administrator: Elaine Stachera Simon

Climate Watch Coordinator: Mark Pendleton

Finance Committee: vacant

Roadrunner Ramblings is published quarterly and is distributed via the web, with a copy e-mailed to all MVAS members. and a copy is posted on the MVAS website. All members of MVAS are encouraged to submit any article of interest to the group and any bird photograph recently taken. Please email a copy to sidwebb@gmail.com, (575) 915 5017. To be added to the distribution list, contact Diane Moore, hjplibrarian8090@gmail.com or (575) 528-9164.

Mesilla Valley Audubon Society, a chapter of the National Audubon Society, is a conservation and natural history organization in southern New Mexico that promotes appreciation and conservation of birds, other wildlife and habitat, through environmental education, issue advocacy, and natural history experiences.

Mesilla Valley Audubon Society
A Chapter of the National Audubon Society



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www.mvasaudubon.org