

# Sierra Squawker



[www.centralsierraaudubon.org](http://www.centralsierraaudubon.org)

June - 2024

## CSAS Annual Meeting, Elections & Potluck

Saturday, June 29 at 5:30pm



**Join us for an enjoyable social time!**

Our annual meeting this year will again be an in-person social event in the beautiful gardens of our Programs VP, Ralph Retherford in Sonora, just like last year.

Although we will formally elect Board members for the coming twelve months, this will primarily be a social event where you can meet Board members as well as friends - old and new - and talk to your heart's content in this delightful open garden space. You will also meet our scholarship recipients who will discuss the next steps in their environmental careers.

**This will be a potluck, so please bring your food to share, along with plate, cup and utensils.**

**Location:** 20405 Lyons Bald Mountain Road, Sonora, CA 95370

(See detailed map on our website at: <https://centralsierraaudubon.org>)

Our brief Officer elections for 2022-23 will take place by voice vote at this meeting with the candidates shown here:

- **Gail Witzlsteiner - President**
- **Ralph Retherford - VP Programs**
- **Tom Parrington - Past President**
- **Siobhan Hill - Treasurer**
- **Jean Dakota - Secretary**
- **Bruce McClenahan - VP Membership**

We also have 5 Directors who are appointed by the new Board, not elected by the membership:

- Field Trip Director - Kit DeGear
- Publicity Director - Jan Jorn Baird
- 5th Director-at-large - **VACANT**
- Newsletter/Website - Barry Boulton
- Education Director - Darcy Zimmerman

**Note: our website contains maps for each field trip and will also indicate cancellations due to weather or other reason. So, if in doubt, check it out at: <https://centralsierraudubon.org/field-trips/>**



## **JUNE 2024 FIELD TRIPS**

### **June 6 (Thursday) - Fahey Meadow**

This is an interesting habitat outside of Long Barn that I have enjoyed exploring for several years. There is a bend in the road on the way to Fahey with a water seep that tends to attract a few birds and I usually make a brief stop. The year before last we saw 40 species, and this wet year might be prolific too. We of course will stop this year, too, but I cannot guarantee such variety. While we may not see a high number of species at the Meadow, I believe we will see some more unusual ones. Highlights from past visits have included Calliope Hummingbird, Green-tailed Towhee, Lawrence's Goldfinch, Chipping Sparrow and some Warblers and Flycatchers, as well. Please bring snacks/lunch, water and sunscreen.

We will meet at the Mi-Wok Ranger Station (along Hwy 108 less than 10 minutes above Twain Harte) at 8:00 am. We hope to have car pooling available for fully vaccinated attendees or at the discretion of those driving. It will be about a 40 minute drive from the ranger station. We will make a brief pit stop at the North Fork Day Use Area on our way out. There are no facilities at the Meadow. We will return to this site for our lunch where there are picnic tables overlooking the river. We have seen an American Dipper here in the past. The trip will involve walking on mostly level terrain of about a mile. We should be back to the ranger station by 1:30 or 2:00 pm. **Trip leader Kit DeGear, (925)822-5215, kdegear@gmail.com**

### **June 23 (Sunday) - Indigeny**

Please join me as we bird through the beautiful grounds at Indigeny. Besides the apple orchards, there are large oaks, some pines, stream-side thickets and a marshy area with reeds that provide some great habitats for birds.

The walk will last 2-3 hrs. Children are welcome! Meet in the parking lot at 8:00 AM. Rain will cancel the trip. Follow the signs from the intersection of Greenley and Lyons/Bald Mountain Roads in Sonora. After a few miles on Lyons/Bald Mountain Road, turn right onto Apple Hill Drive where there is a large sign that says "Apple Valley Ranches." A quick left turn onto Summers Lane leads you to Indigeny. As always, bring your binoculars and/or scopes, wear muted colors and you may wish to include a hat, sunscreen and water. **Trip leader Kit DeGear (925)-822-5215 or kdegear@gmail.com**

### **June 25 (Tuesday) - Ackerson Meadow**

I'm looking for some fellow birders who would like to explore Ackerson Meadow on Evergreen Rd. on the way to Hetch Hetchy. The target bird will be the Black-backed Woodpecker. Other highlights might include the Pygmy Nuthatch, Western Tanager, Lawrence's Goldfinch Finch and perhaps a Calliope Hummingbird. We will meet at Borrow's to carpool or caravan at 7:00 am. If you prefer, you can meet the group at Ackerson at 8:30 am. It is almost 1 1/2 hrs. to our location. We will make a brief stop at Carlon Falls or Rush Creek Lodge for the restroom. There are no facilities at the meadow. Please bring snacks/lunch, water, hat and sunscreen. **Please RSVP to Kit DeGear at kdegear@gmail.com or call/ text 825-822-5215**

### **June 6, 13, 20, 27 (Thursdays) - Big Trees State Park**

Join me in one of California's premier state parks - Calaveras Big Trees **every Thursday** at 9:30am, starting May 30th through September. I can't guarantee a Pileated Woodpecker (PIWO) or a White-headed Woodpecker (WHWO) every time, but we will see as many of the 163 species as we have the good fortune. Hikes are gentle with very little elevation gain, and last two to four hours. **Bruce McClenahan**

# CONSERVATION CORNER

## The Biggest Environmental Court Case You Never Heard Of: The “Chevron Doctrine”

In 1984, the U.S. Supreme Court ruled in *Chevron USA vs Natural Resources Defense Council, Inc.*, that when lower courts are deciding two reasonable interpretations of administrative law, the courts should defer to the agency that administers the law. The court reasoned that when statutory language is ambiguous and congress has not weighed in directly, then the courts must defer to the agency’s interpretation of the statute (provided it is reasonable) as the agency has done the scientific fact finding, provided for public input, and is answerable to an elected congress and an elected president. By ruling so, the Supreme Court removed federal judges from policy making. Open or ambiguous legislative decisions that were left undefined by congress were the agency’s responsibility to determine the best course of action.

For 40 years, the Chevron Doctrine has maintained the roles, and balance of power between the three branches of government. However, in January of this year, the U.S. Supreme Court heard oral arguments in a case that could overturn the Chevron Doctrine.

What does it mean? Chaos, if the Supreme Court overrules its own 40-year precedent, the authority of agencies to interpret the laws they administer will now belong to federal judges. The ruling would incentivize every industry to go to court and relitigate thousands of settled cases that deferred to Chevron and agency expertise. Clean air and water regulations, public land use policy, environmental safeguards, public health, and public safety will all be back on the docket for review by a federal judge. All 850 lower court judges will have the ability to decide which reasonable interpretation is their preferred outcome for the cases they hear. The U.S. Supreme Court ruling should come down at the end of the term in June. Hold on.

**Bruce McClenahan, Conservation Chair**

## MAY FIELD TRIP REPORTS

### Six Bit Ranch Road, Red Hills - May 9

The Red Hills area was a beautiful backdrop of Spring green grass and lovely wildflowers. The morning quickly warmed up and the infrequent shade was much appreciated by all 10 of us. While we did not see any warblers, sightings and songs of the Black-headed Grosbeak, Bullock's Oriole, Western Kingbird and Ash-throated Flycatcher made themselves known. 29 Species were observed. The highlights of the day included a Golden Eagle being persistently harassed by a Common Raven, Phainopepla and a pair of Lazuli Buntings. See the eBird checklist at: <https://ebird.org/checklist/S173074594>

Kit DeGear



*Killdeer at Red Hills  
by Darcy Zimmerman*

### Indigeny - May 26

The birds and birders were few and far between. Tobie Morgan joined me for the monthly walk. We saw or heard 23 species, a rather small number for this time of year. Perhaps they were all tending to their nests. It was still an excellent morning. Tobie particularly enjoyed observing a beautiful Red-shouldered hawk who stuck around long enough for good views. She was also thrilled to see a lovely Bullock’s Oriole. I enjoyed hearing birds and having my ID’s confirmed by the Merlin App, as in the case of the Wilson’s Warbler. We both loved coming across a tiny green frog! You never know what extra treats an outing will hold.

-Kit DeGear

## Killing One Owl to Save Another - a Moral Dilemma?

A personal perspective by Barry Boulton, Newsletter Editor

As you know, the California and Northern Spotted Owls have long been threatened with extinction due to our human destruction of their preferred habitat, old growth forests, by the timber industry on our behalf since we're the ultimate users of wood products. Now, they are further threatened, probably terminally so, by the on-going migration of the Barred Owl from the East Coast which threatens the Spotted Owl because it's more of a generalist and out-competes the Spotted Owl for food and habitat.

The background statement in the proposal that I'll discuss in a moment states *"Spotted owls are native to western North America. Competition from the non-native invasive barred owls has been identified as a primary threat to the northern spotted owl and a significant and increasing threat to the California spotted owl. Additional primary threats include the loss of habitat to timber harvest on non-Federal lands and to wildfires on Federal lands. Barred owls, native to eastern North America, began to expand their range around 1900, concurrent with European settlement and facilitated by the subsequent human-caused changes to the Great Plains and northern boreal forest. These slightly larger and more aggressive owls quickly displaced spotted owls from their historical territories"*.

Therefore, the US Fish & Wildlife Service (FWS) has proposed a plan under the Endangered Species Act to mitigate the threat by a very simple expedient – killing Barred Owls. Specifically, their proposal would result in the killing of nearly half a million Barred Owls over 30 years. Thirty years is an arbitrary period of time to calculate and assess the results in terms of human timescales; ten years would be too short, and so they chose thirty – and half a million birds is the cost.

Well, killing that number of birds to possibly save another bird species is obviously a moral issue, so we should take stock. I'll start by proposing relevant questions to which I'll provide answers out of my research on the proposed project, and which we can use to determine our moral stance on the issue:

**Q1 At the end of 30 years, will the Spotted Owl be “saved” from extinction due to the Barred Owl?**

**Ans 1A** At the end of the 30 years experiment, there will certainly be local populations of Spotted Owls that would not have existed if the Barred Owl was left uncultured.

**Ans 1B** However, immediately the killing stops, the Barred Owl will continue its march into western forests and resume outcompeting the Spotted Owls, probably to extinction.

**Ans 1C** In summary, the program would cause a delay in extinction, not a cessation of the extinction process already under way due to the Barred Owl's human-induced territorial expansion to the Western forests.

**Q2 Does the mean that the killing must continue after the 30 years?**

**Ans 2** Yes, otherwise the first half million killed would have died in vain. In other words, we can expect a permanent Barred Owl killing program.

**Q3 Would this proposal meet the purposes of the Endangered Species Act (ESA)?**

**Ans 3A** The first goal of the ESA is to prevent the extirpation of a species - in this case the Spotted Owl - whereas this program will only accomplish that with a permanent Barred Owl killing program. So, the answer is **no**.

**Ans 3B** The second goal of the ESA provides for the designation of critical habitat and prohibits the destruction of that habitat. This program does not do that and, in fact, the EIS states that it assumes current on-going land management practices i.e. no concomitant habitat improvements, so the second answer is **no**.

**Ans 3C** In summary then, it meets no conservation goals. It does meet ESA legal mandates in that since the Spotted Owl is listed, Fish & Wildlife must take action but, as I've mentioned, its success is highly improbable.

**Q4 Is the Barred Owl really an invasive species that allows and justifies its culling under the ESA, because that's how the EIS repeatedly paints it?**

**Ans 4** This seems a little more debatable, but can we really say that any species endemic to one area is an invasive anywhere else on the same continent? That seems to be a bit of a stretch, and seems to me to be pushing the envelope as justification. And, it's not obviously the case because the species is doing exactly what it should be doing - as its habitat gradually extended beyond its home range, it took advantage of that extension.



Perhaps the final question is this – since the Spotted Owl’s likely extinction is human-inflicted, and given that the Barred Owl’s westward migration is also human-induced, why put the blame and the solution on the shoulders of the Barred Owl? How do we morally justify the setting up of a permanent killing program of another species to atone for our own actions? Doesn’t that sound like rather flaky morality and clarity of purpose when our actions – and lack of them – are at fault? And when, ultimately, failure in its stated goal is almost guaranteed.

When I started on the quest to decide for myself the merit of the FWS proposed project, I could see the dilemma – do we stand by and let a species be exterminated when perhaps we could do something to avoid it? I always felt qualms about a killing program, but was willing to consider entertaining the idea, particularly as my Audubon peers seemed to be sitting it out. However, as I’ve proceeded along the lines detailed here, I came to the conclusion that it’s not only an immoral course, but that it ultimately will fail anyway after thirty years or more of killing one innocent species.

Therefore, I must oppose it on both moral and practical grounds - why would we condone the killing of half a million birds for a failed project? I find the notion of training professionals how to go out, attract Barred Owls (and, sometimes mistakenly, Spotted Owls), and then shoot to kill a rather nauseating prospect.

But, having said that, can I condone and justify standing by without lifting a finger so to speak, to save the Spotted Owl from extirpation? My answer is a reluctant "yes" for the simple reason that the program is almost surely headed for failure and the species headed for extinction anyway. Of course, failure although highly likely isn't guaranteed, but



Northern Spotted Owl



Barred Owl

everything we know about species' behaviors say that success would be amazing and surprising. Furthermore, over 99% of all species that have ever lived have gone extinct, so why so much concern over this one? The answer is simply that this one is human-caused, so we have a responsibility, and therefore it's encumment of us to do something about it if we can. But, for me, a killing program inflicted on an innocent party - that will ultimately fail anyway - has poor moral standing and so I accept the inevitable, that the Spotted Owl is likely to become extinct.

Many other people and organizations of course have thought about the proposal, its need and practicality as well as its ethical/moral aspects, and have arrived at differing conclusions. Those that have come out in support of the proposal seem to do so reluctantly, essentially because the Spotted Owl appears headed directly for extinction without such intervention, and yet this program doesn't exactly inspire enthusiasm for obvious reasons.

- One such organization is our local CSERC – Central Sierra Environmental Resource Center – which reluctantly accepted the program if no other feasible alternatives could be identified.
- You might read an interview with two bio-ethicists who hold opposing views on this proposal: [https://www.hcn.org/articles/killing-one-owl-to-save-another/?utm\\_source=wcnl&utm\\_medium=email&utm\\_campaign=2024-05-10-Newsletter](https://www.hcn.org/articles/killing-one-owl-to-save-another/?utm_source=wcnl&utm_medium=email&utm_campaign=2024-05-10-Newsletter)
- The FWS proposal EIS is available on their website at: <https://www.fws.gov/sites/default/files/documents/Final%20draft%20Barred%20Owl%20EIS.pdf>
- The National Audubon Society has decided to **not take** a for/against position.
- Central Sierra Audubon has **not taken** a position either, so to be very clear, this is my personal perspective.

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## BIG TREES STATE PARK OBSERVATIONS

Story and photos by Alan Beymer

### Under the Bridge

A Styrofoam cup drifting toward me on the current jars me awake and reminds me that the Stanislaus River is not prime birding territory. I should have moved on to Beaver Creek. Then the “Styrofoam” adjusts its wings and deftly paddles to get situated for a run at the rapids under the Smith Parkway Bridge. I am enthralled. A male Common Merganser has just made my day. I forgive myself for thinking that its blinding white plumage was trash. When it comes to wildlife encounters you just never know.



I became intrigued by the Stanislaus River as a possible birding site in 2012 when a Canyon Wren won my heart with its haunting trill. Crawling over and around boulders the size of washing machines seemed a small price to pay for a chance to share the river canyon with this bird.

Gradually other canyon denizens caught my attention: Steller’s Jays, Anna’s Hummingbirds, Grosbeaks, American Dippers, Common Ravens, Western Tanagers, Black Phoebes, and Barn Swallows, to name a few.

I passed off the Merganser sighting in early May as a one-time gift, but five days after I saw the male Merganser ride the rapids, I spotted a female Common Merganser just below the bridge. A paired couple for sure, I thought. Ducklings! Not so fast. I combed the river shores upstream and down from the bridge. I examined all sizeable snags for clues of a merganser nest. Nothing.

And so it goes. Black Phoebes, Robins, Grosbeaks and Dippers ply their trade in and around the river while cars drive overhead, intent on South Grove and Beaver Creek.



**Above:** American Robin holding a hellgrammite destined for its chicks nearby.



**Above:** female Common Merganser



**Right:** American Dipper readying itself for a plunge underwater in its search for aquatic insects. While underwater, it can hold fast and walk against rushing water by using its feet to grip pebbles, and/or use its wings as paddles to “swim” against those rushing currents.

## EDUCATION

### Red Hills Romp - April 12

Every year - apart from covid isolation years - CSAS helps with the Chinese Camp Science Academy on their "Red Hills Romp" field trip, and again this year on Friday, April 12th, Tom Parrington, Jan Jorn-Baird and I were fortunate to help the "Dragons" on their Red Hills Romp. Teachers Sheri Betz and Linda Cazares coordinated 4 learning stations for about 30 students. We, of course, headed up the birding rotation. It is always a pleasure to work with these instructors and kids! 13 species were seen throughout the morning. We look forward to another outing next fall. Here are photos of some of the excellent drawings by students.

Kit DeGear



### "Raptors Up Close" on YouTube

Our fabulous monthly program presented by Jenny Papka along with her team of assistants and birds from Native Bird Connections at the library on May 15 is now available for viewing on YouTube at <https://youtu.be/IRcLRPk-tU8>

#### Central Sierra Audubon Society - CSAS

(Chapter of the National Audubon Society)  
P.O. Box 3047, Sonora, CA 95370

**Public Presentations:** We now conduct our monthly in-person presentations in the Sonora Library as we did before covid, and simultaneously share them on Zoom so that you have flexibility in attendance. Monthly details shown in the Squawker and on our website at [www.centralsierraaudubon.org](http://www.centralsierraaudubon.org)

**Board Meetings:** Please call Tom Parrington (209)928-3835

#### Membership of National Audubon & CSAS

If you are not already a member, we would be honored to have you join us. You can join as a full member of National Audubon Society, which includes dues for CSAS membership, or you may join solely as a local member of CSAS in which case you will receive the monthly Squawker newsletter and be privy to all other CSAS activities.

An application form for local membership is available on the CSAS website at: [www.centralsierraaudubon.org/join-us/](http://www.centralsierraaudubon.org/join-us/)

#### CSAS Officers

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Kit DeGear, Field Trips	(925)822-5215
Gail Witzlsteiner, Director at Large	(209)586-4025
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#### CSAS Committee Chairs

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