

THURSDAY, NOVEMBER 9 7:00 PM

My Favorite Birds of the Sierra Nevada

With Rich Cimino



Beverly Meekins, USFWS

Summer Tanager

Register for the November program on the MAS website's Speaker Series page.

Rich Cimino will be discussing and showcasing his favorite birds from the Sierra Nevada. He will share with us where he has photographed certain species and illustrate population distributions with maps. He will be discussing their various habitat requirements and conservation concerns.

Among other birds, Rich will be showing the **American Dipper, Black Swift, Clark's Nutcracker, Flammulated Owl, and Nashville Warbler.**

Rich lives in Larkspur and is an active member of MAS, where he participates in three Marin Christmas Bird Counts and the Marin County Breeding Bird Atlas. He has been birding Northern California for 55 years, leading Bay Area Audubon and Marin Audubon field trips. He is also active in conservation groups in Northern California, emphasizing preservation of habitat.

THURSDAY, DECEMBER 14 7:00 PM

Controlling Invasive Spartina and Protecting SF Bay Marsh Habitats

With the California Invasive Plant Council

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The Rail

MARIN AUDUBON SOCIETY

Marin is the Last Stronghold of the Northern Spotted Owl

By Roger Harris and Barbara Salzman

A front-page article in the Marin Independent Journal (IJ) on October 9 reported on the threat posed by Barred Owls to our native Northern Spotted owls. The article explained that the Barred Owl is native to eastern North America and only recently arrived in the west following planting of trees through the plains that provided habitat bridges for them. That is, their range expansion was an unintended consequence of human actions.

Barred Owls present a serious threat to the threatened Northern Spotted Owl. Barred Owls are more aggressive than Spotted Owls, out competing them for food and even directly killing Spotted Owls. The Barred Owl diet is more varied which makes them more adaptable.

“Without some sort of management intervention, Spotted Owl populations are going to go extinct,” according to National Park wildlife ecologist Bill Merkle at the GGNRA.

Over its entire range, Marin may be the last area where Northern Spotted Owl populations are not declining. But that will change if the Barred Owls are allowed to expand here. As a last resort, federal agencies have been removing Barred owls. According to the IJ, eleven have been removed to protect Spotted Owls and also to gain understanding about Barred Owls.

For conservationists dedicated to preserving native wildlife, like the Marin Audubon Society, the lethal take of a species is a very difficult decision. But in this case, it was one that the Park Service has needed to make, although it will likely be controversial. However, we consider it essential for the survival of our Northern Spotted Owl population. There is a gap in the forest cover between Marin and Sonoma countries, reducing but not eliminating the influx of Barred Owls. Marin enjoys the highest density of Northern Spotted Owls and is truly the last stronghold of this species.



Elise Omerick

Northern Spotted Owl chick in Marin County

HAVING TROUBLE SIGNING UP TO SPEAKER SERIES PROGRAM?

Our website just went through a necessary security update and the formatting of some of our web pages (Speaker Series) has changed appearance and, for some, how they sign up.

If you are trying to sign up for a speaker program, click on the title or picture of the event to get the full listing as well as the sign up information.

Look for and click on the “HERE” text to sign up for the event.

If you have any issues, please contact our Speaker Series Chair, Mike Anderson at Mdander65@gmail.com.

We apologize to those of you who have had this frustrating problem.

BOARD OF DIRECTORS

Phone numbers are in the 415 area code unless otherwise noted. Questions? Please contact the appropriate Board member.

President	Barbara Salzman 924-6057
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At-large Director	Lowell Sykes 388-2821

DIRECTORS MEETINGS

Meetings open to members. 6:30 PM, First Tuesday of the month. Meetings are currently held online via Zoom. If you wish to participate please call 924-6057.

MAS telephone: 721-4271 (for messages only) Marin Audubon Society is a nonprofit 501(c)(3) organization. All memberships and contributions are tax-deductible to the extent allowed by law.

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Website: www.marinaudubon.org

Members can receive *The Rail* electronically instead of a hard copy by emailing membershipsecretary@marinaudubon.org.

DONATIONS APPRECIATED!

Marin Audubon Society welcomes gifts of funds, stock, or property, and bequests in general, or in honor or memory of someone. Gifts may be directed to any MAS project. Unspecified gifts of more than \$500 will be placed in the Endowment Fund for conservation, the protection of wildlife species, and the preservation and enhancement of wildlife habitats. Since MAS is an all-volunteer organization, 100% of your donation goes to its projects. All gifts are tax-deductible and will be acknowledged in *The Rail*, as well as personally on behalf of the Society. Checks should be made out and mailed to: Marin Audubon Society, P.O. Box 599, Mill Valley, CA 94942.

MISSION STATEMENT

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

President's Letter

By Barbara Salzman

Fall is the time for grant application deadlines. Over the past month, we've sent letters of support for Roy's Redwoods, Bothin Marsh and Students and Teachers Restoring a Watershed (STRAW) applications. All of these grant proposals are for projects that will expand or enhance habitat for wildlife and also benefit people. In particular, STRAW's applications for additional funding for habitat restoration planting will enable them to extend their habitat restoration work with students from local schools to new, and to continue on current, sites where they have been working. Bahia is one of those sites. If their application is approved by the Restoration Authority, STRAW will be continuing to bring students to plant additional ecotone transition habitat at Bahia.

Christmas Bird Counts are coming up in two months. We're very pleased to announce and welcome Alison Pence as our new Coordinator for the Southern Marin Bird Count. Thank you, Alison for coming forward. She'll be taking on the job of organizing teams to count birds in Southern Marin. Count areas were established a long time ago, and many areas have leaders who have been in charge of them for years. So, expect to hear from Alison as she reaches out to last year's count volunteers to confirm participation for the 2023 SMCBC. Bob Hinz will continue as compiler of the survey results and get them to National Audubon for inclusion in the national data.

The Marin Independent Journal recently published a front page article about the invasion of Barred owls and attempts to avoid adverse impacts of Marin's Spotted owl population. Conservation decisions and actions are not easy or free of controversy, even among folks wanting to conserve our natural resources. See page 1 for Marin Audubon's position on this difficult problem.

Over the past few months, we've heard from several of our members who have not been able to sign up for our programs (including me). A recent update of our website is the apparent cause of the problems. Please see the notice on page 1 for updated instructions for signing up for the Speaker Series, www.marinaudubon.org/activities/speaker-series, if you are having difficulties. I apologize for the frustration some of you have had and for your missing programs. It's been frustrating for me, too.

We had a great Open House at our restored property next to the Corte Madera Ecological Reserve. Thanks to our Board members and other volunteers who helped make the event a success, especially: Ellena Ochoa, who chaired the event, tour guides Martha Jarocki, Clint Kellner, Lowell Sykes, and Roger Harris; Jude Stalker, Robert Hinz, Doug Waterman, and Lelia Lanctot, and all of the other volunteers.

I helped, also. For a special treat, expert birder Rich Cimino led a birding tour on the property. Rich helped log 17 species over an hour of birding, and that is impressive considering that there were few species in the marsh because it was high tide and too early for most waterfowl to be back. For more information on the event see page 6.

We are so grateful to Ellen Kipp for leaving Marin Audubon Society a generous bequest in her will. Ellen, who lived on the Tiburon peninsula, led an interesting life that included support for our natural environment. The gift will be used for a property acquisition. Remembering MAS in your will is a good way to support MAS and our environment.

Our appreciation also goes out to the Breeding Bird Atlas Compilers Daphne Hatch, Diana Hemple, and Liz Lewis, and all of the volunteers who have surveyed breeding birds during this past nesting season. They confirmed breeding for five more species in 2023 **Cassin's Vireo**, **Common Merganser**, **Common Murre**, **Lawrence's Goldfinch**, and **Ruddy Duck** for a total of 137 confirmed birds breeding in Marin. A report on their impressive work has been delayed and will be in next month's issue of *The Rail*.

REPORT BARRED OWL SPOTTINGS

Barred Owls have extended their range to the west coast and have been seen in Marin. There is concern about their impact on Marin's Northern Spotted Owl population. Barred Owls are larger, more aggressive and occupy the same habitat type as Spotted Owls. See contact list at <https://marinaudubon.org/2020/09/01/alert-report-barred-owl-spottings>.

WELCOME, NEW MEMBERS

Michael Aaronson, Halina Bak, Nancy Barash, Lynda Blevins, Joyce Creswell, Laurie Durnell, Dashiell Hammet, Richard R. Hertzberg, Dennis Jaffe, Nancy McDaniel, Michele Miller, Ingrid Probst, Julie Sajewski, Ann Shaw, Cary Sparks, Tara Spellman, Margherita Stewart-Sagan, Michael Talbot, Alice Torres, Lorraine Ughrin, Anna Vedrychowski, Giovanna Helena Vitau, Tim Walch, David Wrone

THANK YOU, DONORS

Colin Cochrane, Marilyn and Robert Van De Lao, Elizabeth Gluck, Sharon Hampton, James Harrison, Robert Hinz, Maggie Grace Keil, Clint Kellner, Donald Sadowski, Georgia and Jim Struhsaker, Tim Walsh

MAS FIELD TRIPS

Open to the public

MAS is providing a full schedule of free field trips for the 2023 season.

Advance registration is required for most of our trips, nearly all which have size limits to prevent overcrowding. Registration will open 10 days prior to the trip date on the Marin Audubon website's Field Trips page.

Trips can fill up quickly. Please register early to make sure you get a spot. If you won't be able to attend a trip that you have registered for, please use the "contact organizer" button on the Ticketbud trip description page so that the spot may be opened for someone else. If a trip is closed when you try to register, use the "contact organizer" button and request to be put on the waiting list.

THE PONDS AT THE LAS GALLINAS VALLEY SANITARY DISTRICT (LGVSD)

San Rafael

Thursday, November 2, 2023 and

Thursday, December 7, 2023

8:30 AM to noon

With Sande and Bob Chilvers

No registration required. All participants are welcome to join this trip.

Join old friends and meet new ones on our regularly scheduled walks on the first Thursday of the month at Las Gallinas. We welcome bird enthusiasts of all levels, especially beginning birders, on this leisurely walk around the ponds. Special thanks to Bob and Sande Chilvers for volunteering once again to lead our monthly walks in search of waterfowl, waders, songbirds, raptors, and shorebirds. Among other birds, we will see various species of rails, swallows and teals.

With fall migration underway, we are likely to spot some interesting species, so come assist in our search. We all help each other to find and identify the birds, and there are usually several experienced birders to assist. You don't even have to arrive on time because we spend the first 30-60 minutes studying the birds around the first pond, and our group is easy to find.

DIRECTIONS: Hwy 101, exit at Smith Ranch Rd. Drive east on Smith Ranch Rd. toward McInnis Park. Turn left immediately after crossing the railroad tracks and drive about 0.5 mile through the LGVSD gates and into the parking lot at the end of the road. Meet the group by the bridge just past the parking lot. There is an outhouse in the parking area for public use or you can use the bathrooms at nearby McInnis Park.

LAS GALLINAS AND HAMILTON WETLANDS

Birding in Marin, Season 8 – Trip 11

Saturday, November 4, 2023

8:30 AM to mid afternoon

With Jim White and Bob Battagin

Registration required for this trip. Registration opens on October 25 at 8 AM on the MAS website's Field Trips page

Join Jim and Bob on an easy, birdy walk of 1.5 miles around the Las Gallinas ponds where we are likely to see 10 species of ducks, five of herons, five of raptors, five of sparrows and some rails like **Ridgway's, Sora,** and **Virginia** with **Gallinules,** coots, swans, ducks and geese!

After lunch we'll visit the Hamilton Wetlands, restored by the Army Corps of Engineers to the San Francisco Bay ecosystem, which have become the winter home of some ten thousand birds.

DIRECTIONS: From Hwy 101 north San Rafael take the Lucas Valley/Smith Ranch Road exit east. In about 0.5 mile, immediately after crossing the railroad tracks, left turn and follow the road another 0.5 mile to the Las Gallinas parking at the end.

To the Hamilton Wetlands return to Hwy 101 north, take the second exit, Nave Dr toward Hamilton. Stay on Nave Dr, heading north, to Main Gate Dr and turn right. Go east to Hanger Ave and park along the levee behind Hanger 7.

RODEO LAGOON

Marin Headlands

Wednesday, November 15, 2023

7:30 AM to noon

With William Legge and David Wiechers

Registration required for this trip.

Registration opens on November 5 at 8 AM on the MAS website's Field Trips page.

With large numbers of birds moving through the area this time of year, it's sure to be an interesting outing with unusual sightings a definite possibility. We'll start with a 30-40 minute visible migration and sea watch from Rodeo Beach hoping for grebes, loons, passing wildfowl and gulls before undertaking an extended circuit of Rodeo Lagoon in the search for later scarce migrants including early winter wildfowl and fall passerines. More than 60 species should be possible at this time of year. The morning will begin with a sea watch at 7:30 AM. This trip is less suitable for beginners.

DIRECTIONS: Head south on Hwy 101 and take the last Sausalito exit just before the

Golden Gate Bridge. At the exit stop sign, turn right and go under the freeway, then follow the road down to the left. Within 300 feet turn left at the sign to the Marin Headlands (This is the only available left turn before you begin the descent into Sausalito). You should see the tunnel with the five-minute light. Proceed through the tunnel on Bunker Road to the Rodeo Lagoon Parking Lot at the end and meet by the bridge over the channel to the beach.

BAHIA, HOMEOWNERS LAGOON AND RUSH CREEK

Birding in Marin, Season 8 – Trip 12

Saturday, December 2 2023

8:30 AM to 3:30 PM

With Jim White and Bob Battagin

Registration required for this trip.

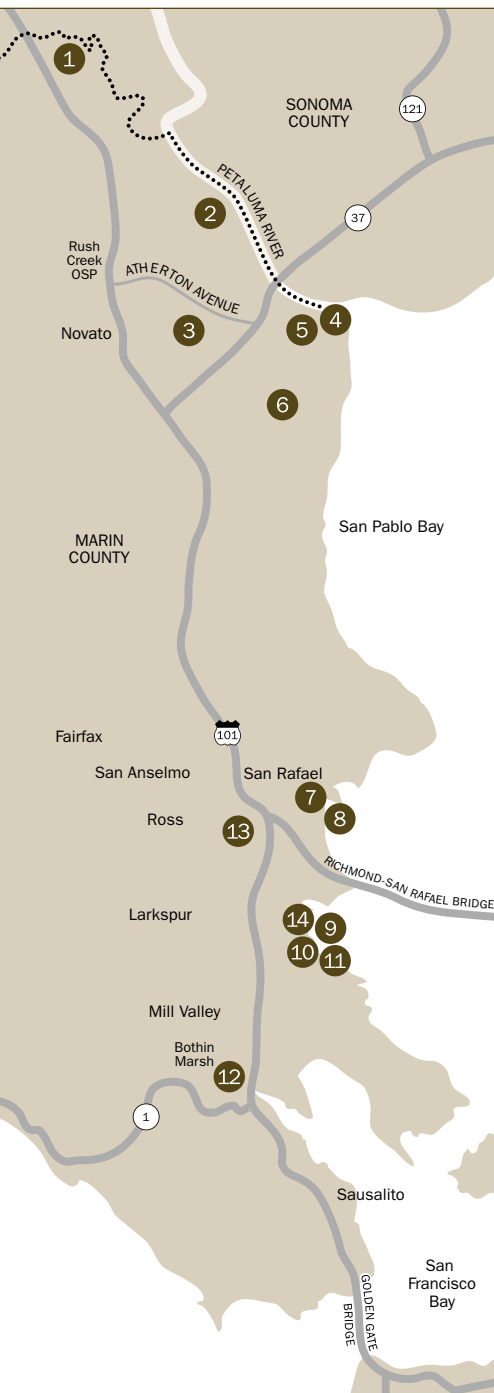
Registration opens on November 23 at 8 AM on the MAS website's Field Trips page

MAS acquired and restored to tidal action the diked bay lands around the residential Bahia neighborhood. As the ebbing tide exposes the mudflats thousands of shorebirds now descend to feed, while on the flood tide hundreds of ducks and some gulls float, forage and loaf about. The oak-wooded ridge stretching from Highway 101 to Bahia, also saved from development by MAS, holds **Oak Titmice, White-breasted Nuthatch, Hutton's Vireo,** at least four woodpecker species and many sparrows in the winter.

Homeowners Lagoon (sometimes called Horseshoe Pond) at the southeast end of Topaz Drive is a great place to look for wintering ducks. **Goldeneyes, Scaup, Canvasbacks, Buffleheads,** and **Mergansers** seem to like it and it has been Marin's best place for **Barrow's Goldeneyes** the last few years.

After lunch we plan to look at the nearby Rush Creek area from the Airport Road which parallels Highway 101 north of Atherton.

DIRECTIONS: From Hwy 101 in north Novato take Atherton Ave east, take the Y left onto Bugeia which becomes Bahia Dr, near the end at the bottom of the hill take a right onto Topaz Dr, and follow it to its end and park.



Conservation

AIR TOUR SUIT TO PROTECT BAY AREA NATIONAL PARKS

The opening brief of petitioners Marin Audubon Society, Western Watershed Alliance, Public Employees for Environmental Responsibility, and individual Laura Chariton, challenging the final order of the US Department of Transportation, Federal Aviation Administration (FAA), and the US Department of the Interior, National Park Service (NPS), charged that the agencies acted improperly in approving an Air Tour Management Plan (ATMP) for the GGNRA, Muir Woods National Monument, Point Reyes National Seashore, and San Francisco Maritime National Historic Park. Our suit charges that the agencies should not have approved the ATMP for these Bay Area parks with a Categorical Exclusion (CE), because a CE provides no environmental analysis (EA). For that reason, it does not comply with the requirements of the National Environmental Policy Act (NEPA) or the National Park Air Tour Management Act (NPATMA).

The NPATMA requires that a comprehensive analysis of impacts and possible alternatives be assessed before adopting an ATMP for specific parks. The very impetus for the adoption of the NPATMA was that for years there were many complaints from the public about tour planes flying low over national parks, impacting natural resources and disturbing the serenity of the parks without environmental review. The ATMP for Bay Area parks provides no such analysis.

Several years before approving the ATMP, the agencies had determined that a full EA was necessary, but for some reason, they reversed their position and simply asked the air-tour operators for their estimate of the number of flights that took place between 2017 and 2019 and used that to determine the allowable tour levels.

There is also no explanation as to why at least seven other parks that had fewer tour flights received full EAs and the five parks in the Bay Area did not. An example is Badlands National Park in South Dakota, which averages 1,435 tour flights per year and for which an EA was prepared. Almost double the number of flights (2,548) have occurred over Bay Area parks with no evaluation of the impacts required.

Our suit charges that, with no analysis, the Bay Area ATMP determined that the flights over Bay Area parks would have minimal environmental impacts. The suit asks that the ATMP either be vacated and all air tours above 50 (the number exempted in the NPATMA) be prohibited, or that the Court remand the ATMP to the FAA and NPS with directions to issue



Northern Elephant Seals sunning on a Point Reyes beach. Marine mammals need to haul out to regulate their body temperature. They would retreat to the water if disturbed by low-flying air tour flights.

at least a draft EA within one year and retain jurisdiction for the time it takes the agencies to comply. (Sorry for all of the abbreviations.)

Not surprisingly, the **response from the NPS and FAA (“Agencies”) denied violation of NEPA or the NPATMA.** They argued that the use of a CE was lawful and qualifies as environmental review under NEPA, even though it was not mentioned in the NPATMA. Concerning the baseline, the Agencies selected 2017, ’18 and ’19 because these air-tour conditions were reported accurately by the operators during that time, and 2,548 tours was the average number of flights over the GGNRA and maritime park. The Agencies reported that they had done a preliminary EA and determined there were only minimal and no significant environmental impacts, no extraordinary circumstances, and no effect on threatened or endangered species, based on their imposing many conditions to mitigate potential impacts of the air tours on natural, cultural and visitor uses. The conditions included:

- reducing the number of tours from 5,090 to 2,548, the equivalent of the recent average number of tours.
- restricting the time of day that tours could take place, identifying altitude requirements to be maintained to protect areas occupied by marine mammals, peregrine falcons, and nesting sea bird colonies.
- creating times when “visitors seeking solitude may explore the park without disruptions from commercial air tours.”

The Agencies considered that noise from air tours made a small contribution to overall noise and concluded it was not a significant impact. Regarding the preparation of plans for other parks and not Bay Area parks, their response was that “they did not have to prepare a Plan for every park just because they are preparing plans for some parks.”

continued on page 6

MARIN AUDUBON PROPERTIES

1. Petaluma Marsh Expansion Site	180 acres
2. Bahia	60 acres
3. Simmons Slough	144 acres
4. Norton Avenue Pond	4 parcels
5. Black Point Parcels	many parcels
6. Arroyo San Jose	2 parcels
7. Tiscornia Marsh	20 acres
8. Tidelands and Murphy’s Rock	34 acres
9. San Clemente Creek Tidelands	4.34 acres
10. End of Channel Drive	1 acre
11. Triangle Marsh	31 acres
12. Arroyo Corte Madera del Presidio	2 acres
13. Cal Park	<1 acre
14. Corte Madera Ecological Reserve Expansion Site	5.2 acres

Abundance on Abbotts Lagoon Field Trip Reflects Value of Protected Wildlands and Conservation Efforts

By Roger Harris

Right off the bat, we watched a prowling Bobcat. Then a **Burrowing Owl** was spotted perched in the same field. The small, diurnal owl was likely a migrant from more northern latitudes that will winter here. A rare **Palm Warbler** flitting around within a few feet of us quickly followed to auspiciously begin MAS's October 7 field trip. And we had not even left the parking lot for Abbotts Lagoon.

Our capable veteran field leaders, Jim White and Bob Battagin, have been leading Birding in Marin for the Marin Audubon Society for eight years. Their cumulative species count to-date is 178, well on to their 200-species yearly goal for the monthly field trip series.

The small pond on the way to the lagoon, which had been fenced off from cattle, yielded good looks of an adult and a juvenile **Sora**, normally secretive members of the rail family. Also benefiting from the cattle enclosure around the lagoon, which has allowed the native coastal scrub habitat to reestablish, were cute bush bunnies (technically Brush Rabbits).

Soon, we came face-to-face with a Coyote. How nice it was to see these puppies back under protection of the National Park Service. They had formerly been shot out by ranchers.

A doe Black-tailed Deer peeked out from the Yellow Bush Lupine and fall-blooming Coyote Brush. A handful of Tule Elk browsed on the adjacent pasturelands. These magnificent members of the deer family had been hunted out in the mid-19th century. In 1978, they were successfully reintroduced to the Point Reyes National Seashore.

Crossing the bridge that spans the two parts of the lagoon, we saw six frolicking River Otters. Other observers reported as many as ten otters that day. The otters, too, had been extirpated from the Bay Area only to return in recent years, another beneficiary of conservation measures.

A substantial day-count of 150 **Brown Pelicans** highlighted still another species that had teetered at the edge of extinction, only to successfully rebound due to conservation action. It was removed from the Endangered Species list in 2009 after the sale of DDT was banned in the US in 1972 and the use of endrin curtailed. These pesticides had caused eggshell thinning.

Brown Pelicans return to the Bay Area in the post-breeding season after nesting on the Channel Islands and points south. We found feathers and skeletal remains of the now abundant birds along the lagoon shore

where they had been predated upon by otters. Both predator and prey have returned to the ecosystem.

While still on the Endangered Species list, **Snowy Plovers** are managed at the seashore where their nesting areas had been roped off from human traffic and pets earlier in the year. A plethora of 65 plovers greeted us, some with colored USGS bands.

The local population is augmented by migratory birds.

A lone **Peregrine Falcon** perched by the shoreline of the lagoon was yet another former endangered species that has recovered. Though no longer a rare sighting in Marin, it is still a joy to observe.

We also saw a **White-tailed Kite** and an **Osprey**, two raptor species that have also spectacularly returned from perilously depressed population numbers. Ditto for the **Great** and **Snowy egrets** we counted. A mere four score years ago all of these common species would have been notable ticks.

We watched a **Tropical Kingbird**, sporting bright yellow undersides, catching dragonflies. This rare flycatcher mostly nests in Mexico and southward. Only a few aberrant individuals occasionally visit our climes in the post-breeding season.

We retreated from the cold sea breeze to warm up and have lunch in the sand dunes. Meanwhile, temperatures hit a scorching 95 degrees in the interior of the county.

The dunes sparkled with a show of Wetland Yellow Cinquefoil and other wildflowers. While the rest of the county is clothed in crispy brown, the coastal dunes are hydrated by fog drip and are still carpeted with native blooms at the end of the dry season. The Park Service had restored the dunes, removing invasive exotic European Beachgrass and iceplant.

Making our way down the southwest side of the lagoon, we were treated to huge numbers of shorebirds foraging in the shallows and adjacent shores. Among the hundreds of peeps (small sandpipers), plovers, and bigger brethren, we found and photographed a rare **American Golden Plover**. The lack of dark axillaries (armpits), smaller size, and warmer-



Becky Matsubara

Tropical Kingbird, rare visitor to Abbotts Lagoon

colored plumage set it apart from the **Black-bellied Plovers** on the sand flats.

Further on, we found two other rarities: a **Pectoral Sandpiper** and a **Ruff**. The former breeds in the far north of the continent, usually traveling east of our coast on its southerly migration in the fall. The **Ruff**, also a sandpiper, breeds in Asia and is likewise a rare migratory visitor.

A lone **Ruddy Turnstone** did not quite qualify as a full-fledged rarity, but was a good sighting.

Standing out among the large rafts of dabbling ducks at the south end of the lagoon were two somewhat larger white waterfowl. On closer inspection, they turned out to be a pair of **Snow Geese** with their diagnostic black "grin patches." They winter in the Central Valley and are not usually seen here on the coast.

Earlier in the day, we heard but did not see a flock of **White-fronted Geese**. These northern breeders might be called "fly-over birds." They migrate in the post-breeding season down the Pacific Coast, but rarely stop here on their journeys to the Central Valley and points interior where they winter.

Not counting the heard-only geese, our day count was a robust 78 species and over 1,500 individuals, a reflection of the abundance on our protected wildlands and the success of conservation efforts.

Habitat Stewardship

HABITAT STEWARDSHIP PROGRAM

A few invasive plants can be cut off in November, but it is too late to pull the annual weeds. We will remove bristly ox-tongue, mustard and, of course, some select Harding grass. We will also do some mulching; that saves water for the native plants by insulating the soil and, also, by limiting the growth of competing non-native plants, particularly the annual grasses.

Join us on a workday. Doing the work with other folks makes the time go quickly and provides an opportunity to learn more about a native habitat of your county. Make a difference.

Volunteer Workdays

Triangle Marsh, East Corte Madera:

First Saturdays: November 4, December 2

Meet at 10 AM on Paradise Drive directly across from the Ring Mountain Phyllis Ellman trailhead near the Montessori School.

Corte Madera Ecological Reserve:

Second Saturdays: November 11, December 9

Meet at the end of Industrial Way near Trader Joe's in Greenbrae.

For up-to-date information, contact Martha Jarocki, marthajarocki@gmail.com or phone 415/461-3592.

Bahia, Novato:

If you'd like to help, please contact Jude at judestalker@gmail.com.

CORTE MADERA OPEN HOUSE

We had a very successful Open House at our Corte Madera property adjacent to the Ecological Reserve on October 14th. Shared the morning with the eclipse. We were pleased to show off the site and all of the work we've done planting and establishing habitat for wildlife. We broke the attendees into small groups that were taken on a tour of the upland habitat that is usually fenced. Visitors learned about vegetation on the site, both native species that we've planted and invasive and native species that have come in on their own, how we've been working to establish habitats. They had a chance to see up close what we've planted, how we are addressing problems, and how the upland and marsh habitats are progressing. Rich Cimino, a long time field trip leader, had two spotting scopes set up at the Overlook



Jude Stalker

Clint Kellner points out a native plant on the MAS Open House tour.

Observation area where attendees were able to see 17 species of birds over the course of an hour.

To be a part of our continuing work enhancing the vegetative habitat at our Corte Madera property, join us for our Volunteer Work Days held on the second Saturday of each month. More information in column to the left.

Air Tour Suit

continued from page 4

With their finding of no significant environmental impact, the Agencies recommended that the Court defer to the Agencies' expert judgment and deny the petition for review. They added that additional analysis would cause "disruptive consequences by eliminating the Plan's benefits."

Our response to the Agencies by the due date of October 10 pointed out that the effect of a CE is to "excuse NEPA analyses," and that conflicts with NEPA's purpose of analyzing potential impacts and the fundamental purpose of the NPATMA, which is to ensure that the environmental impacts of tour aircraft overflights are vigorously assessed via a transparent environmental impact statement. A more plausible reason Congress intentionally left a CE off the list is because it did not consider a CE to be an adequate mechanism for analyzing potential impacts of air-tour flights.

Regarding the declaration of the Agencies in 2011, that they would prepare an environmental assessment, they never explained why they later reversed this earlier commitment. We pointed out that such inconsistent, unexplained actions, when applying the same statute in the same regulatory setting, are the essence of arbitrary and capricious decisions.

The much greater number of overflights, the sensitivity of the affected wildlife species (marine and terrestrial), and other factors, as compared to the Badlands, which is in a remote inland area, provide strong indications that an

EA should be prepared here.

Agency justification of no significant or minimal impacts is contradicted by their reliance on mitigation of harmful effects to claim a net benefit. Mitigation does not justify the failure to do adequate environmental analysis or excuse the failure to undertake NEPA analysis. The Agencies admitted that some mitigations were aimed at avoiding significant impacts. Due to improper use of a CE, however, there has been no consideration of other mitigations or alternatives that could be more effective than the mitigations proposed by the Agencies.

The fact that there were significant impacts should automatically require the use of an environmental review document that is public. Instead, the Agencies failed to publicly discuss any alternatives. They chose mitigation measures and claimed beneficial effects in a "black box." They ignored pleas from the Golden Gate Bird Alliance and the Gulf of the Farallones National Marine Sanctuary to keep overflights at a higher minimum altitude (2,000 feet) to avoid impacts to migratory seabirds, seals, and other wildlife. The final ATMP nevertheless set the minimum altitude at 1,000 feet.

Our reply brief was filed on the due date of October 10. This is the end of the briefing. The Agencies can make no further reply. Oral argument will be set in Washington, DC, where the suit was filed and our attorneys, the Public Employees for Environmental Responsibility, are located. While argument is likely in the next few months, it will take many more months before a decision is announced.



NPS/Dan Russell



Dick Daniels (www.thewildbirdclub.org), CC BY-SA 3.0

Harbor seals (top) and Common Murres (above) are also at risk from low flying aircraft.

Marin Birdlog: September 2023

By Noah Arthur



Hooded Oriole

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September is our peak fall rarity month in Marin, and this year did not disappoint, with numerous rarity sightings on Pt. Reyes and elsewhere. (As usual during migration periods, there are too many sightings of the more regular rarities to list chronologically, so they are listed briefly in the last paragraph below.)

The first new rare birds of September were two **Purple Martins** over Pt. Reyes Mendoza Ranch on the 2nd (LK). On the 3rd, a pelagic boat moved through Marin waters and scored a **Guadalupe Murrelet**. Also on the 3rd, a **Grey Flycatcher** was at the Lupine Gulch on outer Pt. Reyes (EM), and an unidentified booby was on a distant rock off

the Outer Point (KN & JG). A **Summer Tanager** was hanging with Westerns in suburban Novato on the 5th (BM), and a **Bobolink** popped in and out of cover at Marta's Marsh 6th (AM). Also on the 6th, a **Canada Warbler** was banded at Palomarin.

A **Prairie Warbler** turned up at the Lighthouse on the 8th (ZM), and another **Prairie Warbler** was at Fish Docks the next day (no info on who found it).

On 9th another **Bobolink** was at Nunes Ranch (LN & MD), and on the 10th an **Eastern Kingbird** showed up at the Fish Docks. Seeming increasingly rare in recent falls, a female **Magnolia Warbler** was along Stinson Gulch Trail on the 10th (EC). Also on the 10th, a **Swainson's Hawk** floated over Drakes Corner (CC).

A lull in the action over the next few days ended with a **Magnolia Warbler** at the New Willows (RM & NW) and a **White-winged Dove** at Nunes (EC) on the 15th. Elsewhere on the 15th, an **Orchard Oriole** was at Las Gallinas (JP). Rarer on the Outer Point than in the Headlands, 2 **Broad-winged Hawks** flew over the Fish Docks on the 16th (ZVZ). An even rarer Outer Point record on the 16th was a **Hooded Oriole** at the Fish Docks (DL), along with another **Magnolia Warbler** at the Lighthouse (EM). The best bird of the 16th, however, was a very drab female **Painted Bunting** at the Lighthouse (EM, LS, & EMn). The 17th produced a **Green-tailed Towhee** at the Lighthouse (MB), and yet another **Magnolia Warbler** at Lupine Gulch (no info).

The rarest rarity of the month turned up on the 18th in Bolinas, a **Broad-billed Hummingbird** at feeders at Keith Hansen's gallery, subsequently enjoyed by many birders (KH). Also on the 18th, a **Bobolink** came in off the ocean early with **Swainson's Thrushes** at the Lighthouse (EM), and a 'HeTo Warbler' (Hermit X Townsend's) was at Redwood Creek (no info).

The 19th produced a female-type **Orchard Oriole** at Rodeo Lagoon (WL) and another **Magnolia Warbler**, this one along Two Rock Rd. near Petaluma (EM). Rare for the Outer Point was a **Red Crossbill** at the Lighthouse on the 20th (EM). One of the best eastern warblers of the month was a **Bay-breasted Warbler** that put in a brief appearance at the Inverness Tennis Court on the 20th (NA). Also on the 20th, an **Orchard Oriole** was at the Lighthouse (DO).

At least one **Lark Bunting** was at Lupine Gulch on the 22nd (AP), and an **Ovenbird** was at the Lighthouse on the 23rd (MS & LS). Another drab **Painted Bunting** was also at the Lighthouse on the 23rd (MS & LS), adding to the unprecedented incursion of this species in coastal California this fall. Another of the month's best eastern rarities, a **Philadelphia Vireo** was at Fish Docks on the 24th (JC).

Least Storm-petrels made an unusual northward incursion this fall, and three were found on a pelagic in Marin waters near Cordell Bank on the 24th, and a **Brown Booby** was also found on this trip. Also on the 24th, a **Townsend's Solitaire** was at Mendoza Ranch (PC). A **Lark Bunting** in Lupine Gulch on the 25th (CN) was probably a new individual. Also on the 25th, a new Orchard and possibly new **Hooded Oriole** were at New Willows (DM & MB).

The **Yellow-crowned Night-heron** was back at Sausalito on the 27th (SS), and the first **Tropical Kingbirds** of the season (2 birds) turned up at Drakes Beach on the 29th (DH & TF). Also on the 29th, a **Green-tailed Towhee** was banded at Palomarin, a **Yellow-breasted Chat** was at Drakes Beach (DH & TF), and a **Dickcissel** was in Jim White's Muir Beach yard (JW).

Regular rarities included: **Chestnut-sided Warblers** at Redwood Creek near Muir Beach on the 8th (NC); Muir Beach (EM), Fish Docks (no info) and Rodeo Lagoon (WL) on the 15th; Lighthouse (EM) and 2 at Fish Docks on the 16th (EC & NC); Lighthouse on the 17th (MS); Lupine Gulch (no info) and Pine Gulch (AR) on the 17th; Keith Hansen's gallery on the

20th (KH); Bear Valley on the 23rd (JC); Barries Bay on the 24th (CC); and Pine Gulch on the 25th (EC). **American Redstarts** at the Lighthouse (EM) and Nunes (BA) on the 3rd; Lighthouse on the 7th (PM); Fish Docks on the 9th; and Drakes Beach on the 10th (CC). **Blackpolls** were oddly all on the 17th, at the Lighthouse (CC), Nunes (NA), and 3(!) individuals at Lupine Gulch (no info). **Red-eyed Vireos** at Rodeo Lagoon on the 5th (WL); Pine Gulch on the 8th; Stinson Gulch on the 10th (EC); and New Willows on the 17th (LK, CC, & LS) and 20th (JM). **Tennessee Warblers** at Drakes on the 16th (EC); Lupine Gulch on the 16th (LS); New Willows on the 17th (CC); and Lighthouse on the 20th (EM). **Rose-breasted Grosbeaks** at Rodeo Lagoon on the 9th (WL); Lighthouse on the 17th (SA); and New Willows on the 20th (LC & EM). **Northern Waterthrushes** at Muir Beach on the 7th (LN & MD) and Redwood Creek on the 17th (JP). **Clay-colored Sparrows** at the Lighthouse on the 20th (NA & EM) and "Junior Mendoza" on the 23rd (MS & LS). **Black-and-white Warbler** at the Lighthouse on the 16th (NC).

OBSERVERS AND ACRONYMS LK: Logan Kahle, EM: Ethan Monk, BA: Bob Atwood, KN: Karen Nguyen, JG: Jeffer Giang, WL: William Legge, BM: Brandon Madsen, AM: Alex Merritt, LN: Larry Nigro, MD: Molly Donahue, CC: Connor Cochrane, EC: Everett Clark, NA: Noah Arthur, PM: Pete Morris, EM: Ethan Monk, NC: Natalie Clark, ZM: Zack Mikalonis, RM: Ron Mallory, NW: Nils Warnock, MS: Mark Stephenson, SA: Steve Abbott, ZVZ: Zeke VanZante, KH: Keith Hansen, LS: Lucas Stephenson, MB: Mark Butler, DL: Derek Lecy, JP: John Paul, AR: Andrew Rush, JM: Jeff Miller, JP: Jeff Perkins, EMn: Eddie Monson, LC: Lucas Corneliussen, AP: Adam Panto, DO: Debbie Otman, JC: Jay Carroll, PC: Peter Colasanti, CN: Christian Naventi, DM: Dan Maxwell, MB: Matt Brady, SS: Sylvie Silverstein, DH: Derek Heins, TF: Teale Fristoe, JW: Jim White



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