

THURSDAY, MAY 14 7:00 PM

**The Aquatic World of Penguins —
Biology of Fish-Birds**

With David Ainley



World of Penguins

Emperor Penguins

Register for this month's program on MAS website's Speaker Series page.

Centuries ago, when penguins were first encountered by European explorers, they were not thought to be birds but rather a fish-like relative. Subsequent accumulation of knowledge has shown penguins to be an avian species with unrivaled aquatic attributes owing to a number of evolutionary adaptations. David Ainley will introduce us to the incredible aquatic nature of these creatures, highlighting the foraging ecology and marine lives of penguins.

Dr. David Ainley is a senior Avian ecologist at H. T. Harvey & Associates. He is one of the most published marine scientists globally and has received numerous awards for his research. David has studied all aspects of marine ecosystems, including seabird ecology, for more than 40 years. He has led annual research on marine birds and mammals in Antarctica for more than 35 years and has conducted research for more than 20 years on the distribution of birds and mammals at sea on the West Coast of the United States and in the Eastern Tropical Pacific.

THURSDAY, JUNE 11 7:00 PM

TBD

With Alvaro Jaramillo

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The Rail

MARIN AUDUBON SOCIETY

Marin Audubon Annual Elections

Marin Audubon Society's Annual Meeting, which is the occasion for electing our board members, will take place at our May Speaker Series meeting on the second Tuesday of May. Join us and help elect our proposed slate of board members for a three-year term beginning in June. The nominees are below. We've welcomed a new nominee since last month's announcement, and we're happy to include her here at the last minute so members can have the opportunity to vote for her along with the nominees announced last month.

Sonali Shah Sonali will be new to the board and brings many years of experience in communications and work with numerous nonprofits. A wildlife enthusiast, she is also an artist whose work celebrates our natural world. Sonali is excited about the opportunity to support Marin Audubon's mission of protecting birds and their habitats.

Lyzy Lusterman Lyzy, the newest nominee, was born and raised in Marin County. She has a master's in business administration and a professional background in publishing. She is an avid birder and runs an independent specialty bookstore focused on birds and birding. Lyzy cares deeply about MAS's mission and hopes to put her skills and experience to good use in supporting it.

Mike Anderson Mike is returning for a second term, has been our Speaker Series and Finance Committee chair.

Robert Hinz Bob is a long-time Board member in charge of our membership records and Southern Marin Christmas Bird Count compilations.

Lowell Sykes Lowell, also another long-time member, works diligently on our properties. He is one of the major reasons habitats and wildlife thrive on them

Conservation

AIR TOUR SUIT UPDATE

In late February, our PEER (Public Employees for Environmental Responsibility) attorney filed a motion to enforce the court order to require the Federal Aviation Administration (FAA) and the US Fish and Wildlife Service (USFWS) to conduct environmental review, and to require the stay of activities to remain in effect until the agencies undertake the environmental review of the Air Tour Plan in the San Francisco Bay Area.

Our motion argued that the voluntary agreement (VA) approach the FAA and National Park Service proposed is illegal for a number of reasons, some of which are similar to what we argued in our joint public comment filed in December. Specifically, the VA approach:

- Does not comply with the court's earlier ruling or with the National Park Air Tour

Management Act (NPATMA), National Environmental Policy Act (NEPA), or other applicable laws;

- Fails to assess harmful impacts on the environment;
- Violates both the court's merits decision and opinion that the NEPA analysis was both arbitrary and capricious (the court order made it clear that the stay was for the purpose of their doing a NEPA environmental review);
- Incorporates the same flawed status quo baseline of flight numbers that the court already rejected, as it compared the project with itself; and
- Erroneously concludes that the plan would not have significant impacts. This is only because the project was compared to the existing conditions, which are the same as the project.

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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
Vice President	Doug Waterman dglswtrmn@gmail.com
Secretary	Lelia Lanctot 924-6138
Treasurer	Martha Jarocki 461-3592
Conservation	Barbara Salzman 924-6057 MJ Schramm maryjane.Schramm@gmail.com
Field Trips	Doug Waterman dglswtrmn@gmail.com Alison Pence 254-4551
Membership Chair	Bob Hinz 383-8688 Contact Bob for membership problems or questions.
Outreach, Media	Open
Outreach, Website	Cary Sparks cary@holotropic.com
Speaker Series	Mike Anderson 990-9784
Project Management	Jude Stalker 680-6291
Nominating	Doug Waterman dglswtrmn@gmail.com Ellena Ochoa volunteercoordinator@marinaudubon.org Cary Sparks cary@holotropic.com
Newsletter Editor, <i>The Rail</i>	Doug Waterman newsletter@marinaudubon.org
Property Real Estate	James Raives 497-4492
Volunteer Coordinator	Ellena Ochoa volunteercoordinator@marinaudubon.org
BAAC Reps	Barbara Salzman 924-6057 Doug Waterman newsletter@marinaudubon.org
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

The two legal actions MAS is involved in are indeed a paradox. On the one hand, we are supporting the FWS in a suit to protect a species near extinction, which is clearly under their charge. But on the other hand, we are suing the FWS for failure to protect wildlife. Although the suit to support the Barred Owl Management Strategy involves a difficult management choice, the intent to save the NSO is clear. In the other legal action, the Air Tour suit, the issue is the failure of the FWS and FAA to protect wildlife, which the FWS is legally responsible to do. It is difficult to understand where the FWS is coming from. Do they really think the proposed restrictions in their voluntary agreements, with no environmental analysis, will ensure the protection of the species they are responsible for protecting in Bay Area National Parks? Are they being influenced by the Federal Aviation Administration and/or others to not support conduct of environmental review? The air tour companies clearly have friends in high places. This is not the FWS I have come to know in my 30 or so years of working with it to protect wildlife and habitats.

Join us for our next Speaker Series meeting, which will also be our Annual Meeting, to elect five MAS board members for terms of three years. Marin Audubon is a 501(c)(3) membership organization, a legal designation that requires that members be allowed to vote on board nominees and provides that donors receive a tax write-off for donations to us. Those who join in on Zoom will also be treated to a presentation by local biologist David Ainley, Ph.D., speaking on the wildlife of Antarctica (see description on page 1).

As an update on the acquisition, we have satisfied the contingencies in our Purchase and Sales Agreement and are working on providing necessary information to the Coastal Conservancy to obtain the grant funding. Required submittals include title reports for both properties, phase one hazardous materials analysis, a plan for installing signs, MAS board resolutions, and, eventually, escrow instructions.

March was an exciting month, with the beginning of our Regionally Advancing Living Shoreline (RALS) grant work, a kick-off meeting, and a visit to our three sites: the San Rafael Shoreline, Corte Madera Ecological Reserve (Muzzi) marsh, and Estuary and Ocean Science Center (EOS) shoreline. The

Marin team is managed by Environmental Science Associates (ESA), including multiple scientists from ESA, H.T. Harvey & Associates, the EOS Center, Shanon and Wilson, Mark Cederborg and Peter Baye, with Marin Audubon Society, the nonprofit project manager represented by Terri Thomas. For the San Rafael site, the team will be looking at expansion of the oyster reef structures, possible eelgrass establishment, and enhancement of the riprap living shoreline. In Corte Madera the focus will be on stabilizing, and hopefully expanding, the tidal marsh (Muzzi), which is undergoing significant erosion. In Tiburon the team will be investigating ways to enhance and stabilize the northern shoreline of the Rhomberg Center site, which is littered with concrete structures left over from military occupancy, and to introduce living shoreline features. There is also an East Bay team, led by Ducks Unlimited, that will be focusing on four tidal marshes, and a San Francisco team, led by the Golden Gate Bird Alliance, which is looking at three sites owned by the Port of Francisco. We expect lots of innovative ideas.

We're working on our Spring Appeal letter and expect it to be ready to go to the printer in a few weeks. Supporters will probably see it by the middle of May. Our Spring Appeal is dedicated to supporting habitats on our properties. All donations go to the purchasing of plants, and when the work that needs to be done is too much for our volunteers, to the hiring of contractors, who assist with planting, watering, and weed removal. We do have a strong volunteer program that offers learning opportunities to schools and adults, which helps to maintain and enhance our habitats and keep costs down. Do give generously.

Do get out and see the last vestiges of migrating birds and birds that may be either staying or returning to breed. With our varying habitats, there are plenty of viewing opportunities.

THANK YOU, DONORS

Annette Anzalone, Miriam Arnold, Rob Arrick, Heather Bell, Jeffrey Bellsey, James Cleaves, Gwen Davids, Leslie Ellison, Timothy Erdman, Betsy & Gary Gullickson, Susan Kelly, Nancy Moyle, Charles Phillips, Richard Robbins, Jere Schweikert, Diana Singer, Sharon Solomon, Clark Stanton, Roger Stoll

MAS FIELD TRIPS

Open to the public

MAS is providing a full schedule of field trips for the 2026 season.

Trips with participant limits require registration on MAS website's Field trips page. If you want to cancel a trip you registered for, contact newsletter@marinaudubon.org. If a trip is full, check back, even on the night before the trip, as cancellations will open new spots.

In some instances, trip signups aren't available precisely at 8 AM but it doesn't mean the trip is full. PLEASE TRY TO REGISTER AGAIN A FEW MINUTES LATER.

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

San Rafael

Thursday, May 7, 2026

Thursday, June 4, 2026

8:30 AM to noon

With Mark Clark

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

We welcome bird enthusiasts of all levels, especially beginning birders, to join leader Mark Clark on our monthly walk around the ponds at Las Gallinas. On our search we'll be looking for waterfowl, waders, songbirds, raptors and swallows. We are likely to spot some interesting species, so come assist in our search.

The packed dirt paths around the ponds are wide, flat and easy to navigate. Heavy rain cancels.

DIRECTIONS: From Hwy 101, exit at Smith Ranch Rd. Drive east on Smith Ranch Rd toward McInnis Park. Turn left 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 a portable restroom in the parking area for public use.

BIRDS, PLANTS AND WILDFLOWERS OF MOUNT BURDELL

Thursday May 12, 2026

8 AM to 1:30 PM

With David Edelson and Michelle Muir

Registration is required. Registration opens May 2 at 8 AM on MAS website's Field Trips page. Trip limit is 15.

On this moderate 4-mile hike, we will look and listen for birds, and also stop to appreciate native plants and habitat, particularly wildflowers which should be in abundant bloom.

Mount Burdell, a Marin County Open Space Preserve located just west of Novato, is a hotspot of plant and avian diversity, with oak woodlands, grasslands, serpentine outcrops and a vernal pool (Hidden Lake). Some of the birds we'll hope to see include spring migrants like orange-crowned warblers, house wrens, lark sparrows, and Bullock's orioles, as well as year-round residents like oak titmice, Bewick's wrens, western bluebirds, and multiple species of woodpeckers. This trip is suitable for all levels of birders and plant enthusiasts.

We are planning a 4-mile hike which includes some uphill and/or rocky sections where hiking poles might be useful. We recommend hiking shoes or trail shoes

with good traction. Please bring lunch/snacks, ample water, sunscreen, a hat, and, of course, binoculars.

DIRECTIONS: We'll meet at the San Andreas trailhead. To get there, exit Hwy 101 at San Marin Dr, go west approximately 2.5 miles, turn right (north) on San Andreas Dr and go roughly .6 mile to the trailhead. There is parking along the road but no bathrooms or water.

RODEO LAGOON, Marin Headlands

Wednesday, May 13, 2026

7:30 AM to noon

With William Legge and David Wiechers

Registration required. Registration opens on May 3 at 8 AM on the MAS website's Field Trips page. Trip limit is 15.

With spring migration coming to an end, we'll be looking out for late migrants, including passing loons, shorebirds and scarcer passerines. As usual, the weather will dictate our focus with onshore northwest winds ideal for spring sea watches, while offshore easterly winds promise a good selection of passerine migrants even at this late date. Join us for a Sea Watch at 7:30 AM or arrive later at 8:15 AM for a circuit of the lagoon. A brief mid-morning 'coffee-stop' is planned at Headlands Center for the Arts and it would be appreciated if participants come willing to contribute via the onsite 'tip-jar' as a thank you to the Headlands Center for the Arts for accommodating our group. This field 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 signal 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.

SPRING RESIDENTS AT OLOMPALI STATE PARK, Novato

Sunday May 17, 2026

8 to 11 AM

With Rich Cimino and Janet Bodle

Registration is required. Registration opens May 7 at 8 AM on MAS website's Field Trips page. Trip limit is 10.

Species we hope to see might be,

Ash-throated Flycatcher, Hooded Oriole, Cassin Vireo, Hutton Vireo, Western Warbling Vireo, Western Tanager, Black-headed Grosbeak, a calling Pileated Woodpecker and resident species

Meeting the parking lot at 8:00 AM. There is an \$8 parking fee. Portable bathroom near the parking lot.

DIRECTIONS: Exit Hwy 101 at Atherton Ave/San Marin Dr in Novato. Follow the signs to Olompali State Historic Park. A right turn onto the Old Redwood Hwy frontage road will take you to the park.

DE SILVA ISLAND HERON COLONY

Tuesday, May 26, 2026

10 AM to 12:30 PM

With Ron Brown

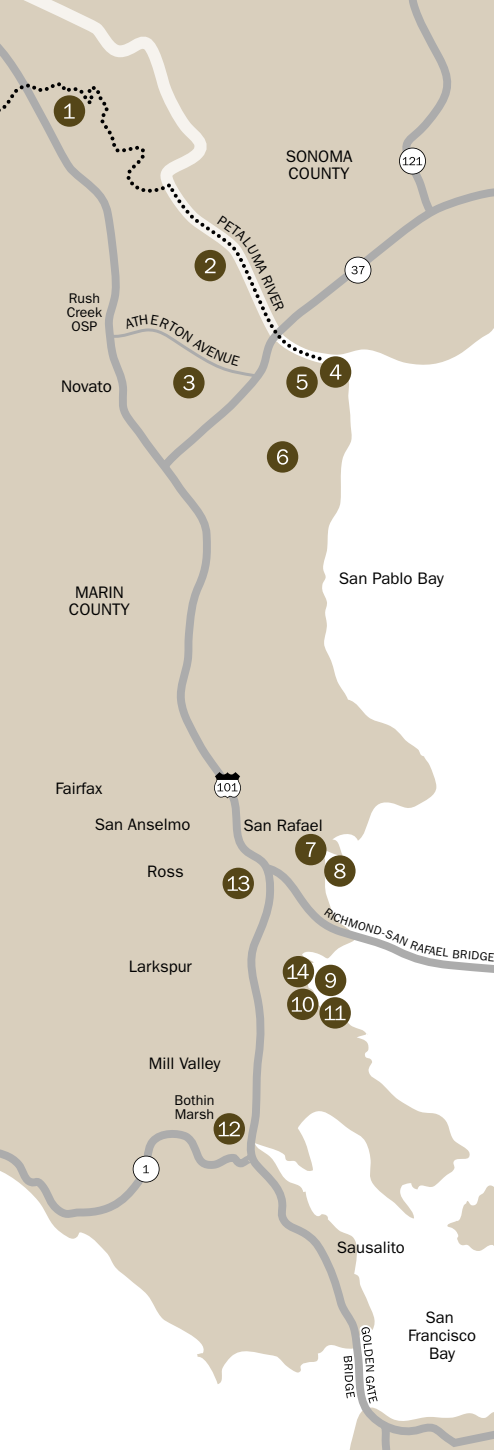
Registration required. Registration opens on May 16 at 8 AM on the MAS website's Field Trips page. Trip limit is 15.

De Silva Island is home to a long-established colony of Great Blue Herons, residing in a grove of eucalyptus trees on the banks of Belloch's Lagoon (Strawberry Cove) in Richardson Bay. In recent years Great Egrets and Double Crested Cormorants (colonial nesting species) have moved into this fine breeding site.

Although the start of the breeding season is somewhat variable, we should see late-stage Heron and Egret chicks and early-stage Cormorant chicks. The colony is best seen by a scope from across Belloch's Lagoon (Strawberry Cove). One scope will be available, but others would be welcome. The viewing area is the sidewalk and there is no easy parking. I can take a couple of people with difficulty walking, others can move their cars a short distance and walk a short distance.

DIRECTIONS: From Hwy 101 South exit 446 toward Seminary Drive make a left onto Redwood Hwy frontage road and follow as it goes under the freeway and continue for ½ mile and make a right on Seminary Drive to the Fitness outdoor workout at 107 Seminary Drive and find street parking. From 101 north, exit at 446 toward Seminary Drive, make a left at Redwood Frontage Road and in about ½ mile, a right on Seminary Drive to the Fitness outdoor workout at 107 Seminary and find street parking.

We will meet on Seminary Drive near the outdoor workout area at 10 am. It will be a short walk on the somewhat uneven public footpath around the marsh with a set of stairs up to view the colony trees.



Conservation

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In February, PEER argued that the court should set aside the agencies' proposal to substitute the VA for environmental review because it is "arbitrary and capricious, an abuse of discretion, and otherwise not in accordance with the law." Because the agencies failed to comply with the court order and are violating the National Park Air Tour Management Act, we recommended that the court issue an enforcement order directing the agencies to propose a new or revised Air Tour Management Plan and initiate at least an environmental assessment under NEPA.

Instead of waiting for a decision from the court on our motion, the agencies went ahead and finalized the VAs. This effectively avoids any environmental review under NEPA and ignores any court involvement and our pending motion. What the court will do is yet unclear; maybe it'll do nothing. In the meantime, we are left with the VAs that leave lots of room for violations and impacts as reporting is only due annually. Even if there are violations, the agencies are not required to take enforcement action. And the VAs actually authorize more flights—the proposed allowable number went from 2,549 to 2,727 total flights per year, a 7 percent increase.

MMWD ATMOSPHERIC RIVER CAPTURE PROJECT

Marin Municipal Water District (MMWD) is preparing an environmental impact report (EIR) for its current approach to increasing water supply, the Atmospheric River Capture Project (ARC). MAS submitted scoping comments with issues we wanted addressed in the EIR. EIRs provide information about a project's potential environmental impacts that is invaluable for making decisions about that project.

The ARC Project plans to capture naturally occurring flows from precipitation in the

Russian River that exceed minimum instream flow requirements. Water would be transported to the Nicasio Reservoir, where it would be stored for future use by MMWD customers during dry conditions. A 13.2-mile-long 32-inch diameter pipe would be constructed to transport the water from the North Marin Aqueduct in Novato to the Nicasio Reservoir. Instream flow requirements are an artificial standard, calculated by state water boards, considered to be necessary to maintain adequate conditions in water bodies and natural ecosystems. An existing agreement between MMWD and the Sonoma County Water Agency allows MMWD to divert up to 14.3-acre feet per year from the Russian River system. MMWD has taken an approximate average of 6,800-acre feet annually over the last 30 years.

MAS has submitted scoping comments raising questions about impacts of the project on the Nicasio Reservoir's natural habitats: How much land area would be covered by impoundment of the maximum quantity of water allowed under the existing contract; how many trees would be drowned by the increased water impoundment; how would the loss of any native tree be mitigated; does the reservoir have sufficient area to store the anticipated additional water without flooding the adjacent roads? Significant environmental impacts are not expected along the pipeline route because it generally runs along streets, although there will be impacts to residents and their activities.

Finally, we also asked about potential impacts to the Russian River ecosystem that could result from diverting the additional quantity of water. High water flows are often thought of as being unnecessary, but this ignores the fact that they are a natural part of the functioning of ecosystems. The loss of the highest quantity of water to the ecosystem is unclear.

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

Marin Breeding Bird Atlas Secures Grant Funding

The Marin County Breeding Bird Atlas II received a funding boost this spring thanks to a \$50,000 grant from the Mother Madrone Fund of the Marin Community Foundation. This grant, coupled with our 2025 end-of-year funding challenge, individual donations, and funding from the Marin Audubon Society, will ensure that our partners at Point Blue Conservation Science can finalize the dataset, start writing the final Atlas, and begin producing the final species maps with William Wiskes. The final species maps will differ from those in the current web-based Atlas Data Explorer. The final product will be developed over the next two years, in

partnership with Point Blue and our fiscal sponsor, the Marin Audubon Society.

Although the vetting of data is not complete, we wanted to share some highlights from the incidental observation dataset



Great Horned Owl

that many of you contributed to. The incidental

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Amicus Supporting Barred Owl Management Strategy

The US Fish and Wildlife Service (FWS) has submitted its brief in support of the Barred Owl Management Strategy (“Strategy”), which addresses the removal of the Barred Owl (BO) in order to protect the Northern Spotted Owl. Our attorney, Susan Jane Brown, of Silvix Resources, an Oregon-based non-profit environmental law firm with more than 20 years’ experience in forest law, submitted an amicus brief on behalf of defendant-intervenors Environmental Protection Information Center, Klamath-Siskiyou Wildlands Center, Umpqua Watersheds, Conservation Northwest, and the Yurok Tribe (collectively, EPIC), and the Marin Audubon Society seeking summary judgment on all claims.

The FWS brief began with an explanation of the history of the NSO and BO. It listed NSO as threatened under the Endanger Species Act of 1990 and concluded that its endangered classification was warranted. High-severity fire, tree mortality, drought, and competition with BO were the identified causes. The NSO is native to the western US and primarily eats nocturnal rodents.

The BO, native to the eastern US, crossed the natural barriers to movement created by the generally treeless conditions of the Great Plains and settled in northern Washington state in the 1970s. They not only eat nocturnal rodents but also amphibians, insects, crayfish, mollusks, and small mammals. This gives them an advantage over NSOs and puts tremendous pressure on prey that have not evolved with the BO. Larger in size and denser in population, BOs have adapted to a greater variety of forested habitats and outcompeted and excluded spotted owls from their preferred habitats.

Federal agencies have engaged in a multifront effort to preserve and improve NSO habitats for more than 30 years. Their efforts have included unprecedented planning, collaborating with local owners on habitat conservation plans, resource management plans across spotted owl ranges, the Northwest Forest Plan, and the Revised Recovery Plan of 2008. By 2011 it was recognized that the BO constitutes a greater threat to NSO than previously thought.

Between 2009 and 2020, the FWS conducted an experiment and removed the BO from NSO nesting sites. The study found that the BO removal had a “strong positive effect” on the survival of NSO. After three to six years, NSO populations had stabilized and, where BO were not removed, populations of NSO continued to decline at a rate of 12 percent annually. Another removal effort on the Hoopa reservation had the same results.

The FWS brief refuted each of the plaintiffs’ numerous accusations, which included

violations of the National Environmental Policy Act (NEPA), Migratory Bird Treaty Act (MBTA), Wilderness Act (WA), and other generalized allegations. Some of the FWS’s responses are listed below:

The BO population is one of “least concern” because it’s large and their range is wide. Conversely, NSO is a “threatened” species.

To avoid lethal removal, the FWS coordinated with state partners on relocating the BO, but none wanted them.

MBTA allows the “take” of migratory birds, if it benefits migratory species.

The Wilderness Act provides for science and conservation activities and other public services.

Federal and state permits authorize killing, trapping, euthanizing, and possessing wildlife. The compelling justification for issuing permits is that BO competition is “one of the primary threats” to spotted owl survival and “has resulted in the collapse of northern spotted owl populations across their range.”

Managing barred owl populations also has important ramifications for the broader forest ecosystem on which the northern spotted owl—and hundreds of other species of wildlife—depend for survival.

The FWS’s Barred Owl Control Strategy is a range-wide conservation plan designed to reduce the principal competitive threat to northern spotted owls (i.e., barred owls) and to prevent other species from declining. FWS determined that the Strategy would have beneficial effects on other wildlife, including small- to medium-forest species and aquatic forest species that use shallow water. The Strategy has no direct effect on land management plans.

To avoid adverse impacts to marbled murrelets through disturbance, Strategy protocols provide that BO will not be removed within a quarter mile of a marbled murrelet (MM) nest. Infrequent gunshots are unlikely to have population-level impacts on either NSO or MM.

Strategy protocols “are specifically designed to be as humane as possible while addressing the need for managing the invasive barred owl and to prevent the extirpation or extinction of native spotted owls. Every effort would be made to minimize the risk of unnecessary injury or trauma to BO or non-target species.” Protocols include seasonal limitations, to reduce harm to dependent young, and the humane euthanizing of BO that are not killed but injured.

An ethics argument is not a valid legal claim because NEPA addresses environmental impacts, not ethical concerns. The FWS acknowledges that “killing barred owls is difficult for some people to contemplate, but

that does not render it a NEPA violation.”

The presence of BO is “having a profound and as-yet unmitigated catastrophic effect on the northern spotted owl, which is already threatened with extinction. And without management, the barred owl invasion quite possibly will lead to the listing of other species.”

The petitioners lack standing to bring the suit. They have not demonstrated any direct impacts on them as individuals or members of their organizations.

Selected information from Amicus brief prepared by Strix in support of the Strategy:

“The Strategy creates a voluntary framework for willing federal, state, Tribal, and private land managers to implement barred owl management under MBTA authorization.

The Strategy relies on lethal removal because the FWS rationally concluded, with its scientific expertise, that humane removal is the only method proven to reduce barred owl populations at meaningful scale and to improve spotted owl population response. Under the Strategy, trained removal specialists use a standardized protocol designed to maximize humane, quick kills and minimize risks to non-target species, typically by “calling” in BO and shooting the ones that approach at close range.

The FWS has always been clear that controlling the BO and growing the NSO populations are long-term endeavors and that population change will be slow and incremental.

Implementing the Strategy is entirely voluntary, and, as such, the agency could not predict where project activities would take place or evaluate specific impacts. This does not mean that the FWS did not conduct an adequate analysis of potential environmental consequences of implementing the Strategy in the general locations. The Strategy provides that lethal control will occur in a regulated and moderated manner, giving due regard to ecological effects on the abundance, habitat, and dispersal of BO and spotted.

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HABITAT STEWARDSHIP PROGRAM

The April rains were much needed and very welcome. We will continue to preserve soil moisture by weeding and mulching. Italian thistle was blooming in April. Those that we didn't remove will now have seeds, but there is still a benefit to cutting them. Harding grass is the next invader to begin flowering, and we will be cutting it before the seeds mature.

It's nesting season and bird parents are looking for the insects that baby birds need. The native plant species on MAS properties benefit those insects.

If you appreciate our birds or native plants, volunteer on a workday to give them a boost. It is also an opportunity to learn more about a native habitat of your county and be a part of improving it.

Everyone is welcome. Rain cancels our workdays. We have the tools and gloves.

Volunteer Workdays

Triangle Marsh, East Corte Madera:

First Saturdays: May 2, June 6

Meet at 10 AM on Paradise Drive between the Ring Mountain Phyllis Ellman trailhead and the Montessori School.

Corte Madera Ecological Reserve:

Second Saturdays: May 9, June 13

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

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

Bahia, Novato:

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

Thank You, Stewardship Volunteers

Debbie Ablin, Annette Anzalone, Isabel Dawson, Ron and Belle Guelden, Bob Hinz, Martha Jarocki, Alison Pence, Jaden Selvig, Lowell Sykes

WELCOME, NEW MEMBERS

Margaret C. Alderman, Gina Brekhus, Shelley Coyle, Dina Craft, Lawrence C. Eggan, Alice Glasser, Keith Hansen, Lawrence Hicks, Howard Lazar, Charles Martin, Matthew Naythons, Nicole Popp, Mary Ellen Rescigno, John Shedaker, David Shuford, Gregory Thomas, Vivienne Toupin, Susan Wilson

Habitat Stewardship

The MAS Board did the second half of our annual site visits to our properties in March, this time to properties in Southern Marin. As with previous visits, we found some damage and intrusions into the habitats on our parcels.

Our first stop was to Triangle Marsh, the first property we acquired more than 20 years ago. The marsh has restored itself and, with human help, the upland is vegetated with native plants that greatly benefitted from the monthly work days that have been conducted for many years by Bob Hinz. While the marsh and upland vegetation are doing well, we paused to consider the impacts of Corte Madera's Complete Streets project, which will relocate Paradise Drive to the north, into the right-of-way, and remove the gravel area we now park in to work on the habitat, in order to construct a multiuse path on the south side of Paradise.

Our next stop was a small parcel at the end of Harbor Drive that we purchased as a tax default property. Much of it is the dirt levee path that leads out to the marsh, along with parts of the sides of the levee, which are mostly vegetated with invasive plants. Here, some youngsters have built two dirt mounds apparently as jumps for cyclists. Also, several structures built of lumber scraps and vegetation are cantilevered off one side of the levee. In addition to damaging the marsh vegetation, these dilapidated, unstable structures, along with the jumps, are a liability concern as someone could easily get hurt using them. We plan to remove them.

Next we visited what we call the CMER (Corte Madera Ecological Reserve) site, at the end of Industrial way and surrounded on three sides by the Corte Madera Marsh Ecological Reserve. Here, our volunteers have monthly work days, and the vegetation is gradually being transitioned from primarily invasives to native species. There was a disappointment there, too, however. Someone has cut a link in our chain lock and broken it. This is the third time this has happened. Nothing was taken or

appeared to be damaged. Why someone would deliberately destroy our chain for no apparent reason is inexplicable.

Then we moved on to San Rafael and visited our very first property, which we call "Murphy's Rock," that was donated more than 40 years ago. The marshes looked great but the rock is long gone, presumably removed when the city built a ramp down to the water. Because the tide was too high, we were unable to see the structures in the tidelands that were installed by students from SF State University about eight years ago to attract native oysters. This shoreline is one of the RALS sites (see President's Letter), and MAS's subtidal lot may also become the site for a new living shoreline project.

Farther along the shoreline, at our Tiscornia site, we considered what the marsh will be when our restoration is completed. We looked at the area proposed for light fixtures and saw one that had already been installed. A sixteen-foot-tall pathway lamp had been erected in a transition area along a new path constructed as part of the city's Pickleweed Park improvement project; we had discussed the location with the city several years ago. We thought we had an agreement that low lights were to be used.

Our final stop was CalPark, where we own four small lots in the middle of the seasonal wetland. We know the general area where our properties are located, but not the specific location. That has become more important now that Pierce has recently proposed a second development in the vicinity—36 units in Cal Glen. Although the first proposed development along Woodland Avenue did not have adequate buffers, it did not involve any wetland fill. We are in the process of objecting to wetlands being filled and requesting that our wetlands be marked to ensure they are not lost.

We ran out of time and could not visit other properties in Southern Marin: a section of Arroyo de Corte Madera, adjacent to the Redwoods in Mill Valley, and the last patch of tidal marsh at the Larkspur Boardwalk.

Barred Owl Management

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The amicus appreciates "that there are difficult choices involved when managing wildlife, particularly charismatic megafauna, and does not undertake its defense of the FWS's Barred Owl Management Strategy lightly. Nor can it step aside and allow barred owls to push the northern spotted owl into oblivion when humanity possesses the scientific understanding and means to address the threat in a humane and lawful manner. Society engaged in rampant unsustainable timber harvest of northern spotted owl habitat for

decades before making another very difficult choice to conserve old-growth forests, not only for future generations but also for the wildlife that make its home in those forests. The continued existence of the northern spotted owl is dependent on our making yet another difficult decision to manage barred owls. EPIC (representing all intervenors) asks this court to deny plaintiffs' motion for summary judgment and grant EPIC's cross-motion for summary judgment and uphold FWS's Barred Owl Management Strategy."

As we got to press, we have received the FWS response briefs and we will have one more response before the court responds.

Marin Birdlog: March 2026

By Noah Arthur

Marin's spring migration gets fully underway in March, with familiar faces returning to our yards, woods, and grasslands after wintering in the tropics. March is generally a slow month for rarities however, with winter ducks and gulls leaving and later spring vagrants not here yet. Several wintering rarities continued through the first few weeks of this March, but the first new find was **2 White-throated Swifts** at the Pt. Reyes Lighthouse on the 7th (multiple observers), rare on the Outer Point. An early **Black-throated Grey Warbler** turned up at the Earthquake Trail on the 10th (RR), and the first **Hooded Oriole** materialized on the 13th at the Mill Valley Safeway bottlebrush patch (CC), followed rapidly by another in Bolinas the next day (DL & MS). The **White-throated Swift** count around the Lighthouse increased to 6 by the 15th (OK). A rare migrant on the Outer Point, a **Red-breasted Sapsucker** was at the Fish Docks on the 19th (MAA).



Red-breasted Sapsucker

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A trend of earlier-than-usual spring arrivals included a **Chipping Sparrow** at Muir Woods on the 20th (CM & GW) and a **Western Wood-pewee** at Bowman Canyon on the 21st (JC). Also on the 21st, an **American Crow**, rare for the Outer Point, was at the Fish Docks (DS), joined by another by the 28th (NV).



Western Wood-pewee

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season was singing in Fairfax on the 27th (WW), and the first **Purple Martin** turned up in Lagunitas on the 30th (KH). And on the 31st a **Hammond's Flycatcher** was singing in Samuel P. Taylor State Park, 12 days after the last sighting of the one that wintered at Bear Valley Visitor Center in Olema.

OBSERVERS AND ACRONYMS: RR: Ruth Rudesill, CC: Connor Cochrane, OK: Otis Kelly, DL: Derek Lecy, MS: Mark Schulist, MAA: Mary Ann Allen, DS: David Sexton, JC: Jim Crumpler, CM: Colby Merrill, GW: Grace Warznak, JL: John Longstreth, JW: Jim White, WW: William Webb, NV: Nicholas Veal, CM: Charles Martin, KH: Kenneth Hillan

Increasingly regular outside of their traditional summer/fall season, this month produced some impressive counts of **Elegant Terns** around Marin, including 17 on the mud at Stinson Beach on the 22nd (JL), 67 flying by Rodeo Beach on the 25th (multiple observers), and **30** at Marta's Marsh on the 26th (JW). A newly-arriving flock of **15 Elegant Terns** at Aramburu Island on the 29th increased to a whopping **75** of them there the next day (CM).

The first **Black-headed Grosbeak** of the



Black-headed Grosbeak

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Barred Owl Management *continued from page 4*

submission form was used to document confirmed and highly probable evidence of breeding, including observations outside of the official breeding season (4/15-7/15). Compiling the incidental data reinforced the value of this submission method, especially for owl observations. There were 157 accepted observations for **Great Horned Owl**, placing it at the top of the incidental species list; **American Barn Owl** was #8 with 39 observations, **Northern Saw-whet Owl** at #24 with 27 observations, **Western Screech Owl** at #29 with 26 observations, and **Northern Spotted Owl** with 11 observations. Overall, volunteers and observers submitted incidental reports for 152 species, including a **Long-eared Owl** and a **Short-eared Owl**. After **Great Horned Owl**, the top ten is rounded out by **Dark-eyed Junco** (53), Anna's Hummingbird (52), **California Quail** (51), **Black Phoebe** (46), **Oak Titmouse** (46), **Chestnut-backed Chickadee** (45), **American Barn Owl** (39), **House Finch** (39), and **Bushtit** (38).

We remain incredibly grateful to our dedicated volunteers and observers, and look forward to sharing the final Atlas with you all. We'll let you know when the web-based maps currently available on the Data Explorer have been updated; for now, please continue to check out the preliminary maps.

DONATE YOUR CAR TO MAS

Looking for deductions on your taxes? You may qualify for a write-off if you donate your unwanted car, truck, motorcycle, RV, or boat.

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7 PM *With Alvaro Jaramillo*

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We invite you to become a Chapter-Supporting member of Marin Audubon Society (MAS) to support our important habitat protection and restoration work, conservation advocacy, our full calendar of birding field trips and speakers and our newsletter, *The Rail*. Marin Audubon is a chapter of National Audubon (NAS). However, becoming a **Chapter-Supporting Member** of MAS is separate and distinct from a membership in NAS. While MAS works with NAS on issues of mutual concern, we are a separate non-profit Section 501(c)(3) all-volunteer organization. Marin-based NAS members do receive this MAS newsletter, *The Rail*, however we encourage all NAS members to also become Chapter-Supporting members of MAS to support our local work. Very little of our funding comes from NAS, and we rely on our MAS Chapter-Supporting members and donors to help us fund our land acquisitions, restorations, habitat protection, conservation advocacy, this newsletter and our local programs.

If you're not already a Chapter-Supporting member, we urge you to join MAS and urge your friends, neighbors and relatives to join us, too.

You can join MAS or make a donation on our website using your credit card or PayPal by going to www.marinaudubon.org. Alternatively, you can join by filling out this form and sending us your payment by mail.

ALTERNATIVELY, IF YOU ARE LOOKING TO JOIN NATIONAL AUDUBON FOR THE FIRST TIME.

MAS will receive 100% of your initial membership if you enter **MAS's chapter code C04** on your application. To join, go to www.audubon.org/join.

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