

The Western Tanager

VOLUME 39, 1972-73 No. 1 SEPTEMBER

WHOSE BIRD IS THAT? by Robert T. Jensen

From the earliest traditions of law it has been recognized that individuals have the right to reduce animals *fere naturae* to possession, but that the right to ownership has been subject to the control of the law-giving powers. The question of who owns the animals in their natural state, however, has been argued over and over through the ages.

As early as Athenian times, the sovereign Solon forbade the killing of game—because Athenians were seen to have "given themselves up to the chase." Under Roman law, things were classified as "public" and "common"—the latter category embracing wild animals, which were recognized as having no owner and thus considered as belonging in common to all citizens of the State. In the case of Roman law, no restriction was placed on the individual's power to reduce game to possession, unless prohibited by the owner of the property beneath the game from doing so on his land.

IN FEUDAL times, the right to acquire wild animals by possession was recognized, and that right was also recognized as being subject to governmental authority. However, the legal philosophers found considerable difficulty in resolving the philosophical basis for this rule. The conflict of man's God-given, "natural law," right to capture wild animals was seen as a principle in conflict with the civil law power of the sovereign to take possession of all things in his domain which belonged to no one. The most prominent rationale for synthesizing these conflicting theories was that the natural law right of the individual was not something the natural law commands, but one which it only permits, and is thus subject to regulation. This long line of tradition and philosophy resulted in similar laws in France, Germany, Austria, Italy and most of the other countries of Europe. The Napoleon Code recognized both that wild animals belong to no one, and that the police power applied to their acquisition, as follows:

"There are things which belong to no one, and the use of which is common to all. Police regulations direct the manner in which they may be enjoyed. The faculty of hunting and fishing is also regulated by special laws."

(Napoleon Code, Articles 714 and 715.)

The common law of England also based the property in game upon the principle of common ownership, recognizing wild animals as a usufructuary right, of a "vague and fugitive nature," belonging to the first occupant during the time he holds possession of them. Blackstone, in his "Commentaries," noted the contention that the sovereign owns the wild animals via the existence

of the royal prerogative. He observed that it had been asserted that game was a "prerogative property" vested in the king alone, and that any rights therein must derive from him by grants to his subjects. Blackstone concluded that by the law of nature every man, "from the prince to the peasant" has an equal right to pursue and take wild animals which are, therefore, "the property of nobody." He concluded, also:

"But it follows from the very end and constitution of society that this natural right *** may be restrained by positive laws enacted for reasons of state or for the supposed benefit of the community."
(2 Blackstone's Commentaries, page 410.)

UNDOUBTEDLY this regulatory attribute of government was vested in the colonial governments in America and passed to the States after the Revolutionary War. It is clear that it remains with the States today, insofar as not incompatible with the rights conveyed to the Federal government by the Constitution [Greer v Connecticut (1896) 161 US 519, UO L. Ed. 793, 16 Sup. Ct. 600.] In the Greer case, however, the idea of sovereign ownership crept back into recognition. The U.S. Supreme Court said:

"While the fundamental principles have undergone no change, the development of free institutions has led to the recognition of the fact that the power or control lodged in the State, resulting from this common ownership, is to be exercised, like all other powers of government, as a trust for the benefit of the people, and not as a prerogative for the advantage of the government, as dis-

Continued overleaf

WHOSE BIRD? CONCLUDED

tinguished from the public good. Therefore, for the purpose of exercising this power, the State *** represents its people, and the ownership is that of the people in their united sovereignty."

And so the law stood until the Migratory Bird Treaty of 1916 and the Migratory Bird Treaty Act, adopted to implement the Treaty. In Missouri v Holland (1920) 252 US 416, 64 L. Ed. 641, 40 Sup. Ct. 328 the constitutionality of the Act was challenged, in a suit to enjoin a U.S. game warden from carrying out the Act, on the theory that the Act was an unconstitutional interference with the reserved rights of the States.

AFTER centuries of discussion, philosophizing, legislation and litigation, the contention was again made that the State was owner of the birds.

Mr. Justice Holmes, in holding that treaties are the supreme law of the land and that the Act in question, implementing a valid Treaty, was constitutional, had little trouble with the State ownership argument:

"No doubt it is true that, as between a state and its inhabitants, the state may regulate the killing and sale of such birds, but it does not follow that its authority is exclusive of paramount powers. To put the claim of the state upon title is to lean upon a slender reed. Wild birds are not in the possession of anyone; and possession is the beginning of ownership. The whole foundation of the state's rights is the presence within their jurisdiction of birds that yesterday had not arrived, tomorrow may be in another state, and in a week a thousand miles away.***"
"Here a national interest of very nearly the first magnitude is involved. It can be protected only by national action in

concert with that of another power. The subject matter is only transitorily within the state, and has no permanent habitat therein. But for the treaty and the statute, there soon might be no birds for any powers to deal with. We see nothing in the Constitution that compels the government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed."

WHOEVER has really seen a hawk soaring lazily on the warm air currents, or a humming bird darting from flower to flower, or heard the call of the owl in the dead of night—he knows the truth of Mr. Justice Holmes' observation: wild birds are not in the possession of anyone. And consider what a waste and abuse of nature it would be if it became true that there might be no wild birds. Every wild bird killing is a step toward that end.

Clearly the foresighted long ago recognized the needs to provide protection for those migratory birds named in the Migratory Bird Treaty Act. Perhaps we should think again about extending like protection to all birds, under Federal law if possible, or if not, by legislation in each State.

ABOUT THE AUTHOR

Robert T. Jensen is Secretary and General Counsel of The Aerospace Corporation. He received both the B.S. and LL.B (now Juris Doctor) degrees from Northwestern University in 1949, and the Master of Laws degree from the University of Southern California in 1955.

He is a member of the California State Bar, the Beverly Hills Bar Association, the American Bar Association, the American Arbitration Association, the American Society of International Law, and an active member of the Sierra Club.

MESSAGE FROM THE PRESIDENT

On July 1 the Los Angeles Audubon Society started a new year with newly elected officers and many new appointees to the Executive Board. As your newly elected president, I want to thank Herbert Clarke, our president for the past three years, for the guidance and leadership he has given the Society. Herb will continue on as an active member of the Board. I also wish to thank the officers and committee people who have so ably carried on the work of the Society. Many of these people are continuing active members of the Board.

Following are some of the facilities which are available to Los Angeles Audubon Society members.

We have an excellent selection of bird books and other items on birds in our bookstore. We offer many of these books at discount prices as a service to our members.

We presently have a very good library, which is used quite extensively for research work. We need assistance in this area. If you have library experience, or know of someone who has this experience, and is willing to devote a few hours a week to our Society, please contact Audubon House.

Our charter commitment is "to promote the study and protection of birds and other wildlife, plants, soil, and water." In the past we have had an excellent, ably conducted program in this area. The pressure of work, i. e., earning a living, has forced our chairperson to resign. We need someone to carry on this very important work. Your assistance will be greatly appreciated.

In the future I will be telling you more of the activities of our Society and of the Board insofar as it affects the operation of the Society.

—Leslie Wood

BOOK STORE

The

Library is a service provided to the members by the Los Angeles Audubon Society. The Librarian selects books on the basis of previous observation of the membership's interests, as reflected in the titles of the books taken out on loan.

In addition to the Library, the Los Angeles Audubon Society also provides a Book Store, as a complementary service to its members. Space is provided at the Headquarters in Plummer Park, capital is provided for the purchase of books, and the Headquarters staff aids in the purchase and sale of books.

The selection of books is made by the Chairman, but the suggestions of the membership are welcome. Generally speaking, field guides to areas all over the world are the most in demand. This is because these books are hard to get elsewhere, and reflect the wide experience of the membership, aiding in the selection. The titles in the Book Store represent an unusual selection of books of basic interest to those interested in birds. Once a year a list of available books is published and mailed with "The Western Tanager." Every month "The Western Tanager" carries a column of current items of interest in the Book Store.

In addition to published books, the Book Store also stocks pamphlets and a few bird-oriented specialties, such as stationery and cards. It also carries phonograph records of bird songs and calls. Arrangements can be made to purchase binoculars.

To members of the Los Angeles Audubon Society a discount is made on most purchases. In order to maintain a unique Book Store devoted to items necessary and contributing to knowledge of birds, it is essential to maintain a good volume of purchases and sales—You can help by using the store for your purchases.

Bessie M. Pope

It is with profound regret that the Society announces the death on August 6, 1972 of Miss Bessie Pope. Bessie Pope, a member of the Society for over thirty years, served as its president in 1953-55 and will also be remembered by many members for her management of the Screen Tours over a long period. Even after retiring as an active member of the society, she continued her enthusiastic interest in its affairs. Anyone wishing to do so, may contribute to the Library Fund in her name.

BIRD COURSE

Lee Jones will conduct two Bird Identification courses, starting in October. The advanced group will start on October 17th (Tuesday) and the beginners group will begin on October 19th, (Thursday). For details write to Mr. Jones at the Department of Biology, UCLA, Los Angeles, Calif. 90024.

Book Review

Everyone has enjoyed "Arizona Highways" for its spectacular photographs and articles on the great outdoors in Arizona. The February 1972 issue (Vol. 43, Number 2) is particularly interesting to birders in a different way. It contains reproductions of the prints created for a faunal survey of the United States—Mexican boundary conducted in 1855-56, under the direction of Spencer F. Baird, remembered in Baird's Sparrow (*Ammodramus bairdii*), Baird's Sandpiper (*Erolia bairdii*), Baird's Junco (*Junco bairdi*).

The detail on many of these drawings is unique and supplements the descriptions available elsewhere, for example LeConte's Thrasher, Black-eared Bushtit, White-collared Seedeater (male and female), Olive Sparrow, Red-billed Pigeon.

Many readers will find the detail of the Ladder-backed and Nuttall's Woodpeckers extremely useful for assistance in distinguishing these two species (e.g., the spots in the tail).

The excellent depictions of the field marks of the Black-vented Oriole and Blue-crowned Motmot are worth noting, in the lucky event they would be needed.

THE NEW YORK TIMES, WEDNESDAY, JULY 5, 1972

Number of Atlantic Brant Feared to Be Diminishing

TUCKAHOE, N. J., July 4

Thousands of Atlantic brant, small sea geese that have crowded the Atlantic flyway in flocks totaling 200,000 birds in recent years, are missing, and nobody is quite sure why.

A compilation of figures from aerial counts of the geese made by nine states and Canadian wildlife units in late March shows that only 25,000 were sighted, almost two-thirds lower than the January count and the

lowest since the nineteen-thirties, when the species faced the loss of its favorite food.

While it may be that the geese have taken an unusual migration route north over the Great Lakes and thus missed the count, some bird experts fear that the brant may be facing a crisis because of a shortage of food and continued difficulty on their Arctic breeding grounds.



John James Audubon

MAY BE IN TROUBLE: Male Atlantic brant, a small sea goose. Recent count indicated bird's numbers reduced.

audubon activities

DONALD ADAMS

FIELD TRIP—MT. PINOS, July 8. A beautiful day and a good breeze brought 38 members to the top of Mt. Pinos to begin the season's search for California Condors. John Borneman, the National Audubon Condor naturalist joined us and brought us luck. One was seen in the distance, then in the early afternoon a yearling flew low overhead. An immature Golden Eagle and a Red-tailed Hawk allowed a comparison of size, wing beat and wing angle.

Also at the summit was a Mountain Quail and a few Clark's Nutcrackers. At Iris Meadows many birds were seen, notably immature White-headed Woodpeckers, Pine Siskin, Cassin's Finches, Orange-crowned and Audubon's Warblers, Green-tailed Towhee and a hundred immature Oregon Juncos. The three nutthatchers were also seen.

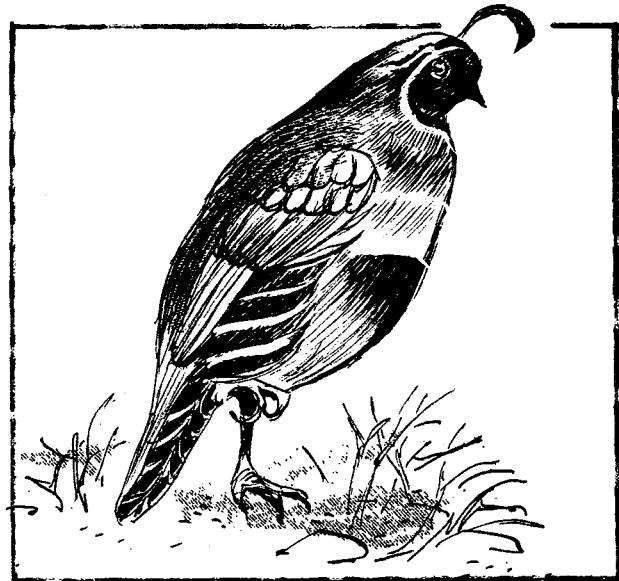
The great event of the field trip, however, was the discovery of two immature Saw-whet Owls near the dam opposite McGill Campground, by two recent young members of L. A. A. S. — Kelly Van Sant and Mark Launder. The immature Saw-whet is unusual in being two-tone brown in color with no spots or stripes. None of us had ever seen the immature, and it was a life bird for many. —Les Wood, Leader

** Seen again Monday, July 24, in the McGill Campground.*

FIELD TRIP—IRVINE PARK, TUCKER SANCTUARY, July 23. Early Sunday morning, twenty-one birders turned out at Irvine Park. For several people this was a first field trip with the Society. Acorn Woodpeckers were calling from the tall trees. A family of half-grown California Quail were spotted early in the morning. Later in the day they were heard calling and assembling in the bushes near the park. A White-tailed Kite was seen flying up the canyon, and several birders saw the often heard but seldom seen Wrentit. Later in the morning the group journeyed to the Tucker Sanctuary. Numerous Hummingbirds and Quail were at the feeders. Of interest to the group was a Burrowing Owl that had been brought to the Sanctuary while still a fledgeling. The bird was now fully grown and had been recently released. —Ruth and Les Wood, leaders.

HAVE YOU CONTRIBUTED TO THE CONDOR FUND

LOS ANGELES AUDUBON'S SPECIAL EFFORT



FIELD TRIPS

PAMELA GREENE

The 1972-73 Calendar will introduce many new trips for those who want a deviation from the customary. In addition to these, there will be specific camping trips for those who enjoy getting away. All trips will be announced as usual in "The Western Tanager."

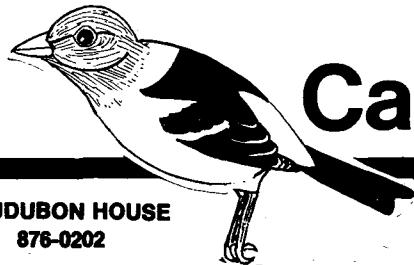
The camping trips will be by reservation only, as most will be restricted in size owing to the limited space in primitive camps or small campgrounds. A self-addressed stamped envelope must be mailed to the field trip chairman for a reservation on a specific trip. This will be handled on a "first-come-first-serve" priority. Some trips will require a campground fee which must be received by the deadline. Along with your confirmation, you will receive the information regarding meeting time and place, a generalized map of the area and the latest list of bird observations.

Everyone is responsible for their own food, water (especially if it is a dry camp!) and camping equipment. There will be no accommodation for those who come unprepared. You are expected to know and use the correct sanitation and latrine procedures in all camps. If you are in doubt about these procedures, suggested reading is the U. S. ARMY S.O.P. It is absolutely necessary to sign in on all field trips as a legal record of attendance. And, last, but not least, ABSOLUTELY NO PETS.

Pelagic trips may become a thing of the past if we are not able to fill the reservation requirements. Owing to the recent poor response, a trip scheduled this month has been cancelled. The future of these trips is very questionable at this time.

Hopefully, the new approach to field trips will be as successful as anticipated and all participating will enjoy the new trips as well as the old.

Los Angeles Audubon Society



Calendar

HEADQUARTERS, LIBRARY AND NATURE MUSEUM LOCATED AT AUDUBON HOUSE
PLUMMER PARK, 7377 SANTA MONICA BLVD., LOS ANGELES 90046 876-0202

DOROTHY DIMSDALE
EXECUTIVE SECRETARY

**Audubon
Bird Reports
874-1318**

CAROLINE ADAMS
CALENDAR

Aug. 27 SUNDAY - BUENA VISTA LAGOON. Take San Diego Freeway south to Oceanside. Leave freeway just north of town, taking the right-hand road that leads through Oceanside. Meet at 8:00 a.m. at the north end of the road that crosses the lagoon. Les Wood, 256-3908.

Sept. 7 THURSDAY - EXECUTIVE BOARD MEETING - 8:00 p.m., Audubon House.

Sept. 9 SATURDAY - MALIBU LAGOON & BIG SYCAMORE SANYON. Meet at 8:00 a.m. on Pacific Coast Highway just west of the bridge over Malibu Lagoon. After birding at the lagoon we will drive to Big Sycamore Canyon and hike up the canyon, approximately 3 miles round trip. The Canyon Wren is usually found on this trip. Les Wood, 256-3908.

Sept. 12 TUESDAY - EVENING MEETING - 8:00 p.m., Plummer Park. Eric and Kathryn Brooks will give the program on Audubon Camp of the West illustrated with color slides.

Sept. 23 SATURDAY - PELAGIC TRIP - VANTUNA - on board at 5:30 a.m. Directions to Vantuna's beach will be sent with confirmation of reservations. Reservations are limited to 30 persons and will be accepted by mail only. Fare = \$12. Make check payable to the Los Angeles Audubon Society and send to Joann Gabbard, 823 - 19th St., Apt. D, Santa Monica, CA 90403. Arnold Small, leader.

Sept. 24 SUNDAY - CABRILLO BEACH - Meet at 7:30 a.m. at the southwest parking lot of Harbor Lake off Anaheim Blvd. in Wilmington. The group will go to Averill Park and Point Fermin for fall migrants. Shirley Wells, leader, 831-4281.

Sept. 25 MONDAY - MALIBU LAGOON - Meet in Malibu Inn parking lot opposite Malibu Pier between 8:00 and 8:30 a.m. Group will bird lagoon and adjacent areas. Leader, Ed Navajosky, 938-9766

Oct. 5 THURSDAY - EXECUTIVE BOARD MEETING - 8:00 p.m., Audubon House.

Oct. 7 SATURDAY - PELAGIC TRIP, MONTEREY, sponsored by the California Field Ornithologists. Leave Sam's Fishing Fleet, Fisherman's Wharf, at 9:00 a.m. and return at 3:00 p.m. Fare = \$10. to members, \$11. to non-members. Send check to California Field Ornithologists, P.O. Box 369, Del Mar, CA 92014. Enclose stamped self-addressed envelope and list all names of party.

Oct. 10 TUESDAY - EVENING MEETING - 8:00 p.m., Plummer Park. Program to be announced.

Oct. 14 SATURDAY - TIJUANA RIVER BOTTOM. Meet at 8:30 a.m. at Oscar's Restaurant on Palm Ave. in Imperial Beach. Go south on Route 5 to Imperial Beach turnoff, Palm Ave., and proceed 3/4 mile to Oscar's on right hand side of Palm. We hope to see rare migrants. Because of the large number of birders in recent years, some private lands and ranches are now closed to birders. Please observe posted areas. Otto Widmann, leader, 221-8973.

Oct. 14 SATURDAY - CAMPING TRIP - HORSE CANYON, MOJAVE DESERT. Limited to 10 vehicles; 35 miles north of Mojave off Highway 14. Joshua tree-pinson pine covered secluded valley. Good chance to see LeConte's Thrasher and Pinon Jays as well as other interesting desert birds. Travel will be on dirt roads passable with caution. ABSOLUTELY NO FACILITIES (this includes NO water, NO picnic tables, NO toilets, and other such luxuries). Reservations will be accepted by mail only. All information will be sent along with confirmation of reservation. Send self-addressed stamped envelope to Pamela Green, 729-A 10th St., Santa Monica, CA 90402. Keith Axelson & Pamela Greene, Leaders. Phone 394-2255.

Oct. 16 MONDAY - Newport Back Bay - Details to be announced in October Tanager

Oct. 22 SUNDAY - NEWPORT BACK BAY - Meet at 8:00 a.m. at Golden West ponds near Huntington Beach, on Golden West St. at Talbert Ave., 3 miles south of the San Diego Freeway, or 3 miles north of Pacific Coast Highway. Excellent for migrating and early wintering water birds.

Los Angeles Audubon Society

The Western Tanager

Official Publication of the
LOS ANGELES AUDUBON SOCIETY

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Field Notes Shumway Suffel
Audubon Activities Donald Adams
Conservation
Calendar Caroline Adams
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CONSERVATION

HR 7211—Congressman Wayne Aspinall, Colorado

This is a House Resolution to review all public lands; including, in addition to B. L. M. land; national forests, parks, monuments and refuges. This bill is essentially an extension of the Mining Act of 1872 (centennial this year) which remains untouched. HR7211 would nullify the Antiquities Act of 1906 which has been used to create more than 60 national monuments.

The Aspinall Bill will probably come up for consideration late this year, so now is the time to prepare yourself for a strong stand against HR7211.

AB 200—Sieroty, Beverly Hills

Notwithstanding a final effort by conservationists the Coastline Protective Measure, AB 200 met its final demise July 23. The measure was defeated by a 4 to 3 vote in the Natural Resources Committee. This committee has been dubbed the "graveyard" of coastal protection bills.

AB 200 was the last coastline measure to come before the 1972 session. The failure of this measure will undoubtedly set the stage for an intensive conservation supported initiative campaign this fall.

MORE ABOUT ELYSIAN PARK

As this goes to print, we do not know the outcome of the City Council hearing to place the L. A. P. D. supported charter amendment on the ballot. We hope enough letters went to the councilmen to let them know how local citizens feel about this measure. At this time we wish to suggest that, should your councilman reflect your desires in his vote, you write to him thanking him for supporting your views.

Should you wish to support the Citizens Committee Legal Fund, they are having a rummage sale on Tuesday, August 29, and Wednesday, August 30, starting at 10:00 a.m. The sale will be held on the Pioneer Market parking lot. If you have rummage to donate, call Irene Ferguson, Steering Committee Member, at 628-3707.

There will also be a fund-raising banquet next January. At the last banquet more than 10 dishes plus rice were served to 125 people. If this sounds interesting, watch for the date so you can circle your calendar.

We have witnessed the gradual erosion and deterioration of Elysian Park and feel it is past time to call a halt to these raids on park land.

FROM FRIENDS OF NEWPORT BAY
Box 4088, Irvine Station
Newport Beach, California 92664
July 1972

A summary of the recent events concerning the bay.

LAWSUIT—COUNTY OF ORANGE Vs. THE IRVINE COMPANY: The decision last year in favor of the Irvine Company is now in the process of being appealed. The County of Orange and the intervenors have submitted briefs to the Appellate Court and they are waiting for the Irvine Company to file their response. The Irvine Company has requested several 30-day delays and at the present time we have no idea when the appeal will be heard.

PRESCRIPTIVE RIGHTS: The County of Orange has filed a suit declaring prescriptive rights on the lands surrounding Upper Newport Bay. These prescriptive rights cover 46 parcels totalling over 1,000 acres. The County is also asking that the Irvine Company remove those fences and signs that limit access to these public lands. In the suit, the County is using the more than 1,000 affidavits that many of us filed some time ago describing the personal uses of these properties over the years. Some of these affidavits indicate public usage clear back into the 1920's. We thank all of you who filed affidavits and your continuing support is appreciated.

INTERIOR DEPARTMENT STUDY: The United States Department of the Interior is currently studying the feasibility of purchasing the three marsh islands of the bay and establishing the Upper Bay as a National Wildlife Refuge. Once again your help is needed. It is important that we make our feelings known to the Department of the Interior. Letters must be written expressing our interest in preserving the Upper Bay. Urge the Interior Department not to compromise their presently strong stand on saving all of the bay. Express your appreciation for their consideration of establishing this National Wildlife Refuge. Address your letters to:

Secretary Rogers C. B. Morton
U. S. Department of the Interior
Washington, D. C. 20240

with carbon copies to:

Senator Alan Cranston

and

Senator John V. Tunney
New Senate Office Building
Washington, D. C. 20501

Legislators feel one letter represents the viewpoints of 1,000 persons. Our letter-writing campaigns in the past have been successful in changing these legislators' attitudes. Our membership of over 1,000 people can represent some strength in protecting our bay. That strength will only be there if we all participate.

PUBLIC LANDS UP FOR GRABS

H.R. 7211 MUST BE STOPPED

Please encourage your members to send letters or telegrams to U.S. Senators in support of the Commerce Committee version of H.R. 10729.

SOUTHERN CALIFORNIA BIRDS

Continued from back page

Chemical stopped dumping thousands of pounds of D. D. T. into the Los Angeles sewage system, which empties into Santa Monica Bay, a part of the semi-enclosed "sea" that lies between our coast and the Channel Islands, and the feeding area for our nesting pelicans. ELEGANT TERNS, also post-breeding wanderers from Mexico, were widely reported and it looks as though this will be another "Elegant" year for us.

Jon Dunn and Richard Webster, stole a march on the Northern Californians finding California's second BLACK-HEADED GULL during a short visit to Eureka Bay on July 16. However, they failed to investigate a singing male AMERICAN REDSTART "Because of the mosquitoes,") and left the field open for a northerner, Rich Stallcup, to record the first nesting of this handsome eastern warbler in California.

The Werner Schumanns of Inglewood provide a not too encouraging follow-up on the HEPATIC TANAGER story. They camped at Arrastré Creek on July 7 and found the tanagers across the creek the next morning. "About 10:15 A. M. we heard the raucous call of a Steller's Jay and saw a few feathers drifting out of a Pinyon Pine. Both tanagers were continuously swooping down to the forest floor, where my wife found a young tanager which appeared to be injured- feathers missing on its head etc., but recovered when Mrs. S. reached for it and flew about ten yards into a bush. After 20 minutes the young bird flew into the tree above the male and was soon fed alternately by the male and female." We can only hope that this is a happy ending!

Jo Vaughn, that energetic retiree, ecologist, and recent contributor to the Western Tanager, reminds me that recent records of BROADTAILED HUMMERS in the San Bernardino Mts. could not have been "firsts," as her friend, Lillian Kennedy, had a "Broad-tail" at her feeder in Camp Angeles in the same mountains for some time in July of 1959. It was seen by several birders, including Jo Vaughn, herself, and was photographed.

Several noteworthy July observations have come in: a PIGEON GUILLEMOT (rare along the coast south of Morro Bay) was seen in Santa Barbara harbor after June 22 and another was found by the Kings and the Baxters at Pt. Mugu on July 22. While making his periodic shore-bird census on July 1, David Bradley found practically no shorebirds off Palos Verdes, but did find an adult male COMMON SCOTER (always rare in S. C. but especially so in the summer - he had one there in Sept. 1970 too). Since PYGMY OWLS are widely distributed, even in our local mountains and quite diurnal, it is surprising how few are reported. Ellen Stevenson was one of the lucky finders at Chantry Flats on July 5. Two immature SAW-WHET Owls were found near McGill Campground on Mt. Pinos by Kelly Van Sant and Mark Launder. They were observed several times during the next two weeks in the same area. A SHORT-EARED Owl (very unusual there in summer) was found by Rusty Scalf and David Bradley near Calipatria on

June 29. A pair of Steller's Jays summered in Palos Verdes, according to information received by Shirley Wells. Joan Mills had an immature male SUMMER TANAGER in Franklin Canyon in early July in similar plumage to one seen in June near the Kings' home, just over the hill. ROSE-BREASTED GROSBEAKS, being vagrants, were late, with a fine male joining the Black-headed Grosbeaks and the Orioles feasting on a giant agave near Frances French's Glendale home on June 27. Another male was reported by Helen Dickinson near Lake Arrowhead on July 3. Guy McCaskie took an eastern birder into the Tijuana River Valley to show him a Cassin's Kingbird on July 15. What did they find but an EASTERN KING-BIRD instead! The northerner wasn't excited, but Guy was. The earliest shorebirds and hummers arrived, as usual, in early July. WESTERN TANAGERS show up in the lowlands every year in late July, then disappear again until fall migration. Of course, they are probably different individuals, but where do the "late July" birds go, and why are they independent of the normal majority? Mike San Miguel banded several warblers at Buckhorn Flats on August 7, including a HERMIT WARBLER (not known to nest south of the Sierras) and a TOWNSEND'S WARBLER (a very early record as they nest in the Northwest from Washington State to Alaska). Both birds were fat, giving further evidence of migration.

So, with the first trickle of migration already underway in early August, September should find activity almost everywhere along the coast, and inland too, if there is water and shelter for the weary migrants.

THE NEW YORK TIMES, MONDAY, JUNE 26, 1974

Wild Parakeets Thriving Despite Cold Northern Winter

By JOHN C. DEVLIN

Handsome pet monk parakeets that have escaped from cages have now joined pigeons, English sparrows and starlings as a thriving new non-native wild species in the metropolitan area.

Some concern has been expressed that the parakeets, too, might also become nuisance birds by driving away songbirds or perhaps damaging the fruit in orchards and vineyards.

John Bull, field associate in the Department of Ornithology at the American Museum of Natural History, said last week that the monk parakeets, native to South America, have not only been able to survive harsh northern winters but also have been able to reproduce successfully.

Mr. Bull, author of the popular and authoritative "Birds of the New York Area," said it cannot be said that non-native birds are "established" here in the wilds until it has been determined that they have

been able to continue to reproduce successfully.

A Bright Leaf Green

The theory about the wild monk parakeets is that they originally escaped from shipping cages, or cages in homes, and that some were freed by owners who became tired of them for one reason or another.

The monk parakeet, unlike the smaller bluish-colored "budgie" parakeet, is basically a bright leaf green, with a grayish mantle and a long green tail slightly forked at the end.

Nests of monk parakeets—and there are two on the side of an apartment house at 5400 Fieldston Road in Riverdale in the Bronx, and one on a nearby tree—are larger than those of squirrels.

Monk parakeets have been reported in numerous parts of the city and in the suburbs. One, a male, turned up on Nantucket Island, south of Cape Cod, and spent eight months building a nest. After surviving winter storms it was found dead after a spring storm.

SOUTHERN CALIFORNIA Birds SHUMWAY SUFFEL

september

is a super-month for birdwatching, with migration under way and birds plentiful everywhere. Actually, there are more migrants now than there were in the spring, as the adults are supplemented by the young-of-the-year, before migration and winter have taken their toll. These young birds and their elders in winter plumage are a confusing lot, far duller than the spring migrants were in their "courtship clothes". The shorebirds are easier, even though some have dramatic differences between spring and fall plumages. Perhaps they are easier because we are more familiar with their winter dress. Early fall is the time when every good shorebirder has his eyes open for our three uncommon Sandpipers - Baird's, Pectoral and Solitary. These three are more liable to be found away from the sandy beach or open mudflat - a flooded field or grassy-bordered pond is more to their liking. When you've found these three, you're ready for a post-graduate course - try for a Ruff or possibly a Sharp-tailed Sandpiper (which doesn't look as much like a Pectoral as the books would lead you to believe). The ducks can be tough in September as the drakes are in eclipse plumage (similar to the female's) and are best passed over until later in the fall when they become more colorful again (except for the Ruddy Duck, which stays dull until spring).

THE SALTON SEA WAS HOT IN JULY - not news? You knew it was about 120 for most of the month there, but we mean birdwise. It experienced the biggest invasion of Mexican water birds, from the Gulf of California, in birding history!

1. FORTY PLUS BLUE-FOOTED BOOBIES (as of Aug. 5) - not quite up to 1971 yet, but they are still increasing. As yet there have been no reports of Boobies dispersing to the coastal reservoirs or the ocean as they did in 1971.

2. TWO BROWN BOOBIES - about normal for a "booby year". These two immatures are in quite different plumages - one quite normal with the brown upper breast sharply divided from the tan underparts; the other an even brown underneath. Any ideas - immature and juvenile possibly?

3. One, possibly two, MAGNIFICENT FRIGATEBIRDS - not surprising in view of coastal reports (cited later).

4. A REDDISH EGRET (second record there) at the north end of the Sea on July 10 (Richard Webster).

5. An adult LITTLE BLUE HERON (also second record there) on July 22 (Guy McCaskie).

6. SEVEN ROSEATE SPOONBILLS (unprecedented) with the Wood Ibis at the south end (Guy McCaskie).

7. One, probably more, BLACK-BELLIED TREE DUCKS flying with the FULVOUS TREE DUCKS at the south end (only recent record there, and probably a wild bird, vs. the one near Upper Newport Bay in 1969, which was probably an escapee from Lion Country Safari, just over the hill).

8. TWENTY PLUS BLACK SKIMMERS with about five nests (first nesting in western U.S.).

9. Add to the above rare birds the normal Salton Sea Specialties--Least Bitterns, Wood Ibis, Stilt Sandpipers, Laughing and Franklin's Gulls, "Yellow-legged Western Gulls" (probably not a Western Gull at all, possibly a new species), and Gull-billed Terns-- and you see the reason for our enthusiasm.

A word of caution is in order- this is not easy birding and one should not expect to see all these rarities on one trip. The two species of Boobies and the Skimmers at the north end can be seen from your car at the end of the Whitewater River dike. The other rare birds can probably only be found after an exhausting "hike-wade-swim" to the mouth of the New River.

Along the coast the big news was FRIGATE BIRDS: two sightings near San Diego in early July, one at Leo Carrillo Beach on July 16 (Pam Greene and Keith Axelson); a single at the Santa Monica Pier a day later (Olga Clarke); one on July 24 two on the 30th at Laguna Beach (Jerry Johnson, Didi Hilton); one over Upper Newport Bay on July 27 (Ginny Johnson - no relation); then NINE SIGHTINGS IN 24 HOURS by Richard Webster - four at once in Santa Barbara harbor on the evening of Aug. 3, a single at Goleta the next morning, and four more between there and Ventura that afternoon. Pam and Keith also found two BLACK SKIMMERS at the mouth of the Santa Clara River on Aug. 6, for the first coastal sighting this year.

BROWN PELICANS are building up in numbers along the Malibu-Ventura coast according to Ed Navajosky, who covers that area weekly. On Aug. 2 he found 4 adults and 37 immatures at the Santa Clara River mouth, and on Aug. 7 he counted 90 immatures and 26 adults. These are probably California-hatched birds, as there is a northward dispersal every fall, up the coast from Mexico to California and sometimes even to Oregon. While this is probably no cause for optimism, there is a ray of hope in the fact that pelicans are nesting in small numbers on our offshore islands. Although the proponents of D. D. T. take a different view, it seems more than coincidental that successful nesting, even on a small scale, has resumed locally within a few years after Montrose

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