Excerpts From

THE YELLOW WARBLER

The Newsletter of the Dayton Audubon Society

SEPTEMBER 1995

volume 57 - No. 5

Published eight times per year by the Dayton Audubon Society, 1375 E. Siebenthaler Ave., Dayton, OH 45414-5398

E-Mail Dayton Audubon(dayton audubon@dayton.net)

SENATE BILL WOULD DECIMATE NATION'S REMAINING WETLANDS

Senators Johnston(D-LA) and Faircloth(R-NC) recently unveiled the "Wetlands Regulatory Reform Act of 1995" -S.851. This bill, very similar to the wetlands provisions of the recently-passed House bill H.R. 961, would be a disaster for our country's wetlands and the wildlife that depend upon them. If passed in the Senate, only a Presidential veto would be able to stop the legalized destruction of most wetlands.

Some of the bills damaging provisions:

Definition: The bill would require that a wetland show water at its surface for at least 21 consecutive days during the growing season. This definition is in direct conflict with a recently completed National Academy of Sciences study, and would define out of existence 60-70% of the country's remaining wetlands, and 80% of the remaining wetlands in Ohio.

Classification Scheme: The bill includes a three-stage ranking system for wetlands: high value (Type A), medium value (Type B), and low value (Type C). Only Type A wetlands would be given protection similar to that of current law. Type C wetlands, which would include wetlands in residential, commercial, or industrial areas, would be completely unregulated. The National Academy of Sciences study found such ranking of wetlands scientifically indefensible.

Exemptions: S. 851 create a list of exemptions for special interests, including sand and gravel mines, previously converted croplands, and isolated wetlands smaller than 1/2 acre. It also exempts any stream that has an average annual flow of less than five cubic feet per second. Studies have shown that these streams and their associated wetlands play a crucial role in determining downstream water quality.

Agencies Removed: The bill eliminates the role of the U. S. Environmental Protection Agency and the Fish and Wildlife Service from the Army Corps of Engineers' 404 wetlands regulatory process. Under current law, the EPA plays an important oversight and standard-setting role in the process, while USFW has contributed extensive wetland identification and mapping programs, including the National Wetlands Inventory.

Costly Bureaucracy: The bill would open up all past permits - issued or denied - for re-evaluation. Given that the Corps processes up to 30,000 permits annually, the potential number to be reopened is staggering. Aditionally, the Corps would be required to delineate and classify wetlands within 90 days of a landowner request, regardless of whether the landowner intends to apply for a permit.

Other damaging provisions include an administrative appeal process weighted toward the permit-seeker; weakened enforcement capability; issuance of general permits without opportunity for public comments; and an exemption of the State of Alaska from nearly all permit requirements.

According to an analysis of the proposed regulatory changes by the Wisconsin Department of Natural Resources, S. 851 would eliminate federal protection for sedge meadows, wet meadows, low prairies, fens, open bogs, coniferous bogs, alder thickets, lowland hardwood swamps, coniferous swamps, floodplain forests, and seasonally flooded basins.

"The deregulation of these ecosystems will have cumulative adverse impacts that will exacerbate existing problems such as flooding, degradation of surface and ground water quality, and erosion and sedimentation. It would further jeopardize threated and endangered plant and animal species and their habitats and promote poor land use management and planning," states the Wisconsin report.

Calls and letters are urgently needed to (Ohio) Senators Glenn and DeWine. Write them at the address below, or call them through the Senate switchboard at 202-225-3121 and ask them to strongly oppose S. 851. Remind them that wetlands are an important economic resource.

The Honorable _____
United States Senate
Washington, DC 20510

TIME AND TALENTS

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- Conservation Committee
- Education Committee
- Field Trips
- Membership Committee
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- Yellow Warbler
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ARMCHAIR ACTIVISTS ISSUE FOR THIS MONTH

THE ENDANGERED SPECIES ACT PROTECTS US

THE FACTS

Over 40% of all pharmaceuticals used today are derived or synthesized from natural substances.

Wetlands and forests, ecosystems that purify our drinking water and filter our air, are protected when we protect the habitat of endangered species.

Endangered species protect us by identifying early warning signals - like a canary in a coal mine - that could be threats to human existence.

Thousands of jobs in businesses like the salmon fishing industry depend on strong protection for endangered species. In many cases the Endangered Species Act brings economic prosperity.

The Endangered Species Act protects our private property and tax dollars from corporations who benefit financially from the destruction of the natural environment.

OUR SOLUTION

The Endangered Species Coalition, an alliance of over 225 environmental, scientific, business, religious, and animal welfare organizations, is working to renew and strengthen the Endangered Species Act. Our seven million supporters believe the Act must be reauthorized to include the following:

Getting ahead of the extinction curve: Adopt a more proactive, rather than reactive, approach that would act as the least costly, most effective method of protection for species before they become endangered.

Enforcing the law: Ensure that sufficient funds are available to enforce the law.

Saving species from the brink of extinction: Set deadlines for both producing and putting in action the plans to recover a species.

Building partnerships with private landowners: Offer financial incentives and technical assistance to landowners who are promoting the recovery of endangered species on their property.

SAMPLE LETTER

The Honorable (Congressperson's Name)

U. S. Senate/*U. S. House of Representatives*
Washington,DC 20510/*20515*

Dear Senator/*Representative*

I am writing to urge you to oppose any attempts to weaken protection for endangered species. The landmark Endangered Species Act has protected us for 22 years, but is under siege in 1995. We depend on you to defend this vital law.

Please oppose the anti-ESA bills that have been proposed by Senator Slade Gorton (S. 768) and the bill that will be introduced by Congressmen Young and Pombo in the House of Representatives. Ensure that the 1996 budget bills do not prohibit the protection of endangered and threatened species. Make sure that federal officials are not prevented from enforcing wildlife protection laws.

The Endangered Species Act has helped prevent the extinction of dozens of animals and plants, including the bald eagle and the gray whale. By safeguarding species like the bald eagle and its habitat, the Endangered Species Act also protects us. By removing toxic threats to sensitive species, we protect our own health and well-being.

Natural sources are responsible for 40% of our pharmaceuticals, contributing billions of dollars to our economy each year. Most plant species have never been tested for their medicinal properties by western medicine. When we protect these species from extinction, we protect medical cures for ourselves.

Unless we act now, we stand to lose lifesaving medicines, productive agriculture, abundant fisheries, and biological diversity necessary for ourselves and our children.

My family is counting on your leadership on this critical matter.

Sincerely,
(Your signature)

Calls and letters are urgently needed to (Ohio) Senators Glenn and DeWine. Write them at the address below, or call them through the Senate switchboard at 202-225-3121 and ask them to strongly oppose S. 768.

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United States Senate
Washington, DC 20510

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MOHICAN FOREST STILL THREATENED

The Mohican State Forest, near Akron, is one step closer to protection from logging. Legislation was approved in the Ohio Senate last June which would redesignate the 4,500-acre reserve as an "Interpretive Forest", the only one of its kind in the state. This designation would ban logging in the forest except for educational, safety, recreational, and disease control purposes. Any trees cut in Mohican could not be sold.

The bill would create a 17-member committee, made up of industry representatives, environmentalists, and others, to monitor any trees cut for the above reasons. The committee would have veto power over any logging projects proposed by the Division of Forestry. Of course, if logging is permitted for such vague reasons as "educational" and (particularly) "recreational", the makeup of the committee could well determine the effectiveness of the "Interpretive Forest" designation.

Although this measure affords some protection, it is a step down from from the Wilderness designation originally sought by the bill's sponsors. The legislation rose from a grassroots campaign to stop a proposed cut of 5,000 trees, to be used for pulp and shipping pallets. If passed, Mohican would be only the second forest in Ohio protected from commercial logging by the state.

The House companion bill has not yet been passed, so concerned citizens should write or call their legislators to support the measure, or, better still, to encourage them to pass an even stronger version. Write to your state representative at **Riffe Center, 77 S. High St., Columbus, 43266-0603,** or call through the capital switchboard, **800-282-0253.**

SEASONAL SIGHTINGS

Spring-Summer 1995

Prepared by John A. Shrader and Charlotte Mathena

Observers: *Betty Berry (BB), Charlie Berry (CB), Marion Cox (MC), Larry Gara (LG),Gary Imwalle (GI), Dave Knoop (DK), Tim Little (TL), Charlotte Mathena (CM), Bea Mercer (BM), Dave Nolin (DN), Doug Overacker (DO), Jim Simpson (JSi), SueTackett (ST), Judy Whitaker (JW), Many Observers (M. Ob.).*

The Miami Valley can be a very productive birding area - if you don't believe us, just try summarizing all the birds seen during the last six months! Thanks to the many reports, there has been lots of birding excitement in our area during Spring and Summer 1995. Below are a few of the highlights:

An **American White Pelican** was found at the north end of CJ Brown Reservoir (CJBr) on 5/10 (DO). At Englewood MetroPark (EngMP) up to 7 **Great Egrets** were observed during early August (BB). A **Snowy Egret** was at Caesar Creek Lake (CCL) on 4/8 (CM, ST). An **American Bittern** was sighted numerous times at Spring Valley Wildlife Area (SVWA) 4/7-19. **Least Bitterns** were found off and on there as well throughout early summer.

Creating a lot of excitement in the Dayton area, a male **Baikal Teal** was found with a number of north-bound migrant ducks at EngMP on 2/25 (BM,M.Ob.) right after the ice on the lake broke up. It stayed just two days but was seen by numerous DAS birders. Obviously, the origin of this bird is suspect, but if accepted by the Ohio Rare Bird Committee, would be a first Ohio state record. Four **Surf Scoters** were at Cowan Lake 4/8 (LG).

An adult **Bald Eagle** was sighted at CCL 3/2-4. On 3/18, two more adult birds were found - one at CCL (JSi) and another was over Sugarcreek MetroPark (MC). Another adult was at SVWA on 7/25 (GI). An early arriving **Osprey** was spotted at EngMP on 4/21 (CB). A **Peregrine Falcon** was seen along the Great Miami River at Middletown on 3/10 and 3/19 (TL). An outstanding find in our area, an **American Avocet** was on the beach at CJBr on 7/30 (DO). Two **Black Terns** were observed feeding at Eastwood Lake on 7/21 (CM) and a good flight of 17 were at CCL on 8/6 (LG).

Because it is generally necessary to hear it, the **Alder Flycatcher** is rarely identified (but probably more common that it appears) - one was heard on 7/30 near CJBr (DO). Setting a new early arrival date, a **Marsh Wren** was seen and heard singing near the boardwalk at SVWA on 3/6 (JSi,M.Ob.) **Sedge Wrens** took up residence at Possum Creek MetroPark this summer - four were seen there during August (JW,DN,DK).

A **Bell's Vireo** was back at CJBr in late May (DO). Thanks to the weather, there were several good waves of migrant warblers this spring, and included the rare **Orange-crowned, Connecticut,** and **Mourning Warblers,** which were all seen several times in our area. One day, May 10, stood out above the rest when large numbers of thrushes, grosbeaks and tanagers as well as warblers passed through the area.

Dickcissels were found in fields in two locations during June: The "traditional" spot NE of CJBr along Hodge Road, and south of the town of Clifton in Greene County. Very unusual, a **Lark Sparrow** was found at Killdeer Plains on 7/23 (TL) - it was seen several other times throughout the remainder of the summer.

DAS SCHOLARSHIPS AVAILABLE

The Dayton Audubon Society is deeply committed to education and, in part, shows that commitment by offering scholarships annually to individuals who can make a difference in our community.

Perhaps you know someone who might benefit from the DAS mission. Read on and, if you can, help us find some deserving "scholars".

Summer Camp Scholarships

National Audubon has offered summer camps for "adult leaders" since the 1930s. The original idea, begun at the Maine Camp, was to get teachers so excited about natural history that they would go back and "infect" their kids wirh enthusiasm.

Summer ecology workshops for adults are now being offered in the Wind River Mountains of Wyoming, the woodland community of Connecticut, and the coast of Maine. Also, a camp for young folk, ages 10 through 14, is offered every summer in Maine.

While camps and workshops are open to everyone these days, they are still especially popular with teachers. If you know of a dynamic elementary or secondary teacher, just imagine what a camp might do for them!

Turning a student on to science and the natural world is a wonderful thing. Help DAS make that connection by finding the right teacher or the right child to send to camp next summer. These camps are top quality.

The Dively Scholarship

Since 1982, DAS has offered tuition help to college students through the Dively Scholarship Program, originally endowed in memory of DAS member Dick Dively. Though we cannot offer a lot of money, the Dively Scholarship has helped both undergraduate and graduate students reach academic goals.

The Dively Scholarships are awarded to students who's course of study will lead them to fields that further the cause of environmentalism and conservation. Dively scholarship recipients are not restricted to scientific fields; many environmental connections, such as environmental law, are possible.

What Can You Do?

Help us find scholarship candidates. Talk to interested people or people you think ought to be interested. Spread the word!

To recommend candidates, apply for scholarships, or receive further information on the Camp or Dively Scholarships, please call DAS Scholarship Chair Tom Schaefer at 513-857-9308.

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MOBILE LEARNING LABS
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4150 Darley Ave., Suite 5; Boulder CO 80303
(303) 499-3622; Fax (303)499-0286

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DAYTON AUDUBON SOCIETY

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FRANK B. GILL APPOINTED NATIONAL AUDUBON SENIOR VICE PRESIDENT FOR SCIENCE

National Audubon Society President John Flicker announced on November 2 the appointment of Frank B. Gill as Audubon's Senior Vice President and Director of the Science Division. Dr. Gill is currently Chairman of the Department of Ornithology at Philadelphia's Academy of Natural Sciences.

"We are pleased to have Frank Gill join Audubon and lead Audubon's science programs," said Mr. Flicker. "Given Audubon's focus on birds, other wildlife, and habitat, Dr. Gill, an eminent authority on birds and conservation, is the ideal person to lead our scientific efforts. His reputation and demonstrated leadership in the fields of ornithology, biology, and ecology are impeccable. Complementing these skills is his solid track record in academia, management, and administration demonstrated at the Academy of Natural Sciences, and the myriad non-profit conservation and professional organizations he has so ably served."

Frank Gill is one of the most broadly skilled and widely respected ornithologists in the world," said John

W. Fitzpatrick, Director of the Cornell Laboratory of Ornithology. "His textbook on bird biology is by far the best in the business, and his research always has kept Frank at the forefront of avian ecology and systematics. Frank is not only a highly respected professional biologist, he is also closely involved with the amateur bird watcher. He has pioneered several innovative projects in this regard, the most ambitious of which is the enormously successful *Birds of North America* project. National Audubon and the conservation world are both extremely fortunate to have attracted this outstanding individual to head Audubon's science programs."

Dr. Gill comes to NAS after 25 years at the Academy of Natural Sciences, where he transformed the ornithological department into one of the nation's leading centers of ornithology. His published works include his acclaimed textbook, *Ornithology* (W. H. Freeman, 1989 and 1994) and numerous scientific monographs, reviews, and popular articles. His conservation initiatives include work done in conjunction with the Hawk Mountain Sanctuary Association; American Birding Association Checklist Committee; Visual Resouces for Ornithology (VIREO); Western Hemisphere Shorebird Reserve Network; and the Center for Neotropical Ornithology. He has also contributed to the publications *Pennsylvania Breeding Bird Atlas* and *The Birds of North America.*

W. HARDY ESHBAUGH NOMINATED FOR SECOND TERM BY OXFORD AUDUBON SOCIETY

W. Hardy Eshbaugh, present Great Lakes regionally-elected Board Member of the National Audubon Society, has agreed to be a second-term candidate for this important office. In his current three-year term he has become a respected member of the Board, performing a vital role in developing the Audubon Strategic Plan.

Those who have worked with Hardy in Audubon are well aware of his capacity for seizing issues, defining options, and recommending action. His background as botany professor and department chairman at Miami University in Oxford, as well as his international reputation as an ethno-botanist, have made him uniquely qualified to represent the Great Lakes region on the NAS Board.

We congratulate Hardy on his second nomination, and look forward to strong support from the other chapters in the Great Lakes Region.

TAKINGS BATTLE COMES TO OHIO

The "takings" battle has come to Ohio with the introduction in November of Ohio Senate Bill 221,

sponsored by Senator Robert Cupp(R-Lima) and drafted largely by the Ohio Farm Bureau Federation. Companion legislation is to be introduced into the Ohio House by Representative William Batchelder (R-Medina).

Unlike the takings legislation passed by the U. S. House and under consideration in the Senate, Ohio S. B. 221 would not require payment for government actions that are shown to reduce the value of private property. S.B. 221 would instead mandate complex assessments of all government actions to determine whether a taking could possibly be triggered. The bill would create a new morass of red tape for state, county, township, and municipal governments, ostensibly to prevent takings.

S.B. 221 is based on the mistaken premise that regulatory actions frequently result in a taking. However, very few government actions have raised legitimate takings concerns. Yet S.B. 221 would require takings impact assessments on virtually all government actions. The resulting potential for time-consuming and expensive bureaucratic processes will make government entities more reluctant to enact or enforce legitimate regulations protecting public health, safety, and environment, and would put a damper on the activities of agencies that protect our communities and our environment.

Concerned citizens should write or call their State Senators (and Representatives) to oppose this costly and unnecessary legislation. Ask them not to cripple the power to protect our health and well-being.

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