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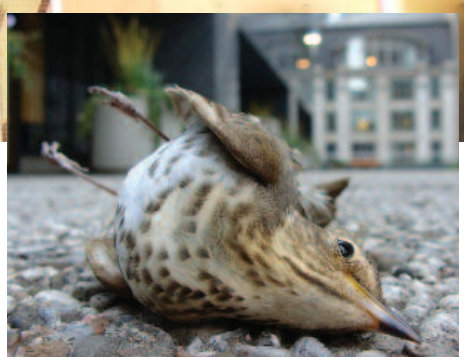
OFO News

NEWSLETTER OF THE ONTARIO FIELD ORNITHOLOGISTS

Windows and Birds



Top: **Windows treated with patterned window film to deter birds, 33 Yonge St.** *Photo: FLAP Canada*

Thrush. *Photo: FLAP / Sara Scharf*

Canada Warbler. *Photo: FLAP / Bert Vanderzon*

The law is now clear that the EPA and SARA prohibit the killing or injuring of birds in window strikes

By Geoffrey Carpentier

In the February 2013 issue (Vol. 31, No. 1) of *OFO News*, we included an update on the first of two Ontario prosecutions about bird kills resulting from impacts with buildings.

Since that time, a decision in the second case was released by the Ontario Court of Justice. Podolsky (Ecojustice) v. Cadillac Fairview Corporation Ltd. involved charges under the *Environmental Protection Act* (EPA), the *Species at Risk Act* (SARA), and the *Ontario Society for the Prevention of Cruelty to Animals Act* (OSPCAA) for the killing or injuring of birds. Ecojustice alleged that Cadillac Fairview, one of Canada's largest commercial building owners, killed or injured hundreds of birds,

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including threatened species, at their Yonge Corporate Centre (YCC) complex in Toronto during the spring and fall migrations of 2010.

In his ruling, Judge Melvyn Green found that the company had indeed violated both the EPA and SARA — a precedent-setting decision under those acts.

The company was, however, acquitted on the basis of its efforts at investigating various solutions. This finding of "due diligence" nonetheless means that all building owners and managers are prohibited from killing or injuring birds in window strikes and would be convicted in similar circumstances if all reasonable efforts to prevent harm were not taken. The judge rejected the company's argument that it was simply a passive building owner or manager. The charges under the OSPCAA were dismissed since the judge interpreted that Act to apply mainly to pets.

During the preamble to the decision, Justice Green acknowledged the importance of Toronto's Fatal Light Awareness Program (FLAP Canada) in monitoring bird mortality at commercial office buildings and for their expertise in the field. Dr. Daniel Klem Jr., an international authority on bird strikes and an advocate for stronger protective measures on buildings, appeared as an expert witness for the prosecution. Dr. Klem testified that collisions with buildings account for over a billion avian deaths annually in the U.S. The density of birds and the amount of reflective glass on a building are key factors in determining the rate of avian mortality at a specific location.

Top: **Common Yellowthroat.** *Photo: FLAP / Paloma Plant*

Left: **Patterned window film application at Consilium Place — formerly one of the most lethal sites in Toronto, causing over 7,000 bird collisions in 10 years.** *Photo: FLAP*

Above: **Dead birds.** *Photo: FLAP Canada*

Glass treated with properly spaced visual patterns is proving to greatly reduce daytime collisions.
Photo: FLAP Canada

Dr. Klem testified that applying properly spaced visual patterns or markers on windows can have an effective success rate of close to 100%, while netting can also be used as a temporary relief measure. Dr. Klem has investigated many technologies over the years, including the use of ultra violet light (UV) applications. Although this information was not presented as part of the evidence before the court, it is important to note that patterned window treatments are now commercially available from Feather Friendly Technologies. Dr. Pekka Sinervo, former chair of the Physics Department of the University of Toronto, then testified that light reflected by windows is an "emission" of radiation, a crucial point in the judge's application of the EPA to the facts of the case. Mark Peck, Manager of the Ornithology Collection at the Royal Ontario Museum, testified that ten birds collected at the YCC were threatened species (nine Canada Warblers and one Olive-sided Flycatcher).

Michael Mesure, Executive Director of FLAP Canada, testified that in many building complexes, such as the YCC, more birds were killed by daylight impacts than by night strikes.

Michael's compelling statement, as reported by Justice Green, that "The dynamics of the daytime problem were soon recognized, particularly at sites such as the YCC where a natural [wooded] habitat, river and reflective buildings, all set in a migratory pathway, presented… [a] lethal combination of features" held sway with the court.

The court heard about the efforts Toronto City Council has made over the years to better protect birds. In fact, in April 2005 the city passed a motion called the "Prevention of Needless Deaths of Thousands of Migratory Birds in the City of Toronto". The city also conducted a "Lights Out Toronto" ("LOT") campaign in 2006, and published *Bird-Friendly Development Guidelines* in 2007 that addressed the problems presented by both transparent and reflective glass and those arising from nighttime light pollution. A program called The Toronto Green Standard, which took effect in 2010, requires the incorporation of bird-friendly elements in almost all new construction in Toronto. The city's bird protection measures place it at the forefront of North American cities.

The property manager of the YCC testified of efforts they had made over the years to "green" the property and to reduce diurnal and nocturnal bird strikes. They also provided evidence how they had cooperated with the City of Toronto and FLAP Canada to monitor the problem, and to find and implement solutions. Cadillac Fairview was one of the "participants" in the creation of Toronto's *Bird-Friendly Development Guidelines*. However, there was no compelling evidence presented to the court to show that the General Manager of the YCC, who also was the point of contact for FLAP for bird strikes, was aware of the magnitude of the issue. She admitted that she had never read the *Bird-Friendly Development Guidelines*, that she had never accompanied FLAP volunteers, nor had she visited any sites where bird collision deterrents had been installed.

Justice Green started his analysis of the alleged offences by saying (with respect to the earlier Menkes Developments case, where all charges were dismissed) that, "With all due respect, His Worship's review of the evidentiary underpinnings to his judgment in the Menkes case is too brief and selective to permit the drawing of factual comparisons to the one before me". He also noted that the earlier judgment had failed to rely on any jurisprudence.

In coming to his decision, Judge Green posed two questions: (1) whether these physical insults [injuries and bird deaths] fall within the scope of the legislatively prohibited conduct and, (2) whether, if so, the defendants' response amounts, as a matter of fact and law, to due diligence. Following this, he discussed the applicability of the various relevant pieces of legislation, including the EPA, SARA, and OSPCAA. Fundamental to his discussion was an examination of s. 14(1) of the EPA, which reads in part:

"[A] person shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment if the discharge causes or may cause an adverse effect".

The judge first found that sunlight is a form of radiation and that the windows were "emitting" light — even though the light was being reflected. This conclusion was based on Dr. Sinervo's evidence. The emission of radiation (or other "contaminant") is prohibited under the Act, but only if it leads to an "adverse effect". In this case the "adverse effect" was the killing or injuring of birds, which Judge Green found, beyond a reasonable doubt, to have occurred at Cadillac Fairview's YCC. In short, the conduct of reflecting light that kills or injures birds is prohibited by the Act. The same conclusion was reached under SARA, although that Act does not require the same evidentiary hurdles or interpretation issues.

Justice Green credited YCC with looking for solutions, even though the timing of their interest appeared to coincide with the threat of a prosecution. He went on to say that YCC apparently complied with municipal building and industry standards, implemented and maintained a policy to respond to nocturnal light pollution, cooperated with FLAP's bird retrieval, rescue and documentation efforts for more than a decade, and endeavoured to find solutions to the problem of daytime collisions since the late 1990s. They had also consulted with FLAP about avian collisions and, on at least a few occasions, conducted test installations of window treatments. He said that "I conclude that the defendants did exercise due diligence in addressing the problem of avian collisions.… In the result, I find the defendants not guilty of all charges". What Justice Green did not acknowledge, and which bears relevance in this case, is that many bird strike reduction strategies and devices have been available for many years, albeit not in off-the-shelf applications. Had YCC implemented these years earlier, many thousands of birds would not have needlessly died.

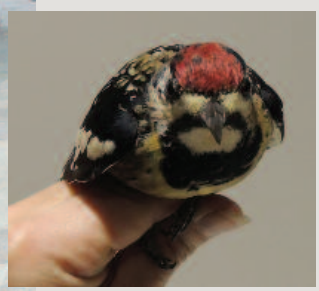
So what was the outcome of all this? The law is now clear that the EPA and SARA prohibit the killing or injuring of birds in window strikes. In practice, where a building owner or manager is found to have killed or injured birds by window strikes at its building, then that party will be convicted unless, as in the Cadillac Fairview case, it can prove, on a balance of probabilities, that it took all reasonable measures to prevent this harm from occurring. In an article that appeared in the *Toronto Star*, Ecojustice lawyer, Albert Koehl, says the ruling in this landmark case sets a precedent for the prosecution of other companies, who are not addressing the safety of migratory birds. An appeal in the earlier case against Menkes Developments on similar charges will be heard in November 2013. The carefully articulated decision of Judge Green will carry far more weight with decision-makers than that of the Justice of the Peace in Menkes Developments.

It is worth noting that, just before or after the trials started in each case, the building owners began installing window films with patterned markings. In the Menkes case the buildings were almost entirely retrofitted and are now the first commercial buildings in all of Canada where this has been done. Preliminary results suggest the chosen pattern (influenced strongly by aesthetic concerns) has reduced bird strikes. Cadillac Fairview retrofitted the most lethal face of its YCC building during the trial.

I would like to thank Michael Mesure, Executive Director of FLAP, Albert Koehl of Ecojustice and John Carley, a member of the Toronto Bird-Friendly Development Guidelines Working Group, for their most helpful comments on my interpretation of the outcome of this landmark case.

For more information:

- **FLAP Canada - www.flap.org**
- **Ecojustice (for comments by other lawyers on the result) : www.ecojustice.ca/blog/what-other-lawyers-think-about-our-migratory-birds-legal precedent/? searchterm= koehl**
- **Toronto's Bird-Friendly Development Guidelines : www.toronto.ca /lights out/pdf/development_guidelines.pdf**
- **Toronto Green Standard : www.toronto.ca/planning/environment/greendevelopment.htm**
- **The complete text of Justice Green's Decision may be found at: www.ecojustice.ca/cases/migratory-birds-building-collision-ii-judgement-feb.-14-2013-1**
- **For information on window treatments from Feather Friendly ® Technologies: www.featherfriendly.org**



FLAP volunteer rescuing a Brown Creeper. *Photo: FLAP/ Sara Scharf*

Right: **This Yellow-bellied Sapsucker was rescued and released to the wild.** *Photo: FLAP Canada*

FLAP Volunteer Opportunities

The Fatal Light Awareness Program (FLAP Canada) urgently needs volunteers to help with the issue of migratory birds dying in collisions with commercial buildings.

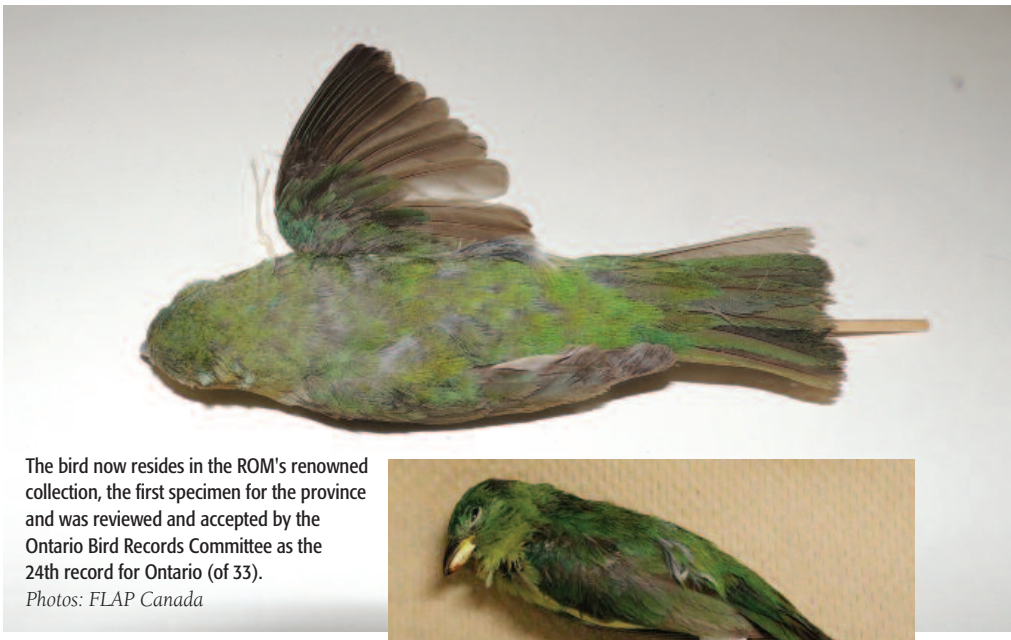
FLAP Bird Rescue Volunteers will be trained with hands-on experience to work with injured birds. Some patrol the Toronto downtown core in the early morning looking for injured or dead birds that have collided with commercial building windows. Other rescue volunteers patrol Toronto, Markham and Mississauga throughout the day or early evening. Many of the live birds picked up by FLAP volunteers recover and are returned to the wild. Volunteer drivers are needed to transport injured birds to wildlife rehabilitation centres.

FLAP is involved in several public awareness and education campaigns and needs help with workshops, staffing display booths, setting up displays and distributing literature. How about writing articles about birds, for our newsletter, *Touching Down*?

For more information, please email us at flap@flap.org or call (416) 366-3527.

A Painted Bunting in my Office

By Brandon Holden



The bird now resides in the ROM's renowned collection, the first specimen for the province and was reviewed and accepted by the Ontario Bird Records Committee as the 24th record for Ontario (of 33).
Photos: FLAP Canada

The 4th of January 2013 was marked as a fairly typical life experience; it was my first day back at the office from the holiday season, and I was keen to try and find any sort of tasks that were fun and required minimal effort. I work for a major environmental consulting company (Stantec), which is great when I'm out in the field conducting research; yet this was an "office day".

It should therefore serve as no surprise, given the mutual love we share for our feathered friends, that when I was offered a chance to look over some bird specimens, I jumped at the chance. What specimen's you ask? Well a few times a year my company has been fortunate enough to receive a shipment of birds from the Royal Ontario Museum (ROM) through the Fatal Light Awareness Program (FLAP Canada) in Toronto. We then use them for various scientific research projects that Stantec has been contracted to complete.

I won't get into the fine details of FLAP and the work done by the ROM here, however I will state that they are both exceptional groups that do incredible work. FLAP works to safeguard migratory birds in the urban environment through education, part of which includes monitoring and collecting birds that strike the windows of Toronto's skyscrapers. Many of these specimens then flow through the ROM, which is world renowned for their Ornithology collections. Yet not all bird specimens can be put to good use there. This is where organizations like my company can help ensure that some good comes from a very unfortunate situation.

The shipment arrives as a wide array of individuals in various forms of packaging. My task this day was simply to remove some of the excess bags in order to save some space in our freezer. A perfect chance to study some birds. I am often very surprised with what I am able to glean from a simple "bag o' birds". A heavy dosage of kinglets, Song Sparrows and juncos show that we were outside the migration period of most Neotropical migrants. Alternately, a bag containing several stunning orioles, buntings and grosbeaks is a strong reminder of the incredible birds that pass through our area each May. Yet it was a single bag containing three birds that was really startling this day.

The trio were a White-throated Sparrow, a rather dull female Blackburnian Warbler, and a funny little green passerine with a conical bill. Thankfully I was alone and my exclamation of "*expletives* that's a Painted Bunting" was entirely inside my head. I grabbed the specimen and dashed from the back room and into the office. I'm lucky to work with several other birders, who I was sure would be excited to see this unusual find. But where was everyone? A check of the clock revealed it was lunch break... I had managed to work well into lunch as I excitedly studied the specimens. What should I do? I took a peek into the lunchroom and noticed 10-12 people there, including a single fellow birder. Normally one would wait until after lunch to arrive on the scene with a collection of dead animals, but these were not usual circumstances. I ignored the exclamations of "are those dead?" and "he has dead birds in here" as I happily showed off my discovery.

As co-workers arrived back from lunch, I made sure I showed off my prize. Yet there was more work to be done. The lovely female Painted Bunting was wearing a number on her leg (7749), but no other information was present. I needed to email Mark Peck (Colections Manager, Ornithology) at the ROM to try and figure out if this bird did, in fact, come from Toronto — and if there was any other information to be found. After a few emails over the next 48 hours, we planned a visit to the ROM — bunting in tow.

I arrived a bit later than our planned 0900 meeting time, showed off the bird, and followed Mark to his office where he searched through the files he had from FLAP. Given the tag, he was confident that it had indeed come from Toronto and finding the information of its discovery was a must. Eventually we decided to email FLAP directly, and the information we were looking for arrived soon afterwards:

Tag # 7749, entry #1073, May 20, 2007, 100 Consilium Pl – entered as "unknown species". Back bright green, yellow belly, touches of blue on the shoulder, 5-6". An exotic? 2007– this little bird had been in limbo for over five years before its eventual discovery and made its appropriate final landing at the Royal Ontario Museum.

For more information on the ROM, visit their website at www.rom.on.ca and for FLAP Canada, see www.flap.org

I am quickly finding out that a kayak is an essential piece of my photography equipment

Birding by Kayak

By Allen Woodliffe

Sanderlings at Rondeau Provincial Park.
Photo: Allen Woodliffe

Photography is, for many, a natural extension of birding — just look at all the various camera and lens combinations being carted around your favourite birding hot spot during the May migration. For serious listers, there are even categories for the number of birds photographed. And if you do spot a rare bird, a good photo makes submitting a rare bird report much easier and usually more convincing than a written description alone. While carrying around a large amount of camera equipment works well on terrestrial trails and along accessible shorelines, some places that birds haunt are only accessible with special effort.

Marshes and other wetland areas are prime spots for many species of birds, of course. However, slogging through the cattails and muck is one of those places that requires a huge effort. The often unstable footing could lead to a tumble, significantly damaging expensive optical gear, not to mention a birder's ego. Also, the associated noise of clattering equipment drives most birds much deeper into the dense vegetation. A canoe or punt may be options to explore in the less accessible portions of a marsh, and I have used both in years gone by. Yet they have disadvantages: the canoe sits higher, catches more wind, and isn't always easily manoeuvred by one person. Two people make it more manoeuvrable, but there may be more noise and therefore more chance to scare wildlife. Typically only the person in the front will get the best views. Punts are options for getting through very shallow water and are quite stable. However they are slow, somewhat noisy, and often require two people to operate. When using a pole to shunt the punt forward, the shunter is standing up and, being much more active, scares off wildlife. A punt however, can be great to use in combination with a photo blind. Some of my favourite bird photography moments have come from inside a blind on a punt.

A kayak seemed to be an alternative method well worth trying. Kayaks are relatively lightweight, are best suited for one person, are easily manoeuvred (especially with the addition of a rudder), and can go through very shallow water. This craft sits low in the water making it easier for control and the low profile of both the kayak and the paddler is less apt to affect wildlife. Even the angle of paddle use is lower than for a canoe, resulting in less action to disturb wildlife.

I recently acquired a kayak, primarily to explore the extensive wetland and shoreline habitat of the Rondeau bay and marsh area. Depending on the water levels, the vegetation can be quite open or very enclosed. Based on the few occasions when I had the ability to get through the marsh in a punt many years ago, I know the greatest amount of wetland never gets explored. There are myriad birds living there that seldom get seen. So using a kayak seemed to be one method to increase the odds of seeing and photographing what is out there. As a result, I have gotten into places that even after more than 50 years of exploration at Rondeau, I have seldom been to before. Because the water levels vary from season to season and year to year, the long term opportunities are endless.

In 2012, the water levels of Rondeau Bay were lower than they had been for several years, resulting in extensive sandy mudflats and floating masses of aquatic vascular plants that provided a bonanza of invertebrates. They were prime areas for hundreds of feeding and resting gulls, terns, herons, shorebirds, waterfowl and even an occasional raptor. On one occasion, as I glanced back to the group of mixed shorebirds I had been photographing, I realized they had completely disappeared, not even making a sound, while I had been momentarily looking at my camera's LCD screen. I suspected a raptor had buzzed the birds. The raptor wasn't immediately apparent, but then ~200 metres away I noted a Peregrine sitting on a nearby sandy island. As it took off, it was quite obvious that a limp Sanderling was clutched in its talons.

Relatively calm days are preferred for photography from a kayak. One can initially paddle fairly briskly and then drift close to feeding or resting birds enabling one to concentrate with camera or binoculars rather than the paddle. As one gets closer to the subject, reduced paddling activity reduces the scare factor. On occasion, I have gotten closer to my subject than my telephoto lens's minimum focus distance (1.8 m) allows.

It is not the intention of this article to recommend one type of kayak or related equipment over another; if you want to venture into the world of kayaking, it is very important to investigate the possibilities and then see what fits your needs, budget and types of water being explored. Each has its own merits. There are various kayak outlets across southern and central Ontario to check out in person or on line.

I obtained a 14 foot polyethylene SI model. It seemed to be the best combination of price, weight, paddling effort required and stability that would meet my

Some of our larger natural areas, and especially provincial parks, have extensive marsh habitat. Rondeau Provincial Park is one of my favourite natural areas, with upwards of 1000 hectares of partly open cattail marsh in or adjacent to the park. As many readers know, there is a raised diked trail running the length of the marsh, and birds can be easily seen if they are flying over, or heard if the wind and weather cooperates. But how many birds are present in those many hectares of marsh or adjacent sandy mud flats that never get seen? What rarities are missed?

Pectoral Sandpiper
Sandhill Crane
Photos: Allen Woodliffe

Great Blue Heron heronry at Rondeau. *Photos: Allen Woodliffe*

immediate needs. It also had one of the larger cockpit areas, a critical factor when having a digital SLR camera attached to a 400 mm telephoto lens which I wanted to have at my feet and accessible in a hurry. And don't forget a good dry bag. In spite of it being a SI, but without a spray skirt, there is bound to be some splash when the water is a bit wavy, and some water may run into the cockpit off of the paddle, so a well-sealed dry bag is essential.

Is kayak colour a consideration? At first I thought it would be, and was strongly considering a subdued colour or even a camouflaged colour scheme. However there are safety considerations: if one is paddling on a waterway where there are motorboats scooting by at any speed, it is advisable to be quite visible…a close encounter with a speeding motorboat can ruin a photography experience. And as far as the wildlife is concerned, I haven't felt that the brighter coloured kayak that I ended up getting was a factor in causing them any alarm. Much more of a factor was if I had to do any excessive paddling to compensate for windy conditions to orient myself properly with my camera.

Some of our larger natural areas, such as provincial parks, provide great opportunities for kayaking. However other natural areas, including National Wildlife Areas, may have access restricted to designated foot trails only or, due to the purpose of them being protected for breeding birds, may not be accessible at all, so be sure to check ahead of time. I am quickly finding out that a kayak is an essential piece of my photography equipment, and therefore my birding effort and satisfaction. If you haven't tried one before, I highly recommend the experience.

Great Blue Heron. *Photos: Allen Woodliffe*

Choosing a Kayak

THERE ARE TWO MAIN TYPES OF KAYAK TO CONSIDER: sit-on-top (SOT) and sit-in (SI). Each can be for either one person or two persons. SOTs are generally quite stable and have the advantage of having room for more gear at your finger tips. However they may sit a bit higher than a SI, and you and your equipment are usually more exposed to any splashing. For photographic uses, they are best for very calm water only. The paddler sits a bit lower in a SI kayak. It may have an optional rudder for steering, and is more enclosed (with or without a spray skirt) thus providing more protection for you and your equipment.

In some situations, a two person kayak may have some extra benefits, especially if the paddler in the stern is willing to paddle quietly to get the photographer in the bow more closely situated to the subject.

The SI type can be a recreational, touring or expedition style and of course vary in length. Stability varies, partly depending on the length to width ratio. That ratio will also affect the potential speed of the kayak and ultimately the effort required to get from point A to point B. They come in polyethylene, fibreglass, composite material or wood, with polyethylene being the least expensive and most readily available of these four types. In more recent years, inflatable and folding kayaks are becoming popular. They generally weigh less and are much easier to store and transport than the hardshell kayaks. However folding kayaks are much more expensive, sometimes four or five times the cost of a good polyethylene SI type.

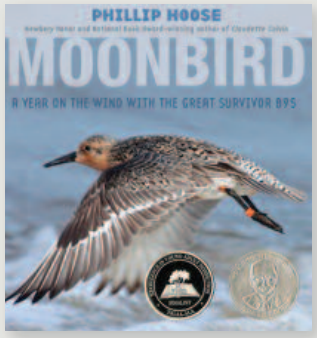
Paddles are obviously important, coming in various lengths to suit the individual paddler. They may be fibreglass, carbon fibre or other ultralite materials. Cost typically goes up as weight goes down, but during an extended paddle, weight can make the difference in your comfort.

Above: **Black-bellied Plover (left) and juvenile Red Knot.**
Right: **Dunlin.** *Photos: Allen Woodliffe*

Editor's Note

Moonbird Spotted Again

Despite a population decline of nearly 70 percent this bird has endured, giving hope for the species survival.



Many OFO members and Canadian researchers have been studying Red Knots and other shorebirds along the coasts of James and Hudson Bays. Jean Iron has given us all periodic updates of progress. This year a remarkable Red Knot (*Calidris canutus rufa)* labelled "B95" or "Moonbird" was seen again in New Jersey. This bird has been alive for 19 years and flown an annual 16,000-kilometre migration (9,940 mile) each way from the Canadian Arctic to South America's Tierra del Fuego. It was banded in 1995 by an Argentine biologist in Tierra del Fuego. Dr. Patricia M. Gonzalez, in February 1995, placed the orange band on its leg in Rio Grande, Argentina. She was the person who spotted and photographed B95 at Reeds Beach, N.J. Moonbird was also seen and photographed on 2 August 2013 in Mingan, Quebec, a major stopover site for Red Knots on southbound migration from the Canadian Arctic. Despite a population decline of nearly 70 percent this bird has endured, giving hope for the species survival. It was the subject of a book, *Moonbird: A Year on the Wind with the Great Survivor B95*, by Phil Hoose in 2012.

Birders at the Tip of Point Pelee, always a favourite hike destination at the Convention. *Photo Tim Lucas*

Brown Pelican at the Tip of Point Pelee, the rarest bird seen on the OFO Convention weekend. Found at 7:55 a.m. on 29 September 2013 on the young birders' hike by Mike Burrell, Tim Lucas (15 years old) and Kevin McLaughlin. *Photo Jean Iron*

OFO Convention 2013

245 birders attended OFO's Convention 28-29 September 2013 at Point Pelee

OFO Certificates of Appreciation were awarded to:

- Mike Burrell for his extensive work and support to eBird and the Ontario Bird Records Committee, along with streamlining operations between the two groups in Ontario.
- Chris Escott for his committed effort to complete a set of best practices for use by future OFO executives.
- Jason Purssell for not using his boat while a pair of Eastern Kingbirds raised a family on its prow.
- Randy Robinson for providing Dick-cissel habitat and being a great role model for habitat stewardship.

The final tally of species of birds for the weekend was 178.

Hayden Bildy, 11 years old, showing bird illustrations in his birding notebook to Jon McCracken, 2013 recipient of the OFO Distinguished Ornithologist Award. *Photo Jean Iron*

Mike Burrell (left) receiving an OFO Certificate of Appreciation from Rob Maciver, OFO President. *Photo Jean Iron*

Greg Miller signing a copy of *The Big Year* for OFO member Jennie Foley. *Photo Jean Iron*

First cycle Laughing Gull was a great attraction at the bridge at Hillman Marsh, found on 28 September 2013 and reported by Stu Williams, Denys Gardiner and Bruce Aikins. *Photo Jean Iron*

Red-shouldered Hawk
Public domain /Creative Commons

Return of a Red-shouldered Hawk

By Mike Burrell

ON 10 NOVEMBER 2012 I got a very happy text message from my dad, Jim Burrell. It read something along the lines of, "RSHA back and looking good". The "RSHA" of course refers to Red-shouldered Hawk — but in this case a very special individual. This isn't any Red-shouldered Hawk, but to our family and many other birders over the past 10 winters it has become known as "The Red-shouldered Hawk".

Red-shouldered Hawk is a rare winter visitor to Waterloo Region. That, plus the fact that the bird has been found in the same small stretch of the Conestogo River flood plain on the outskirts of Hawkesville (seriously) each year has led us to be quite confident it is the same bird returning year after year. And return it does! My brother, Ken and my dad found The Red-shouldered Hawk for the first time back in December of 2003. We saw it at least one other time (I got to see it once) that month but when we didn't see it after December we assumed it was just a late straggler heading south. It wasn't until January of 2005 (the next winter) that we started to see it with regularity (or at least figured out where it likes to hang out). Since then each fall we eagerly anticipate its return and so far we haven't been disappointed. Judging from the 50+ records on eBird from 19 different observers (plus countless others not on eBird) it would appear that we aren't the only ones that look forward to its return each fall.

At the end of January 2013, it looked like this bird's 10th straight winter here would be another success. When we first discovered the bird in 2003 it was already in adult (definitive basic) plumage, meaning at the very least it was hatched in 2002 — which in turn tells us we are coming up on its 11th birthday — hopefully it celebrates with potentially its 11th successful nesting attempt. At 3-4 eggs per clutch (Dykstra *et al.* 2008), that's potentially 44 young raised by this bird and its mate(s) over the years.That's a lot of new Red-shouldered Hawks on the market! And with known individuals living to 19 and even 29 years old (Dykstra *et al.* 2008), we may have many more winters to appreciate the annual return of our special bird.

While we certainly feel like we have come to know this bird, there is a lot we don't know about it. We're often asked what its sex is, but we do not know (I tend to think of it as him…). Equally unknown is where it spends the other 7-8 months of the year. For that we could guess it is in one of the nearby areas of higher breeding detections from the second Ontario Breeding Bird atlas, which would be the Bruce Peninsula, south of Lake Simcoe, or southeast of Georgian Bay — but who knows!

We hope the next time you are passing near the northern part of Waterloo Region in the winter you consider having a look for this impressive bird. It is often in "the big oak" that is on your right as you come out of Hawkesville onto the flood plain. If it is not there, have a look along the treeline north and south of the road that marks the backyards of the houses of Hawkesville. If you are lucky enough to see The bird, please don't disturb it — your best looks will be from the warmth of your car. And don't forget to report it to www.ebird.ca so we can track its progress.

References:

Dykstra, **Cheryl R.**, **Jeffrey L. Hays** and **Scott T. Crocoll.** 2008. Red-shouldered Hawk (*Buteo lineatus*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: http://bna.birds.cornell. edu/bna/species/107

OFO Gull Trip to Niagara Falls

Sunday, 1 December 2013

A group hotel rate for the OFO Gull trip has been arranged at a hotel conveniently located opposite the Whirlpool Bridge, Niagara Falls.

Call Hampton Inn Riverside
905-358-5555
Tell them you are with the OFO Birding Group and request the special rates.

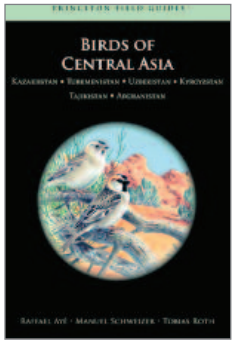
Rates (including breakfast) will be:
Thursday, Nov. 28 - $55
Friday, Nov. 29 - $60
Saturday, Nov. 30 - $60
Sunday, Dec. 1 - $55

If anyone requires a larger room for meetings or meet and greet, the dining room is available after 11 a.m.

For more information contact Claire Nelson
email: mcnelson@rogers.com

Book Reviews

Birds of Central Asia
(Kazakhstan, Turkmenistan, Uzbekistan, Kyrgyzstan, Tajikistan and Afghanistan)
2012. Raffael Ayé, Manuel Schweizer and Tobias Roth, Princeton University Press, Princeton, New Jersey, 08540. Softcover 336 pages. 39.50 US$.
ISBN: 978-0-691-15337



In keeping with Princeton University Press's recent guides, this book meets the high standard they've set — a quality book, with accurate information, complete and informative text and an attractive appearance. It tackles a part of the world with which I have little familiarity since most of these countries didn't even exist when I was growing up To help a bit for we old folks, the area covered is bounded by Russia to the north, China to the east, Pakistan/India to the south, Iran to the southwest and the Caspian Sea to the west.

This vast area is altitudinally lowest in the west, gradually increasing from sea level to over 4000 m in the Pamir region of the southeast. The climate is mostly arid, but significant rainfall (>1500 mm) falls in the Altai in the northeast. This of course leads to a great diversity of birds — 618 species of 79 families to be exact.

The now familiar format of the book leads off with introductory chapters on how to use the book, bird topography, taxonomy and nomenclature, geography and biogeography, biomes and habitats, bird focused organizations, and databases for recorded vocalizations. Each species account includes an excellent illustration of the species in at least one plumage and/or age class. This is augmented with information on field marks, plumage characteristics, voice, races and forms, similar species, geographical variation and habitat. A very clear map also accompanies each account.

The book ends with an odd insert on "old vagrant (pre-1950) undocumented records and doubtfully recorded records". This is an interesting analysis in that it puts to bed some old controversies but shows that claims had been made and it reminds readers that some historical records were validated even though the species has not been seen in over 60 years. The last entry in the book is a moult and aging guide to large raptors and gulls. I'm not sure why this is here except perhaps to illustrate that they have trouble with these complexes over there??? Personally I'm not sure how valuable these sections are as the gull one, for example, only speaks generally about four year gulls. The raptor insert is much more informative and compares families and species much more effectively.

The species accounts are very good and certainly will assist birders in identifying most of the species in the field. A few things jump out for me — why was only the grey morph of the gyrfalcon illustrated? Many authorities are now separating or considering separating the Great Egret and Cattle Egret into two species each. No mention is made of this in the text even though for most species the authors discuss races and forms. This would be a helpful addition to the book. The immature male Hen (Northern) Harrier looks nothing like any juvenile I've ever seen — perhaps they should call it a sub-adult and show a typical juvenile plumage in the plates. The painting of the Common Tern makes the bird look artificially dark, but the text contradicts and correctly describes it as white to pale grey on the breast. The old name, White-winged Black Tern is used for the White-winged Tern and the Rock Pigeon is called Rock Dove. The Winter Wren complex was recently separated into three species — the wrong common name is assigned to the Eurasian one pictured in the book. These aren't critical errors, but they illustrate that the authors should have made efforts to be more current in their analysis of the species covered. One other concern, which is not the fault of the authors, but is evident nonetheless, is the use of different names in Europe and Asia for birds known to westerners (*e.g.* goosander for merganser, skua instead of jaeger, diver for loon, etc.).

There are other errors of this ilk in the book, but by and large it is a great book that fills a gap in the ornithological literature covering a previously poorly covered region of the globe. Having seen this new guide from Princeton, I'm anxious to go and explore its avifauna. If you're going to travel to this part of the world, you will assuredly need this book

By Geoff Carpentier

For the Birds – Recollections and Ramblings
2013. Fred Helleiner. Willow Printing and Publishing Co., Brighton, Ontario. Softcover 71 pages. $20.00.

Like many of our readers, I have known Fred for decades, both from his days in Peterborough, where he was my neighbour, to his new role as my 'go to guy' at Presqu'ile, where he now makes his home. A friend and a mentor, I have immensely enjoyed the times we spent together. I am particularly pleased to see his newest work in the form of this small book of reminiscences of his evolution from a small boy in the 1940s, who hid his binoculars from others to avoid ridicule, to a top-notch birder well-respected in the birding community.

Fred's style is engaging and entertaining as he recites vignettes from his life ramblings starting in Toronto, where he met such notorious birders as R.L. Peterson, and studied under James Baillie, Hugh Halliday, Murray Speirs and Bruce Falls to mention a few. I loved his recollections of his first bird books, *Canadian Land Birds* and *Canadian Water Birds*, *Games Birds*, *Birds of Prey* by P.A. Taverner, where he says he didn't use the second book much as he was more enthralled with colourful "dickey birds" than ducks and such.

I can't share all of Fred's stories or there would be no reason for you to buy his book, but let me share a couple of recollections. Fred recounts the acquisition of the 1947 edition of Peterson's *A Field Guide to the Birds* and how he used to prop it up inside his school books so he could study the birds, while pretending to study his homework. No one was fooled by his antics as his classmates knew what he was

up to and constantly quizzed him on the birds. Wonder what his teacher's thought? Not surprisingly Fred still has that book, as he is known to keep things for a long time. One story that is not well recounted well in the book, but that should be, is the story of his bicycle. Everyone who knows Fred, knows his bicycle, but here's the story behind the story … Fred's wife, Lois, "rescued" his old bike from the Peterborough landfill almost five decades ago. The bike is pictured on page 27 of the book (the bike on the cover is not Fred's). He used it for 44 years almost daily to commute to work at Trent or to bird at Presqu'ile. Fred laments "The one I am now using is only a couple of months old, the previous one having been retired (a very sad day indeed) …".

I feel compelled to correct one error in the book, not out of vanity, but to ensure that the "official" record is maintained. On page 65, Fred credits Doug Sadler and Chris Risley as having "found" a Broad-billed Hummingbird in Haliburton County. This is not correct. In October 1989, Rick and Laurie Morgan of Peterborough County had contacted Doug to ask how they might help their lingering hummingbird survive at their home near Buckhorn. The description they offered suggested a Rufous Hummingbird, but after visiting the site and carefully studying it, Doug and I were able to identify it conclusively as a female Broad-billed Hummingbird. For a full recounting of this incredible little bird's sojourn in Ontario see *Ontario Birds* Vol. 8, No. 1.

But back to the book. Fred's story is not only entertaining, but also very important for his recounting documents the progression of not only one young birder in the province, but also the evolution of birding as we know it today. From the early roots when the Royal Ontario Museum sponsored its Saturday Morning Club to the myriad groups that support the hobby today, Fred tells an important story. I hope others will put their story to paper as well, as this is an important part of our history that is fading and will be gone unless we document it.

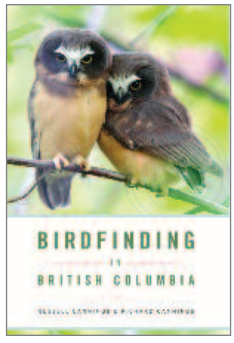
Fred has generously offered to donate all the proceeds of the book to the Friends of Presqu'ile's 25th Anniversary Environmental Fund. I encourage you to buy Fred's book for it is entertaining , important, and a great addition to Ontario's ornithological history.

By Geoff Carpentier

Birdfinding in British Columbia

2013. Russell Cannings and Richard Cannings. Greystone Books, Vancouver, BC softcover 466 pages. $29.95.
ISBN: 978-1-77100-003-1.

If I were thinking of going to British Columbia, whom would I choose to bird? Well, the Cannings of course (Richard and his son Russell) — so who better to write the definitive guide to where to bird in that province? I own a lot of "where to bird" books and was pleased to be asked to write this review, having birded in BC twice in the past. I appreciate what they have done, for as a travelling birder, this type of book is essential to the success of the journey.



The task the Cannings undertook was formidable and they relied on their own extensive experience and the knowledge of a host of observers, past and present, to bring the reader detailed information on all the "best of the best" birding sites in BC. Hosting approximately 526 species of birds and some of the best birding locales on the continent, interest is high for resident and visiting birders alike, so an accurate, current and complete guide was essential. The Cannings divided the province into 11 regions, focussing on the 17 ecosystems they identify in the book.

The book opens with a short natural history lesson about BC, a description of the ecosystems mentioned above and a walk through the year, showing the reader what to expect each month, from the 100,000 Dunlin in January at Boundary Bay to the anticipation of a "Big Day" in May to "flocks" of Yellow-billed Loons near Vancouver Island in October. The authors now move to a study of the 11 regions covered by the book — Vancouver Island, Lower Mainland and Sunshine Coast, Okanagan and Similkameen, Thompson, Nicola and Lillooet, Shuswap and Revelstoke, Kootenays, Rocky Mountain Parks, Cariboo-Chilcotin, Central BC, Northwest, and Northeast and Far North. Within each region, they define numerous key birding locales, providing information on how to get there and what one might expect to see. They don't promise the world, but rather offer realistic advice about what should be there in season. The text is supported with wonderful detailed maps and highlighted with gorgeous artwork by Donald Gunn. I was a bit surprised as I had to search for who did the artwork and finally found it on the copyright page. Don deserved better than that!

Now this is where I get stuck, for I don't really have enough experience birding in BC to critique the direction and summaries offered by the authors, so I'll simply say that the directions were clear and understandable as one works through the book. I'll leave the assessment of how accurate and complete the directions are to the users of the book. I visited the Lower Mainland and the Sunshine Coast a few years back and found some great hidden gems — Brandy Wine Falls, Grouse Mountain (not so hidden), Desolation Sound, Lion's Head, Bunsen Lake, Shannon Falls and more. I was disappointed that none of these is mentioned in the book, for they yielded spectacular landscapes and marvellous wildlife sightings, including my first Red-breasted Sapsucker. I'm not really as dismayed as I might seem for BC is a big place and almost anywhere one stops will reveal gorgeous panoramas and exciting wildlife encounters. I liked the fact that the authors led one from one spot to the next by offering transit routes between the sites where applicable.

The book closes with a partial annotated list of some of the "target" species of interest to travelling birders. Personally, I found this section wanting as little detail was offered and frequently the best time of year to see species was not presented. For example, under the heading "Black-footed Albatrosses and other tubenoses", it suggests you take a pelagic from Hecate Strait and Vancouver Island. It would be helpful if the authors had been more specific regarding from where pelagics leave and what times of year are best. I would have appreciated a checklist of all the species seen in BC with a comment (brief is okay) on their status, rarity and expected dates of appearance.

That said, certainly this is a "must have" for anyone visiting the province who wants to maximize their adventure with current up-to-date information.

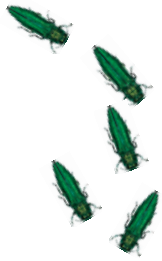
By Geoff Carpentier

Tunnels created by larvae, larva.
Canadian Food Inspection Agency

The Emerald Ash Borer

The larva of this invasive tree pest is a treat for some species of birds

By Roy John



Adult Emerald Ash Borers
(actual size)

RECENTLY I passed some sad-looking ash trees. As they were on the City of Ottawa property I was surprised they had not been chopped down. Since 2008 the city has implemented a campaign to remove or treat (with TreeAzin) any sick ash. The cause of this frenzy is a brilliant green beetle, the Emerald Ash Borer (*Agrilus planipennis*). This insect was first found in 2002, near Detroit. Since then, it has spread to 20 states, from New Hampshire to Kansas, from Minnesota to North Carolina, as well as about half of southern Ontario and the western edge of Quebec. It originated in Eastern Asia and Russia and it targets all *Fraxinus* ash trees (not Mountain Ash — *Sorbus* sp.). There are six species of *Fraxinus* in the east. By stopping the flow of nutrients just under the bark the bug's larvae kill the tree. Currently this pest has killed tens of millions of trees and it threatens some 7 billion more. This is a total disaster.

Or is it? The adults are about 8 by 2 mm and not much of a mouthful, but the mature, creamy white larvae, around 30 mm long, are a nice treat. Or so it appears to at least four species of birds — Downy, Hairy and Red-bellied Woodpeckers, plus the White-breasted Nuthatch. A recent study by two U.S. scientists, Andrew Liebhold and Walter Koenig, showed the population of these four species has increased in the Detroit area. They used data from Project Feeder Watch, which is a joint project of Cornell Laboratory of Ornithology and Bird Studies Canada. The counts take place at feeders from November through to April.

Citizen science volunteers contributed over 4.2 million hours of observation since 1987 and allowing the authors to estimate winter bird populations and long-term trends in bird distribution and abundance. The study focussed on bird populations in a zone 40 km west of Detroit, the site of the original infestation. Both the Red-bellied Woodpeckers and White-breasted Nuthatches increased, but populations of Downy and Hairy Woodpeckers initially declined, but later rose significantly. In addition to food, the borer's destruction has given these cavity-nesters an increase in nesting habitat with many more dead trees.

As there are some species that frequent southern Ontario, but are more scarce south of Detroit, it is likely we could see even greater "benefits". As an old cliche says "It's an ill wind that blows nobody good".

Thanks to Chip Weseloh for raising this issue.

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Nikon PhotoQuiz

Sponsored by Nikon Canada

By Willie D'Anna

This quiz will attempt to tackle the issues of a frequent identification problem. The photo shows a bird that seems very at home on the water.

Photo: Barry Cherriere

WE COULD GO THROUGH PLUMAGE and shape features to slowly but surely whittle away the many choices of waterbirds but for a little more fun, let us start with that striking bright red eye. Some of the rails and Purple Gallinule have similar eye color but they differ markedly in bill shape and plumage color. Among the ducks, Red-breasted Merganser, Canvasback, Cinnamon Teal, Garganey, and Wood Duck can have red eyes but all of them also differ strongly in bill shape and plumage. Similarly, White-faced Ibis and the Night-Herons can be ruled out. That leaves us with the loons and grebes. Loons have longer bills and longer bodies than the quiz bird so it cannot be one of them. Of the grebes with red eyes, Western and Clark's have much longer necks and are cleaner white on the foreneck. That leaves us with Horned and Eared Grebe.

In full winter or basic plumage, as well as in breeding or alternate plumage, these two species do not cause too many identification problems. It is when they are molting from one to the other that they can give birders all sorts of fits. Since the quiz bird has a yellow patch behind the eye but has no red in the plumage, it must be in a molting stage. As with most birds, knowing the shapes of these two grebes goes a long way to simplifying the identification process. First, the bill — thinner with a straight upper mandible and slightly upturned lower mandible on Eared Grebe; slightly thicker and more symmetrical on Horned Grebe. The head shape differs also with Eared having a peak closer to above the eye while Horned's peak is nearer to the back of the crown. While the latter feature usually works, some transitioning Eared Grebes can look very much like a Horned, with a peak closer to the rear of the crown.

It is tempting to try to use the yellow plumes behind the eye to identify this bird as an Eared

Grebe, as they do look kind of wispy and they are not forming the solid yellow patch of a Horned Grebe in full alternate plumage.

Combine this feature with the dusky auriculars and neck and many birders will not be able to resist calling this bird an Eared Grebe, a nice rarity in Ontario. However, we now have what I believe is the main reason for many misidentified grebes in the spring.

Let's go back to shape and look first at the bill. It seems quite symmetrical, like on a Horned, and unlike the shape on an Eared Grebe. The head shows a slight peak at the rear of the crown. This feature is also more like a Horned Grebe, although we should keep in mind my earlier warning about some molting Eared Grebes.

So, we now have two plumage features that seem to favor Eared Grebe and two shape features that seem to favor Horned. How does one break that tie and identify this bird? The answer to this question is in knowing that shape is much less variable than plumage. Excluding very young birds (on the order of a few weeks), whose bills may still be developing, bill shape does not vary much at all in these two species. In fact this feature alone is enough to call this bird a Horned Grebe. We have the additional supporting feature of the head shape, with a peak near the rear of the crown, plus one other field mark that I have not yet mentioned. Note the white tip on the bill. This feature is almost always shown by a Horned Grebe and almost never shown by an Eared.

I am very fond of these two species of grebes. They can be surprisingly confiding and are absolutely stunning in full breeding plumage. Horned Grebes in particular, especially with their puffed out head feathers, look so different from in their drab winter plumage. This lovely portrait of a molting **Horned Grebe** was taken by ***Barry Cherriere*** on 6 April 2012.

Horned Grebe is a common migrant through Ontario in all sorts of interesting transitional plumages, with birds occasionally found during winter on the Great Lakes and other large bodies of water. As a breeder, they are rare and confined to the northwestern parts of the province, close to the Manitoba border. Eared Grebe is a rare but regular migrant and winter visitor in the province. They breed even more rarely than Horned Grebe, with most records coming from the Rainy River District.

Editor's Note

The Last Eskimo Curlew

Eskimo Curlew *by Louis Agassiz Fuertes (1874 -1927)*

Edward Massiah, a well known birder in Barbados noted the last positive record of Eskimo Curlew was the female shot 4 Sept 1963 at Foster's Swamp (Barbados). The 4 Sept 2013 marked 50 years without any other proven sighting. There are no other reliable reports since the last verified sighting 24 March – 15 April 1962 from Galveston Texas.

A species not located in the wild in the last 50 years is considered to be extinct in practical terms.

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