

SOUTH SHORE SKIMMER



VOLUME 49, NUMBER 2 — SOUTH SHORE AUDUBON SOCIETY

OCTOBER 2018

NEXT MEETING

Dolores Rogers & Bill Belford

DATE: Tuesday, October 9, 2018
TIME: 7:30 P.M.
PLACE: Freeport Memorial Library
144 W. Merrick Rd. (at S. Ocean Ave.)
SPEAKER: Michael Farina
TOPIC: Our Changing Tidal Wetlands: What the Birds Are Telling Us

This month, Michael Farina, Conservation Biologist for the Town of Hempstead for over 18 years, will be discussing the changes to our coastal shores, local and afar, and how studies and observations involving tidal habitat birds are giving us an idea of what the future may hold.

He currently works at the Marine Nature Study Area in Oceanside, as a researcher and also as an educator sharing his knowledge with visitors and students of all levels. A recipient of SSAS's Elliott Kutner Conservation Award in 2014, he has provided many opportunities for young people and students to have hands-on involvement in the daily activities that are conducted at the Study Area; many participants continue their education into conservation and sustainability, with a few going on to careers in these fields. Join us for Michael's PowerPoint presentation to see his photos and learn about our wetlands.

Pre-Meeting Book Discussion. Arrive a half-hour early to participate in a discussion led by R. U. Abyrdar II (aka Paul Stessel) of the book that he and Sy Schiff reviewed in the previous *Skimmer*. This meeting's book is *Do Birds Have Knees* by Stephen Moss.

Parking Lots. In addition to the parking lot adjacent to the library, there's a lightly used, well-lit, and fairly close municipal lot on the east side of S. Ocean Ave., on the near side of the gas station that borders Sunrise Highway.

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•  IN ORDER TO MINIMIZE WASTE, PLEASE •
• BRING COFFEE MUGS TO OUR MEETINGS. •
• **SHADE-GROWN COFFEE PROTECTS RAINFORESTS!** •
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U.S. FISH AND WILDLIFE SERVICE PROPOSES RULES THAT WEAKEN THE ENDANGERED SPECIES ACT

Editor's note: As we were going to press, participants in Audubon's action network were sent a link to the editable sign-on letter to the U.S. FWS that's below; the comment deadline is/was Monday, September 24. Go to <https://action.audubon.org/signup/join-our-action-network> to receive future alerts and be heard; there probably will be a link to this alert at <https://www.audubon.org/take-action>. See https://www.fws.gov/news/ShowNews.cfm?ref=u.s.-fish-and-wildlife-service-and-noaa-fisheries-see-public-input-on-&_ID=36286 for their spin on what they're on the verge of approving.

I strongly urge you to reject proposed rule changes that would weaken the Endangered Species Act's (ESA) ability to conserve vulnerable birds and other wildlife.

The ESA has been a successful tool to protect and recover the most imperiled birds and other wildlife. It has prevented the extinction of 99% of listed species, while helping put these species on the path to recovery. While there are opportunities to simplify practices to achieve better and faster conservation outcomes, many of the proposed changes would only make it more difficult to protect and recover wildlife. I am particularly concerned about proposals that would no longer ensure protections for threatened species, allow reference to economic considerations in the listing process, and the changes to designating unoccupied critical habitat.

First, removing the blanket 4(d) rule risks leaving threatened species without protections, especially without any timelines for putting them in place, and it will likely increase conflicts while reducing conservation incentives. Second, allowing references to economic considerations during the listing and delisting process undermines the intent of the ESA, distracts from science-based decision making, and adds unnecessary analysis that redirects limited agency resources. Third, changes to critical habitat designations, such as those around unoccupied habitat,

JONES BEACH LEGAL SETTLEMENT PROVIDES SAFETY FOR ENDANGERED BIRDS

Editor's note: Here's the press release behind a local environmental story that received significant news coverage, followed by selected paragraphs from the settlement. Shortly after the 2016 lawsuit was filed, SSAS was invited to sign on, but our board narrowly decided to decline, partly because we would not have significant input in any settlement. Fortunately, the settlement looks like a good one for Jones Beach's birds. Unfortunately, cats will continue to be a problem in other state parks, an issue that has long been a focus for NY Audubon chapters and staff.

Based on a judicial order and settlement entered on August 6, the Piping Plovers that nest annually at Jones Beach State Park in New York will no longer face the risk of predation from feral cat colonies inside the park's boundaries. The plover, a small shorebird, is federally protected under the Endangered Species Act (ESA) as a threatened species in the Atlantic Coast region, and is listed as endangered under New York law.

A lawsuit filed by American Bird Conservancy (ABC) in March 2016 alleged a violation of the ESA based on a concern that New York State Parks was not doing enough to ensure that feral cats do not harm the protected Piping Plovers and their chicks. Subsequent discussions between ABC and New York State Parks led to a settlement that provides protection to the plovers from cat predation.

Under the order and settlement, the cats currently living in colonies at Jones Beach will be humanely trapped and removed from the park by the end of the year to a sanctuary where they will be cared for. If the cats cannot be humanely relocated immediately, a limited number of cats will temporarily remain in a fenced area at the park. State Parks has also agreed that any new cats found in the park will be trapped and removed so new cat colonies do not exist at the park in the future. The agreement means that the plovers and their chicks will no longer face the possibility of predation from cats.

"We are delighted to reach this agreement," said Mike Parr, President of American Bird Conservancy. "By removing the cat colonies, New York State Parks has ensured a much safer environment for the plovers to help them nest successfully in the future."

Rose Harvey, Commissioner, New York State Office of Parks, Recreation and Historic Preservation, said "Jones Beach State Park is simply not an appropriate place for stray or abandoned cats. We are pleased this agreement with American Bird Conservancy strikes a sensible balance between protecting the Piping Plover and relocating the feral cats that have been dropped off in the park in as humane a manner as possible."

"Cats make wonderful pets but harm wildlife when allowed to roam outdoors," said Grant Sizemore, Director of Invasive Species Programs at ABC. "Every year, cats

kill an estimated 2.4 billion birds in the U.S. alone. Feral cats, listed among the world's most harmful invasive species, are particularly problematic. As a result of this settlement, we're thrilled that the Piping Plovers at Jones Beach State Park will be better protected from feral cats."

State Parks is committed to maintaining a safe environment for the Piping Plover and regularly takes steps to protect their habitat, including pre-season fencing of plover nesting areas, signage, monitoring, exclosures on nests, public education and outreach, driving restrictions, and predator monitoring.

ABC was represented in the case by lawyers from the New York Office of Goodwin Procter.

Definitions: "Colony Cats" shall refer to twenty-three cats that, as of the date of this Stipulation and Order, are present at Field 10 of Jones Beach State Park and that have previously each been identified, as well as vaccinated, spayed or neutered, and ear-tipped. "Field 10 Contained Area" shall refer to the temporary construction and use of a fenced area... where the entry and exit of cats will be prevented.

State Parks will promptly remove in as humane a manner as possible all cats from JBSP by March 31, 2019, but to the extent that State Parks is unable to do so, it will utilize its best efforts to remove all cats as soon as is reasonably practicable thereafter, and will continue to provide for removal of any cats introduced to JBSP in the future, except as provided below with respect to the Colony Cats.

Starting December 31, 2018, and until all Colony Cats are removed from JBSP, State Parks will monitor Field 10 Contained Area on a weekly basis to ascertain whether any Colony Cats have escaped from, or any new cats have been added to, the Field 10 Contained Area. State Parks will remove from JBSP any new cats that have managed to enter the Field 10 Contained Area as soon as is reasonably possible. Likewise, State Parks will remove from JBSP any Colony Cats that escape the Field 10 Contained Area.

State Parks will put up signs and provide notice on its website stating that the dropping off or feeding of cats in JBSP is prohibited and will engage the NYS Park Police to assist in enforcing the prohibitions... State Parks will use reasonable efforts to advise cat advocates and affinity groups known to State Parks that it is prohibited for them to interact with the Colony Cats at any time and/or to enter the Field 10 Contained Area after it is constructed, except pursuant to a Volunteer Service Agreement with State Parks.

On December 31, 2018, and on a quarterly basis thereafter until all Colony Cats are removed from JBSP, State Parks will report to ABC on the number of the Colony Cats, escapes, additions, and any enforcement actions State Parks has undertaken during that quarterly period with respect to the presence of cats at JBSP.



PLUM ISLAND UPDATE

Michael Sperling

Our guest speaker last December, Louise Harrison of Save the Sound, did a program about 843-acre Plum Island, a federally owned, Audubon-designated Important Bird Area located less than a mile east of Long Island’s North Fork that is 80% undeveloped and houses the Animal Disease Center that is in the process of being superseded by a new facility in Kansas. In 2010, SSAS and Long Island’s other Audubon chapters were founding members of the Coalition to Preserve Plum Island (www.preserveplumisland.org), which now has over 100 organizations. Here’s what’s happened so far this year.

In January, Connecticut Fund for the Environment/Save the Sound reported the following: “A federal district court judge has ruled that our lawsuit over the potential sale of Plum Island can go forward. CFE/Save the Sound and six other organizations and individuals [including Soundkeeper, Inc.; Peconic Baykeeper; Group for the East End; and Long Island’s John Turner — ed.] filed suit against the Department of Homeland Security and General Services Administration (GSA) in July 2016. We argued that in their pursuit of auctioning the federally owned Plum Island to the highest bidder, the agencies violated multiple federal laws by failing to adequately consider the environmental impact of such a sale. Homeland Security and GSA tried to get the lawsuit dismissed. But late last week, Judge Denis Hurley of the Eastern District of New York rejected each one of the agencies’ arguments. The suit will go forward — and we’ll be able to speak up for the rights of the threatened wildlife that call Plum Island home and people like you who value natural beauty, fishing, and history.”

In February, the Coalition started a letter-writing campaign to NY Governor Andrew Cuomo: “I am writing to urge that you use your powers to block the sale of Plum Island by the federal government to the highest bidder. The island is magnificent for its wildlife, unique habitats, historic structures, and its top-notch research laboratory, and I do not want to see these resources lost to the bulldozers of a private developer. All of our elected officials on Long Island and in the region feel the same way too. And that’s why our U.S. Senators and Representatives from New York have cosponsored legislation in Congress to halt the sale of the island. But that legislation is mired in Washington, DC, gridlock. Please step in now and say ‘no’ to the sale of Plum Island. Time is running out. I would like to see a brighter and smarter vision for the future of the island — one that preserves precious New York landscape and history, endangered wildlife, and good quality jobs.”

In May, the Coalition’s Steering Committee drafted a new letter to Governor Cuomo; SSAS signed on. According to Louise Harrison, “there hasn’t been a direct response from his office” as of early September.

In June, Save the Sound’s Plum Island Newsletter reported that “Recently we were informed that several organizations had been contacted by the Department of Homeland Security and told that their long-planned tours of the island had been  cancelled. Additionally, after years of coordinating  bird counts on Plum Island, Audubon New York was informed they could no longer monitor this Important Bird Area and The Nature Conservancy was told that their planned archaeological mapping studies could no longer move forward. The public relations officer for Plum Island shared that ‘headquarters had made the policy change’ and he could not go into details. Save the Sound is talking with elected officials about possible responses to this denial of public access and research.”

On August 10, Save the Sound reported good news: “The U.S. General Services Administration announced today that it intends to prepare a Supplemental Environmental Impact Statement for the sale of Plum Island, New York. The scoping process will likely begin next year, and the new statement will result in a new record of decision that supersedes the decision issued in 2013. The agencies also stated that they anticipate addressing requirements of the Endangered Species Act and the Coastal Zone Management Act. Any sale of the island would now occur no earlier than 2023, they predict.” More info is at <http://www.ctenvironment.org/2018/08/10/new-plum-island-seis-announcement/>.



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NEW BIRD STAMPS

The U.S. Postal Service is scheduled to release “Birds in Winter” booklets on September 22, with drawings of Black-capped Chickadee, Northern Cardinal, Blue Jay, and Red-bellied Woodpecker (five stamps per species; all four visit SSAS backyards).



SSAS Post Office Statement — *South Shore Skimmer* is published monthly from September through December and February through May  by South Shore Audubon Society, P.O. Box 31, Freeport, NY 11520-0031.

