

# Chip Notes

NEWS AND VIEWS FROM THE BIRDS OF VERMONT MUSEUM  
Volume 32

Late Spring 2018



## 100 YEARS OF THE MIGRATORY BIRD TREATY ACT

The *Migratory Bird Treaty Act (MBTA)* of 1918, one of our nation's oldest conservation laws, was passed 100 years ago this year.

The passage of the MBTA followed at least two decades of work. Some say this dedication to bird conservation started with two Massachusetts women who were concerned about the numbers of birds being killed for use in "fashion", especially in millinery. Bird feathers—and even body parts—adorned ladies hats. By 1896, populations of many species had deeply declined, due to this demand and other unregulated hunting. By 1896, fewer than 5000 egrets nested in the United States; terns had been entirely extirpated from southernmost New England; and passenger pigeons would be completely gone from the wild in the next 4 years.

However, in Boston, the Massachusetts Audubon Society formed to protect birds. They raised

conservation awareness. Over the next decades, Massachusetts lawmakers passed early conservation laws. As more citizens became aware of the need to protect birds, lawmakers in Washington, DC, finally took up the cause. In 1916, the US formed a Convention with Great Britain to protect migratory birds in the US and Canada.

Two years later, Congress passed the MBTA, turning the Convention into federal law. This made it "*unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, ... any migratory bird, any part, nest, or egg of any such bird...*" (16 USC 703) The Secretary of the Interior was authorized to issue exceptions (16 USC 704). In the past century, these included exceptions for game birds during a regulated hunting season, certain acts of development, and military practices.

In later years, Mexico, Japan, and the USSR (now Russia) joined the Convention. As of 2018, more than 1000 species are protected under this law.

The Act has not been without controversy and legal challenges, and has been amended several times. Not all changes to the law's protections have been enacted by Congress. In December 2017 and April 2018, the current administration greatly weakened the MBTA by issuing opinions and memos stating the Act does *not* outlaw "incidental take." This interpretation means individuals and corporations will not be held accountable for migratory bird mortality as long as the purpose of their actions was not intentional pursuit, hunting, or killing.

In the past, if birds, nests, or eggs were destroyed, whether by foreseeable and avoidable activities, such as leaving oil-field evaporation ponds uncovered or developing land during breeding season, or by unforeseen events, such as oil spills, fines could be levied, creating an incentive to use best management practices that reduce bird mortality. This incentive seems to be removed, thus diminishing the ability to prosecute and issue fines.



Feathery Elegance

Cat McKeen's photograph of a Snowy Egret, one of the species protected by the Migratory Bird Treaty Act, is part of our 2018 art show Common Grounds.

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## THE CARVER'S DAUGHTER

### *Part 15: My Father the Activist*

I recently read *The Green Mountain Audubon Society and the Greening of Vermont* by Frederic O. Sargent, and I was astounded to find that my father had been one of the leading environmental activists in Vermont in the 1960s and 70s. I'd thought everyone's father went to meetings all the time. Suddenly, I understood what the non-stop stream of people who paraded through our living room and down into my father's den were doing there. They usually arrived as we were finishing dinner (my family ate together every night no matter what, and the TV was off). They would say hi, my father would introduce me if I hadn't met them, and then he would say goodnight and disappear with them into his den. After my mother put me to bed, she joined them, and I would fall asleep to the sounds of voices and rustling papers, sometimes waking if the conversation got loud. Then someone would say, "Kari Jo is sleeping," and the voices would get soft again.

It was strange to read their names in the book, names I hadn't thought of for years, names of people who had been activists and naturalists and teachers and artists and writers. Names of people who had given their evenings and weekends and money to make Vermont into the state it is today. Because of them, Camel's Hump will be forever unblemished by ski trails and roads, Victory Bog is still a bog, there is an Audubon Nature Center in Huntington, and countless other places are still green.

I did not know that my father once waged an editorial war with a Vermont senator and publicly opposed the governor about saving a bog in the Northeast Kingdom. And won.

I did know that he bought a mimeograph machine and kept it in his den, the same room where he carved his chickadees and had his activist meetings. I thought it was the coolest machine ever, the way it took blank paper in one end and spat it out the other side covered in words. I couldn't read them, but I loved its rhythmical thumping that shook the floor around it, and I loved the sound of the drum rotating, and I really loved the little lever that my father would slide up and down to make the print darker or lighter. Sometimes he would let me slide the lever for him.

Once at school, I pointed out a mimeograph machine to my teacher and told her we had one in our den. She gently said that no, they were very expensive and only people



*Bob Spear on top of Camel's Hump in 2005  
Camel's Hump is Vermont's highest undeveloped peak, thanks in part to Bob and others who worked to preserve it from development.*

who needed to make many copies of something had them. I insisted that my father had one. She asked what he did for a living, and I proudly said he was a naturalist. She said, "Yes, dear," and patted my head a little worriedly.

Then I wondered why, the next day, my father handed me a stack of brochures to give to my teacher. "She said she would distribute them for me," he said. "They're for one of our day camps. We had a nice chat on the phone last night."

I did my share of distributing brochures, too. My father and his activist team jumped into action when Burlington was deciding whether or not to build the Burlington Beltline, a road to connect the North End to the rest of the city, bypassing North Avenue. I remember being dragged on a hike through wetlands that were about to be destroyed as my father sought to educate voters about the not ecologically friendly decision they were being asked to make. One of his strategies involved leaving brochures at houses all up and down North Avenue and in the developments nearby. One warm evening, my parents and I walked through our assigned area, talking to people out mowing their lawns, sitting on their porches, or riding by on their bikes. We rang doorbells. Sometimes doors

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## VOLUNTEERS

If you haven't visited the Museum lately, make 2018 your year to return! Volunteers help us improve inside and out.

Our reliance on volunteers ready and willing to lend a hand is a daily reality. In addition to spring and fall workdays, we encourage helpers to join us whenever they have time. Together we can accomplish a lot! In 2017, *over 1200 hours* were dedicated to focused effort on Museum maintenance and projects.

We greatly appreciate the volunteers who oversee our attendance records and annual inventory, organize spaces and reimagine learning places, help update and prepare letters to libraries, join in mailing bursts, post publicity flyers on bulletin boards or FPF, survey birds for citizen science records, input bird data and update bird information cards, present programs or deliver displays, and serve as enthusiastic docents.

On the trails, we praise the clipper- and chainsaw-wielding volunteers who maintain the nature and hiking trails, makers of trail markers and signage, the bridge beautifiers, garden-loving planters, waterers, and weeders, the compost-pilers and the invasives revilers, shed cleaners, dump-runners, and experts leading bird walks. We laud our youth workers who clear undergrowth, stack wood, haul and spread mulch, create bee lodges and shape seed balls for planting, organize office spaces and engage with visitors.



Cheers too for volunteers participating at off-site events such as the Vermont Flower Show, Dead Creek Wildlife Festival, the Richmond Holiday Market, and holiday giftwrapping at Barnes and Noble. These activities enable us to broaden the Museum's reach and promote our mission, while earning revenue for the Museum through gift sales and fundraising.

Gratitude goes to our Board members who share time, talent, wisdom, and laughs, as they affirm Bob Spear's vision with their dedication and support. Come see what's new; take time to explore...*and help us do more.* Our volunteers are *for the birds!*



### *Trail Report*

**Magnus Stien** returned this spring and seemed inexhaustible in his continuing work on the trails. Spending more than 70 hours of his time, he has crafted trail markers, installed signs, built boardwalks, and marked trails. His work can also be seen nearer the Museum, as he also built and installed new garden and parking lot signs.

**Magnus, Erny Palola, Brian Werneke, Bill Mayville, and John Gergely** all pitched in to help clean up the huge number of trees that fell in the late October 2017 storm.

We are currently working with **Steve Hagenbuch** to complete our Forestry Management plan and to create new trail maps.

## SUMMER EXCITEMENT

### COMMON GROUNDS

*art for 100 years of the Migratory Bird Treaty Act and its conservation consequences*



*Daily, May 1 – Oct 31*

Experience over 40 bird-focused artworks connecting the themes of commonality, conservation, migration, and coordination among peoples, species, places, and time.

*Included with admission*

Imaginary Bird  
woodcarving by Don Perdue

### BIRD MONITORING WALKS

*Last Saturdays, June 30, July 28, Aug 25 • 7:30 – 9:00am*

All birders welcome on the monthly monitoring walk, outdoors on the Museum's trails, through forest and meadow. We often have coffee afterwards, indoors at our viewing window. Please bring your own binoculars.

*Free, donations welcome*

### EARLY BIRDER MORNING WALKS

*Sundays, June 3, 10, 17 and 24 • 7:00 – 9:00am*

Enjoy the start of the day with us, birds, and other woodland inhabitants. Walks are led by experienced birders. Come to several walks to hear the changes in who calls and when! Finish the walk with bird-friendly coffee at the viewing window inside the Museum. Bring binoculars, good walking shoes and bug spray/tick repellent.

*Free, donations welcome*

### NESTLINGS FIND NATURE :

#### **Resourceful Birds**

*Second & Fourth Tuesdays, May – October • 10:30 – 11:30am*

What can we learn from birds? How do birds use the natural resources around them to meet their needs? Outside and inside, we explore, build, and create, using the same resources birds do.

For pre-K to first-graders

*Included with admission*



### BOBCAT CARVING WORKSHOP

*with David Tuttle*

*Saturday, June 9 • 9:30am – 3:30pm*

Carve and paint a small Bobcat. Wood blank, eyes, paint, snacks, and coffee provided. Bring your own tools and gloves if you have them; if you don't, let us know. Please bring your lunch. No carving experience necessary.



*\$30 for Museum and GMWC members • \$40 for everyone else • Please pre-register*

### JEWELS OF ECUADOR with Hank Kaestner

*Thursday, June 14 • 6:30 – 8:00pm*

What happened when Hank Kaestner and his brother, Peter, spent ten days in Ecuador, chasing after birds? Begin in the hot, humid western (Pacific coast) slopes of the Andes, then follow their adventures up over the top ridge of the Andes (14,000 feet), finally down the eastern (Amazon) slope. The brothers will see almost 400 species of birds, among them the jewels of Ecuador, some of the most beautiful birds in the world.

*Suggested donation \$10 • refreshments*

### A WALK IN THE WOODS :

**Wildlife Tracking with Mike Kessler**

*Third Sundays, June 17, July 15, Aug 19 & more • 1 – 3pm*

Journey into the ancient art of tracking; explore the Museum's diverse landscape; discover and become a part of the inexhaustible stories of the wildlife that live and play around us.

*Included with admission*

### ANNUAL BUTTERFLY and BUG WALK

*Saturday, July 8 • 10:00am – 12:00pm*

Experience Vermont's butterflies and insects up close! Join Vermont Entomological Society naturalists and entomologists for an exploratory stroll on the Birds of Vermont Museum grounds. Bring binoculars, magnifying glass, and an insect net if you have one. Pack a lunch if you would like to picnic after the walk.

*Free! (Donations welcome)*

All events are at the Birds of Vermont Museum unless noted otherwise.

Check our website for updates and additions:  
<http://www.birdsofvermont.org/events>

**RECEPTION for COMMON GROUNDS***Thursday, July 19 • 3:00 – 5:00pm*

Visit with artists and conservationists at our reception for this year's art-of-birds exhibit: Common Grounds. Admire the art, bring home a print or card or original, and get inspired.

*Donations welcome • refreshments*

**PENGUINS and PUMAS, PLOVERS and PELICANS, PLANT-CUTTERS and PARAKEETS: CHILE HAS IT ALL with Shirley Johnson**

*Thursday, July 26, 2018 • 6:30 – 8:00pm*

Shirley Johnson will share photos and more about the birds she and her husband saw on their November 2017 trip to Chile, where they traveled from Santiago to Tierra del Fuego.

*Suggested donation \$10 • refreshments*

**COCOA, COFFEE, BIRDS: a Conservation Conversation**

*Wednesday, August 22 • 6:00 – 8:00pm**Milton Public Library, Milton, Vermont*

What's going on in coffee and chocolate habitats that affects birds? What can we do to help birds through our coffee and chocolate habits?

*Free, donations to the Library welcome*

***Taking better photos***

This spring we held two programs on nature photography. **Bryan Pfeiffer** taught a class on camera basics and **Peter Riley** led a workshop on knowing your subject for better photos.

They both have offered to come back late summer or fall! We aren't sure of dates as of this printing but we know they fill fast. Want an alert when they are scheduled? *Please call or email us!*



*Copyright Peter Riley*

***The Carver's Daughter*** *continued from page 2*

were slammed in our faces. After one of those, my mother said, "I think that would have been worse if Kari Jo wasn't here."

That gave my father an idea. The next house looked a little like the last one. It had dog poop on the lawn, which wasn't mowed, and the swing on the porch was broken. "Let's let Kari Jo ring the doorbell," my father said. "We'll just wait on the steps."

My mother protested, but my father won, and I got sent across the porch to ring the doorbell alone. When a gruff-looking man in a dirty shirt opened the door, I smiled, held out my brochure, and said the important bits of what I'd been hearing my father say. "Save the ducks, please. Don't build the road."

The guy looked down at me like he didn't know what to do. Then he took the brochure and said, "Okay, kid. Thanks." And went back inside.

After that, I got sent to a lot of houses alone.

In the end, though, the Beltline was built, and so was the Northern Connector a few years later, and after that, the Circumferential Highway, at least part of it. But Williston never got its Pyramid Mall, though Walmart and friends grew up there later. No, my father and the other activists didn't save everything they tried to. But they sure were a voice in the politics of progress that threatened the greenness of our state.

And being armed with a six-year-old activist toting brochures gave them a big advantage, of course.

— *Kari Jo Spear* 

**Kari Jo Spear**, daughter of Bob Spear, is a blogger and author of young adult novels. She can be found online at <http://karijospear.blogspot.com/>

Earlier stories in the *Carver's Daughter* series are on our blog, at <https://bovm.wordpress.com/tag/carvers-daughter>

## **100 Years of the MBTA** *continued from page 1*

This change has not gone unnoticed by conservationists. Seventeen former Department of Interior officials, from both Republican and Democratic administrations, opposed this action, and stated in a letter to the Interior Secretary that “This legal opinion is contrary to the long-standing interpretation by every administration (Republican and Democrat) since at least the 1970’s, who held that the Migratory Bird Treaty Act strictly prohibits the unregulated killing of birds.” In May 2018 a coalition of national environmental groups filed a lawsuit to challenge the reduced protections for waterfowl, raptors, and songbirds.

Wanting to celebrate conservation history, raise awareness of the importance of working together for conservation, and connect each of us to birds through art, the Museum selected *Common Grounds: Art for 100*



Arctic Tern by Corinna Thurston

### ***We owe a special thanks to***

- » Anne Dannenberg
- » Bill and Mae Mayville,  
Shirley Johnson, and  
Tom Jiamachillo
- » Bryan Pfeiffer
- » Christopher Lewis,  
Shirley and Bob Johnson,  
Julie and Shane Riddle,  
Erny and Darlene Palola,  
Brenda Waters, Lori  
Hinrichsen, Ethan Bou-  
tin, Luke, Grace Nelson,  
Lauren, Haleigh, and  
Leslie Bostwick, John  
Gergely, Rita Sloan, and  
Van Talmage
- » David Sunshine
- » Ingrid and Graeme Rhind
- » Jane Vossler
- » Kate Schubart
- » Louanne Nielsen, Dick  
Affolter, and Deb Miller
- » Lynn Gavin
- » Maeve Kim and Bernie  
Paquette
- » Magnus Stien
- » Mike Kessler
- » Northeast Delta Dental  
and Jeff Landa
- » Peter Riley
- » Premila Peters
- » the Green Mountain  
Wood Carvers

*years of the Migratory Bird Treaty Act* for the theme of our 2018 art show. In conjunction with this, Allison Gergely, Museum Educator, created a timeline of bird conservation and the MBTA, which is on display with the art show. Of course, it cannot predict what comes next.

With respect to conservation, art, celebrating birds and protecting the laws that protect them, what future will we choose and build together?



### ***Go Further: more on the MBTA***

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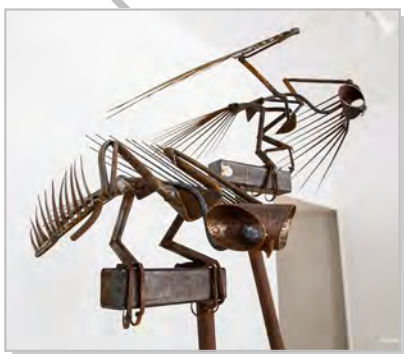
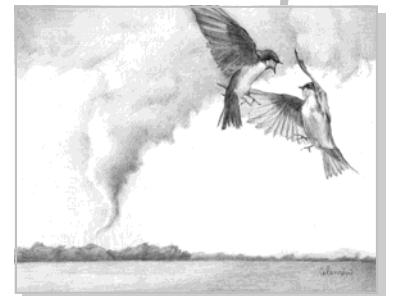
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## COMMON GROUNDS : art for 100 years of the Migratory Bird Treaty Act and its conservation consequences

Birds link us. We need the same things: food, water, air, places to live. We humans have sometimes used laws to protect those needs we have in common. In 1918, the US Congress put into place the Migratory Bird Treaty Act—one of the first laws setting limits on what we could and could not do specifically with respect to migratory birds. Since then, we've asked new questions, discovered new ramifications, and come to new understandings about what the work of conservation entails. In order for the Migratory Bird Treaty Act to be successful, people have to work together across geographic, political, socioeconomic, and ecological boundaries. We need to find—or create—common ground. *What does that look like? This, and more.*



Clockwise from top: Watchful Eyes (Phil Laughlin), You Cannot Shake Hands with a Clenched Fist (Carol McDowell), Blackburnian Warbler (Maina Handmaker), The Tornado (Teresa Celemin), Winter Destinations of Boreal Landbirds (detail) (Lori Hinrichsen), Hands (Andrew Keim), Skeletons of Ecology (Eben Markowski), Proud Bird (Janet Cathey), A Hat is No Home (Amy Alfieri).

**Birds of Vermont Museum**  
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[www.birdsofvermont.org](http://www.birdsofvermont.org)

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### SAVE THE DATES

June 9 Bobcat Woodcarving workshop  
June 14 Jewels of Ecuador  
June 17 Wildlife Tracking  
July 8 Butterfly Walk  
July 19 *Common Grounds* reception  
July 26 Chile Has It All

*Sundays through June* Early Birders Morning Walks  
*Last Saturdays* Bird Monitoring Walks  
*2nd & 4th Tuesdays* Nestlings Find Nature

Details inside and on our website! To register,  
call (802) 434-2167 or email [museum@birdsofvermont.org](mailto:museum@birdsofvermont.org)

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*Newsletter supported in part by*

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Museum is to provide education, to nurture an  
appreciation of the environment, and  
to study birds and their habitats using  
woodcarvings and other Museum resources.*