

Memories - Quivira Trip - July 2016 - Doris Burnett and Clyde Ferguson



Next year is NFHAS 50 anniversary. Any ideas? Current and past members please contribute your memories. We invite and encourage you to send photos, notes, and memories to Cindy Jeffrey, 15850 Galilee Rd. Olsburg, KS 66520 or cinraney@ksu.edu, for a special addition of the Prairie Falcon in 2021.

OF INTEREST: The Myth of John James Audubon - The National Audubon Society's namesake looms large, like his celebrated bird paintings. But he also enslaved people and held white supremacist views, reflecting ethical failings that it is time to bring to the fore. <https://www.audubon.org/news/the-myth-john-james-audubon>

Northern Flint Hills Audubon Society,
P.O. Box 1932, Manhattan, KS 66505-1932



prairie falcon

Northern Flint Hills Audubon Society Newsletter

Vol. 49, No. 1, September 2020

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Upcoming Events

- Sept. 1 - TUESDAY Board Meeting - 6:00 pm,
At the Alsop sanctuary
- Sept. 12 - Sat. morning Birding 8 am,
Depart Sojourner Truth Park.
(physical distancing will be maintained)
- Oct. 6 - TUESDAY Board Meeting - 6:00 pm,
At the Alsop sanctuary



Skylight plus

Pete Cohen

Human nature has been a part of nature as a whole for a long, long time, producing innumerable and varied interactions, some instantaneous, some more prolonged and one in particular caught my intention this summer. One commentator noted its roots go back about 60 million years, to before the advent of humans, but this anecdote has been going on for about 15 years. Because I can't know the knowledge or attitudes of the humans involved I'll refer to them randomly as First Party and Second Party; it is the situation *per se* that I feel worth the considerations it provokes.

In 2005 First Party sold to Second Party a ranch upon which Second Party had been employed for some time by the father of First Party. Second party acquired all the surface rights and one third of the mineral rights. First Party consists of two brothers each of whom reserved a third of the mineral rights. In 2006 a third party entered the picture, by request or invitation I don't know, but he located on the ranch several notable fossils of the dinosaur era. Such finds in eastern Montana have not been surprising since the fossil hunting craze of the late 1800s, yet there can be a market for some reaching into the millions of dollars.

Part of human nature being what it is, ownership of the fossils (were they minerals?) became, so to speak, bones of contention, and because the remains of two T.Rexs are intermingled in a way suggesting that they perhaps died in battle, the case has become known as that of the "Dueling Dinosaurs". In succession, four courts have been called upon to deal with that word "mineral", with the entire Montana state legislature joining in voluntarily.

So what in nature, by human regard, is a mineral? Montana's statutes seemed to include contradictory references. A geologist's answer might differ from an economist's, and both from a dictionary's. Expert testimony differed on what substance the ancient bones at issue had been transformed into. In citations from cases from North Dakota to Texas a common thread of judicial opinion was that a mineral was "whatever was commonly and ordinarily considered as such under the relevant circumstances".

For example, in a Texas case involving a dispute over what rights several legatees had received (Hernatz v. Allen, 1949), the court distinguished between limestone having a special consistency making it usable for making Portland cement, and limestone useful only for building, considering the specially valuable former as therefore a mineral and thereby included in mineral rights, while the less special limestone was thus simply a non-mineral part of the surface rights. (I wonder how that ruling would apply in the Flint Hills where some limestone has an enhanced value because it is suitable for building while other deposits are not.)

Because of residence diversity this Montana case was heard in the 9th federal circuit. The single trial judge found for Party B, the ranch's new owners, reasoning that the value of the fossils was due to their identity, not their composition, therefore they should be included in the surface rights. An appeal by Party A to a three-judge panel of the circuit resulted in a 2-1 reversal, then Party B's appeal was taken up by the full circuit (minus several recusers), which took advantage of an opportunity to certify the case to the Montana Supreme Court for its opinion. Meanwhile the state legislature, unanimously in both branches, enacted a law stating that fossils found in the Montana were henceforward to be part of surface rights. This had no direct bearing on the case at bar, though the state Supreme Court agreed, with much less enthusiasm, rendering a 4-3 opinion in favor of Party B. And the last I've read is that the full 9th circuit has rendered a judgment for Party B. It can be found as Murray v. BEJ Minerals.

Meanwhile, while whatever in nature constitutes a mineral here on Earth remains obscure, we are told that there is a great deal of indisputably mineral matter high overhead in space, some of it sparkling through our nights. Since gas can be considered a mineral that would include the likes of Jupiter and Saturn. When some mineral matter comes to Earth as a meteorite in the U.S. and Canada, I understand it is part of the surface rights to the land upon which it rests, though certain restrictions may apply.

As to Jupiter and Saturn they will keep getting brightly (though Jupiter the more so) closer and closer to each other in Sagittarius through the evenings past midnight through September, while Mars puts on a shine to match Jupiter's and rises mid-evening in Pisces. It will thus be floating amid the sky's "south sea", that area containing the "watery" constellations of Capricorn, the Sea-goat, that's just behind Sagittarius and ahead of Aquarius, the Water-bearer, that moves ahead of Cetus, the Whale, (below Pisces), which is ahead of the long loop of Eridanus, the River, that will begin to show a little past midnight.

Mars will be within hailing distance of the Moon the 4th and 5th, then on the 13th Venus will be below the Moon which will be below Pollux and Castor the twins of Gemini, forming with them a line of three. The Moon will make dawn visits with Taurus' star Aldebaran the 9th, and Scorpius' Antares the 21st-22nd, before joining the Jupiter-Saturn party the 25th and 26th. Autumn arrives at 8a31 the 22nd, with the Moon full at 12a22 the 2nd, and new at 6 am the 17th.

Further information from internet sources has it that the "Dueling Dinosaurs" were appraised at 7 to 9 million dollars and were put for auction in New York, drawing a 5.5 million offer, which was below the 6 million reserve figure. Where they are "dueling" now is as unknown to me as is the definition of what in nature is a mineral. The case can be found as Murray v. BEJ Minerals.

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Walking the dirt road in early morning we stay in the shade of the overhanging limbs, anticipating the rising up of creek-chilled air to the east. A steep, deep ravine cups the creek that twists and winds from the southwest, our land, to northeast, our neighbors' land. Its banks are held by deep-rooted trees: walnut, hickory, hackberry, oak. Here in these woods I saw, or at least identified, my first blue-grey gnatcatchers, a host of them that flitted fitfully between the branches. Sibley describes them as possessing "a relatively bright, clean color," and they did appear freshly bathed in the leaf-scattered light. Their nests are supposedly "exquisite" - cup shaped and composed of spider web, plant down (assuming this is the fuzz that grows on the stems, leaves and flowers of some plants) and lichen (Audubon's Field Guide to Birds' Nests) and hard to find.

A hummingbird (?) nest discovered in the grass near a rough-leaved dogwood shares a similar description, except the body of its cup is woven dried grass fibers to which are lichen flakes stuck like tiny pale green scabs. In comparing photos and descriptions, especially dimensions of the two, it is difficult to tell them apart. The gnatcatcher's nest sometimes is lined partially with feathers: we find three in this one. Its bottom is rent: the gnatcatcher sometimes recycles old nest materials in constructing a new one. So, is it a hummingbird's? Or the gnatcatcher's? How long a time and how many trips back and forth must it take to construct such an architectural marvel.

The warming road beyond the shade had drawn to it a rough green snake who must have lingered too long the previous day, as it lay curled upon itself, its head centered and eyes wide open, dead from who knows what, perhaps a rampaging ATV or pickup. A relative of it used to like to hang out on my webbed lawn chair and I had to look twice to make sure it was not there when I sat down. It liked to climb up the outside of the kitchen chimney and gave a workman laying roof shingles quite a start one day: he nearly fell off the ladder. When we took down the chimney it found more suitable digs to slither to.

Days later my husband found in the middle of this same road a slender glass lizard who rode in his pocket back to the house so I could positively identify and photograph it. It was indeed pencil-thin, smooth as amber-hued satin, with delicately drawn dark lines along its length. Its rear end was truncated, lost perhaps in its lucky escape from a hungry mouth.

Cool Near Water

Dru Clarke



Slender Glass lizard

Either side of the road, unmown fields are blanketed with daisy fleabane, and its subtle scent comes in small bursts as the breeze moves it along. The flower is so thick that it appears a light snow has fallen over these grassy reaches. The native prairie is spiked with tall stems of tuberous Indian plantain – you'd think there would be a better common name for it – but its statuesque profile helps to overlook that affront. Never have we seen such exuberant growth of this plant. We vow to rename it as it deserves something more lyrical. Both love the sun, and the sun, them. Each responding to the other, as it should be.

So, the reptiles, too, seek the sun, and we, the shade. As the road levels, then dips into the hollow where the big creek flows, the currents of air drift upward, cool and welcome to our warm bloodedness.

A rest on a slab of limestone next to the creek chills my bottom and thighs. Once warmed by the sun as it moves overhead, the stone will retain that heat far into the night, changing the temperature and the feel of the near air.

At a nearby crossing stabilized by chunks of broken limestone, hackberry butterflies congregate, sipping the mineralized water that seeps between the rubble. They come, too, to sup on the stones of our century and a half old rock house, especially after a soaking rain.

Summer finds us seeking coolness but in the search, we find, too, what responds to the warmth: the plants and the animals who revel in sunlight. We used to be drawn to beaches where sea breezes and the ocean offered relief from the relentless sun. Here, we are fortunate to be able to walk a tree-shaded road, near open, sunlit pastures of those plants and animals, to be cool near water.

© 2020 Dru Clarke, June 2020



Two Boats and a Bird

Jane P. Marshall

He stood regal, prehistoric, colossal. I swear he winked at us.

The shoebill. My sister was gasping; her target bird on this 16-day birding trip in Uganda. He was almost close enough to touch.

We were lucky, the local guide said as the boatman guided the canoe through the swampy shores of Lake Victoria. It was raining. Shoebills liked to fish in the rain. As if on cue, the 4-foot tall bird dipped into the water, grabbed a big fish and swallowed it.

The shoebill was drenched; he didn't seem to mind. We were drenched; we did mind. Our plane left in a few hours and thoughts of flying 30 hours with a head cold left us panicked

But the worst was ahead.

Shoebills (yes, more than one) spotted, photographed and appropriately admired, we headed out of the grasses to meet a larger motorboat that would take us across the lake and back to Entebbe.

We had squeezed this 2-boat excursion specifically to see the shoebill into the final hours of our exhausting yet exhilarating journey half way around the world. We were about to return to reality and, although we didn't know it, to a world about to be paralyzed by a pandemic.

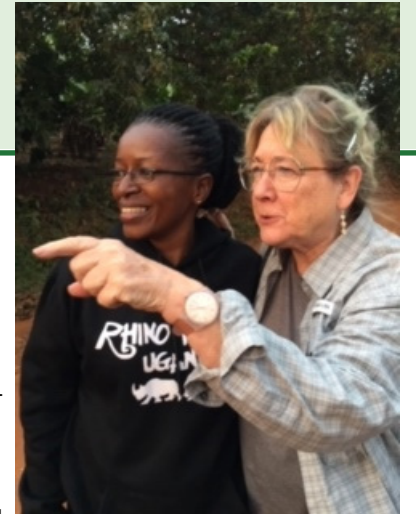
Rain became more insistent. We huddled, shivering under our jackets, meager rain ponchos and two umbrellas for the six of us, trying to protect binoculars, passports and camera equipment. We bumped along over the whitecaps.

Then we didn't.

The young boatman tried again and again to restart the motor. He was out of gas. We could see and feel rain sheeting around us. We were wet and cold and worried and far from land. When the boatman took off his bright life jacket, stood at the bow and started waving it, we tried to stay calm. Magada Miriam, owner of the tour company who had been our constant companion and guide, would get us out of this fix. She had helped us sight more than 300 species on this trip. She had maneuvered us through savannahs and forests and down roads that were really just a series of ruts. She had talked our way into the best gorilla trek and even had demonstrated the hip-swinging dance of her village. She was a pro. She was a tiger. And she was steaming mad.



Magada Miriam
Linda Thurston



She clutched her phone, trying to find a rescue. None. The boat drifted in the middle of Lake Victoria.

The clock ticked closer to plane departure time. The rain poured off the umbrellas and down the back of our necks.



Finally a boat approached. The boatman threw us a rope and towed us back to shore. Was he sent to rescue us? Was he a fisherman passing by? We didn't know. None of the conversations were in English. Uganda has two official languages and about 50 local languages. Miriam speaks many of them. We don't know what language she used on the guys who met us at the dock. But it was not hard to catch her meaning. She had paid extra to make sure the gas tank was full, she later explained.

We had to skip lunch and a hot shower, but we made it to the airport in dry clothes.

As we waited at Entebbe International Airport to fly to Dubai then Dallas then home, we looked through the images on our cameras and phones. The amazing Miriam and the wonderful Ugandans who were so welcoming and proud of their country. The mountain gorillas and giraffes, elephants and zebras. The guides who had patiently pointed out mannikins, turacos, babblers and honey guides.

And a magnificent shoebill. In the rain.

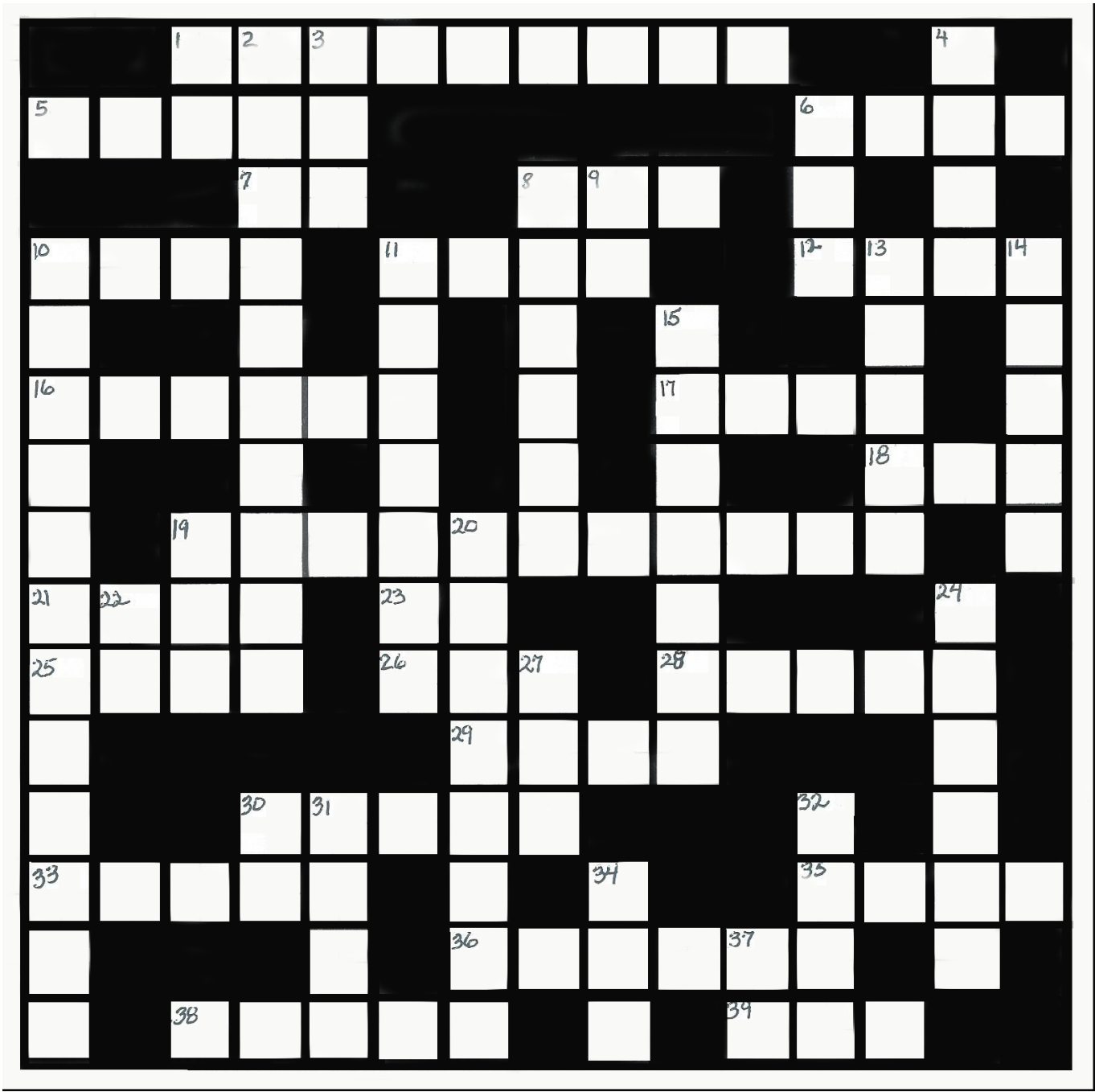


(Author's note: On Feb. 2, Jane Marshall and her twin sister, Linda Thurston, returned from Uganda on what is most likely their last birding trip for a long time. Traveling with them on the Go Uganda Safari tour were friends Michael Delesantro and Renee Rubin, birders extraordinaire who participated in the Big Year in 2012.)

Birding Crossword Puzzle

Patricia Yeager

Clues



Answers in October issue

ACROSS

- 1. A Buteo that soars with long wings held above the horizontal
- 5. Two species migrate through Kansas, "American and Sprague's"
- 6. Small ducks that migrate early in the fall, all species have a color in their name.
- 7. Location of an enormous gathering of Sandhill Cranes during their migration
- 8. Sound a dove makes.
- 10. Duck-like bird found in ponds, marshes and lawns.
- 11. Warbler that often feeds on the ground, it migrates through Kansas.
- 12. Class that is the birds
- 16. Famous for flying too close to the sun
- 17. Large bird that can catch dragonflies and eat them in flight.
- 18. What you can do when you finish this puzzle.
- 19. The study of birds
- 21. What your feet are after birding all day.
- 23. The abbreviation for Nighthawk in standard alpha code
- 25. Put "W" in front of the supplier of eggs.
- 26. Graduate Training Program
- 28. Edgar Allan Poe made this bird famous (or the other way around).
- 29. A mammal you could see at Cheyenne Bottoms.
- 30. What the "H" stands for in the bird commonly referred to as GBH.
- 33. These feathers on a Savannah sparrow are usually yellow.
- 35. Standard alpha code for Rose-breasted Grosbeak
- 36. Based on a ratio of body size to wing size, a member of this family has the longest wings of any bird. It can be found in downtown Manhattan. Look up. What is the family?
- 38. This floating short-tailed creature eats aquatic insects, crustaceans and fish.
- 39. Don't ____ out of getting up in the morning. You'll miss the birds!

DOWN

- 1. Commonly used abbreviation for species
- 2. A very small brown bird with an often upturned tail and complex voice
- 3. Ingest, past tense
- 4. On a Le Conte's sparrow, this part of the bird is gray with brick or purplish colored stripes.
- 6. What a famous musical tells us goes with jam and bread.
- 8. A group of eggs that will hatch together.
- 9. Sacred mantra in Hinduism
- 10. This bird species lives in colonies in mud nests often under bridges.
- 11. The noise a birder makes to bring in birds out of cover.
- 12. Mineral
- 13. This bird sings in harmony with itself. It sings its name with an ethereal, spiraling quality. Put hearing this bird on your bucket list of bird experiences.
- 14. Another kind of wild goose chase is a ____ hunt.
- 15. In North America this bird is found around Victoria, B.C. Its family member found here is horned, also, my first Buick, also, the name of a popular song.
- 20. This genus frequents bird feeders and has a tuft on its head in all species in the U.S.
- 22. What I exclaimed when I found a new word that would fit this puzzle.
- 24. Intense color immediately identifies the male of this perching bird species. The female is plain brown. Name the color of this species.
- 27. This elegant long-tailed, long-necked duck is named for its ____ tail.
- 30. Opposite of she
- 31. A town on the border of Rocky Mountain National Park is ____s Park.
- 32. Standard alpha code for Grasshopper Sparrow
- 34. To crack or chip a hole through the shell
- 37. ____ be or not to be, that is the question.



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The purpose of the Northern Flint Hills Audubon Society is to teach people to enjoy and respect birds and their habitats. NFHAS advocates preservation of prairie ecosystems and urban green spaces thus saving the lives of birds and enriching the lives of people.

Also available online at nfhas.org

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Subscription Information: If you do not want to receive the national magazine, but still want to be involved in NFHAS local activities, you may subscribe to the Prairie Falcon newsletter for \$15/yr. Make checks payable to the Northern Flint Hills Audubon Society, and mail to: Treasurer, NFHAS, P.O. Box 1932, Manhattan, KS, 66505-1932

RARE BIRD HOTLINE: For information on Kansas Birds, subscribe to the Kansas Bird Listserve. Send this message <subscribe KSBIRD-L> to <list_serve@ksu.edu> and join in the discussions.

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