

The Laws of Birding

Jim Beatty

Do you ever feel tempted to bend the rules of good birding? Suppose a bird is on private land and the distance is too great to make a positive ID. What would it take for you to cross the line? Is there a certain level of rarity that would do it? What if it's a first state record? What if you need a good photograph to cinch the ID for the records committee? Would you play that tape one more time to bring the bird close enough for a really great photo?

We love to bird. Seeing new and unusual birds—or birds doing unique things—is what birding is all about for many of us. That's what we get a thrill from witnessing. And that can be a problem. Sometimes we may be tempted to make marginal decisions when we are birding. And some of our decisions may not be merely morally or ethically questionable; they may even be illegal.

A willful and flagrant violation of the Endangered Species Act may result in a fine of up to \$50,000 and one year in prison. A violation may include acts that might “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or attempt to engage in any such conduct” (Sheppard et al. 1998). In the eyes of the Forest Service, “harass” and “harm” are broad terms which include playing a taped call of any protected bird and/or otherwise “pursuing” a protected bird for any unauthorized purpose.

Venturing onto private property without permission in order to see an uncommon species, risking an encounter with an unhappy landowner, is another behavior that we should avoid. While it can be inconvenient or even difficult to contact the landowner, it's better not to risk damaging community relations by doing something

thoughtless in the heat of the moment.

The American Birding Association has done a masterful job of defining ethical and legal birding in its Code of Birding Ethics and Principles of

Plains Sharp-tailed Grouse	state endangered
Lesser Prairie-Chicken	state threatened
Bald Eagle	state threatened
Whooping Crane	federal and state endangered
Piping Plover	federal and state threatened
Least Tern	federal and state endangered
Burrowing Owl	state threatened
Mexican Spotted Owl	federal and state threatened
Southwestern Willow Flycatcher	federal and state endangered

Table 1. Threatened and Endangered bird species in Colorado (CDOW 2007).

Birding Ethics. The Principles state, “Everyone who enjoys birding must always respect wildlife, its environment, and the rights of others. In any conflict of interests between birds and birders, the welfare of birds and their environment comes first” (ABA 2005). While the principles are straightforward, their application is explained in more detail in the ABA Code itself. We would like all CFO members to be familiar with this code, which can be found in its entirety on the internet at <http://www.americanbirding.org/abaethics.htm>. The major topics covered in the code are

- the welfare of birds and their environment;
- respect for the law and the rights of others;
- safety of feeders, nest structures, and other artificial bird environments;
- special care during group birding, whether organized or impromptu.

“Group birding” refers, among other things, to field trips like those organized by CFO. The ABA Code provides guidelines for both group members and group leaders. Group members should respect the rights of others, share their knowledge and experience, and help beginning birders. They should also, when practical and prudent, try to stop inappropriate behavior by others. Leaders have the added responsibilities of being role models for others in both words and actions, minimizing group impacts, ensuring that everyone knows good birding ethics, and knowing the special rules and practices of the places visited—e.g., staying on the path or refraining from using audio playback if local regulations prohibit it.

CFO has done much to improve field birding for the enjoyment of Colorado birders: COBirds, *Colorado Birds*, annual conventions around the state, County Birding Website descriptions of good locations, Colorado Rare Birds Records Committee review of new and unusual sightings with approved state and county checklists, and organized field trips to “hot spots.” For the organization’s sake, and for the birds’, we ask that all of you be familiar with and practice safe, ethical, and legal birding.

LITERATURE CITED

American Birding Association [ABA]. 2005. American Birding Association’s Principles of Birding Ethics. Retrieved 4 December 2008 from <http://www.americanbirding.org/abaethics.htm>

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Jim Beatty, 165 Twelve Point Buck Trail, Durango, CO 81301, jdbeatty@bresnan.net

