

NATURE NEWS

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Drippings From the Deck

What is the future of the Eagle Nature Foundation? What is the future of our National Symbol? For the world's sake the answer to the last question should be great! And for the bald eagle's sake the answer to the first question should be the same!

ENF is the only organization which promotes the present status of the bald eagle based on facts. Most other conservation organizations are so willing to jump on the bandwagon with the Fish & Wildlife Service, which does not want to lose face in the fact that their decision to delist the eagle was based on conjecture and not facts.

Some bald eagle nests are producing young, but there are very few observations to prove that these young are actually being fledged. We must get more manpower and funds to check these nests more thoroughly, especially during the last week before the young fly. Even the web cams which you can see from our own website are verifying that some eagles are having problems.

Speaking of our own website, have you looked at it lately? Jane Ward is doing a bang up job of working it. If you haven't done so, I would urge you to look at it. It is far better than when I was responsible for it. It has had over 12,000 hits in the last 6 months. Jane is doing her best to keep it current with all of our activities. Thank you, Jane!

If you go to our website you can sign the petition to urge the Fish & Wildlife Service to place the bald eagle back on the Endangered and Threatened Species List. At this time as many as 352 persons have signed on to this petition on the website. What is amazing and truly mind boggling is that 40% of the people signing this petition are from other countries. So our message is being heard around the world and other people are just as concerned as we are.

Your board of directors is concerned and hoping that somehow we can make a difference. The board voted at the last meeting to increase the board size to 12 persons. We feel that if we can get more people involved in running the organization we hopefully will have more success. The last two letters of intent from a couple of our members are found further on in this issue. Ralph Douglas was put on our board at the June meeting to fill the vacancy that was created when Jean Kaitis had to resign and the board plans to put John Jankowski on the board at the August meeting. First we have to amend our by-laws to make it possible.

If any other members would like to volunteer to serve on our board of directors please send me a letter of intent and I will present it to the board for their consideration. We have a real hard road ahead of us and we need all the help and support we can get. We must prove and then convince the rest of the world that the bald eagle population is not doing well, so we can get more people involved to determine what the problem is and try to develop a possi-

ble solution.

Your board has authorized me to work on possibly having another International Bald Eagle Days event in 2011. I am having trouble finding a location and funding for the event, and then I am trying to decide who to invite to speak. There is no one who has facts to present other than the results of our Annual Mid-winter Bald Eagle Count. All federal and state agencies have pulled their funding for the bald eagle because it "is doing so well", so there is no one who has any "facts" to present at such a meeting.

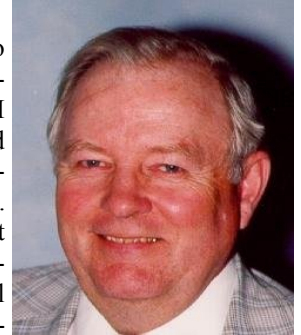
Perhaps if I could find some corporation to sponsor the event, I would be better able to find a location and time for it. All it would take is a pledge of \$10,000 for me to proceed. The politicians seem to be able to find amounts like this but there always seems to be something they will do to repay the donation. I don't have anything to offer other than the fact that we would be trying to insure the future of our Symbol of Freedom, the bald eagle.

What we need is a well known spokesman for the bald eagle, who would be willing to not only donate the needed funds, but would work to help find other donations to add to that amount. Our first step is to get an International Bald Eagle Day set up to which researchers from across the nation would come to discuss the plight of the bald eagle throughout the nation.

Then we need to preserve vital threatened habitat. First and foremost we need to save the winter habitat; severe weather roosts, mild weather roosts, feeding perches, and good food sources. This habitat needs to be preserved now before it is destroyed. That is why so much of our effort the past few years has been to preserve those areas that are being threatened by strip mines, dams and other developments.

To do this we have had to take on the Department of Natural Resources, the Fish and Wildlife Service and the Army Corps of Engineers. As we found out years ago, these agencies only give lip service to preserving our National Symbol. Their actions are far from any preservation goal. Of course, they all have a bigger voice than we have and they like to let the world think we don't know what we are doing.

To counter their voices we have to get more members who feel like we do, that the bald eagle is worth saving. Only with more members will our voice become loud enough for these agencies and the general public to hear our cry. Each of you must spread the word and increase our membership so our goal can be reached soon. ■



Banner Strip Mine Update

Last fall the IDNR Administrative Hearing Officer rendered his decision on the Banner Strip Mine. Shortly thereafter the Illinois Attorney General took IDNR in Circuit Court in Fulton County for how they had conducted the whole application process. In April the IDNR, the Attorney General and the Illinois Governor's office met to try to find some common ground. Having had no response after this meeting from the IDNR, the Attorney General prepared a 115 page Summary Judgment for the court to consider.

Two days before this Summary Judgment was filed with the Court, the IDNR filed a motion for the Court to dismiss the case because "the Permit at issue, originally before the agency, was denied by the Hearing Officer on Administrative Review". This delays the decision by the Court, for now there has to be a hearing on this motion to dismiss.

The Attorney General then filed a 13 page response to this dismissal motion. In her response she quoted Section 2.11 of the Mining Act ("Within 30 days after the hearing, the Department shall issue, and furnish the applicant, local government officials in the area of the affected land, and all persons who participated in the hearing, its written decision granting or denying the permit in whole or in part and stating the reasons for its decision."). Then she goes on to state, "Yet, the Final Decision does not anywhere conclude that the proposed Banner Mine permit is *denied*. The representation (at page 3) that [the Hearing Officer denied the permit in whole] may be judged (based upon a fair reading of the Final Decision) to be disingenuous and misleading."

The Attorney General goes on to state

"Moreover, the Department continues to disregard the other claims previously ignored by its hearing officer. These other claims relate to the due process to be afforded to public participation in the review of permit applications and decisions, including the applicability of the contested case requirements of the Administrative Procedure Act, and to the mandatory consultations that the Office of Mines and Minerals must perform in order to satisfy its obligations under applicable statutes other than the Mining Act."

"...the administrative proceedings were legally flawed, beginning with the statutory notice violations in February 2002; the August 2004 hearing did not conform to contested cases requirements; the endangered species and protected areas consultations mandated by statute were not performed; the April 2007 remand order was invalid for lack of authority; the October 2007 approval of the permit application occurred *prior* to the application being modified as required and thus based upon an incomplete and inaccurate application; the November 2007 Results of Review was legally insufficient due to lack of findings as to the Stream Buffer Rule; the internal review hearing was not timely commenced in violation of Section 2.11(c); technical errors during the hearing and decision process render the decision invalid; and the issuance of a final decision by the hearing officer is the result of a statutorily prohibited delegation of responsibility. The Department seeks to preclude judicial review of these claims."

To support the Attorney General's position ENF filed the following with the Circuit Court:

ENF's Response to IDNR's Motion to Dismiss

Comes now, the Eagle Nature Foundation (ENF), and moves this Court to Not Dismiss the Complaint for Administrative Review since the permit at issue, originally before the agency, was vacated and remanded back to IDNR by the Hearing Officer and not denied

as stated in the IDNR's 6-9-2010 Motion to Dismiss. Even though IDNR may not agree, we agree with the position of the Attorney General that the permit issued on November 15, 2007 is legally void for the Department's failure to satisfy its due process obligations.

The Eagle Nature Foundation further agrees with the Attorney General that "the public policy of this State [is] that public bodies exist to aid in the conduct of the people's business. Laws are in place to ensure the accountability of government to its citizens." We also agree "The problem we have encountered in the Banner Mine proceeding is that some of the technical and procedural rules are implemented by the Department in a manner inconsistent with the statutory provisions." "The primary aspect of the Banner Mine permit appeal is whether the Department is abiding with its own legal obligations." "The Illinois Supreme Court has repeatedly acknowledged that the Attorney General has an obligation to represent the interests of the People so as to ensure a healthful environment for the citizens of the State."

The Eagle Nature Foundation agrees with the Attorney General's statement that, "The Final Decision included the following adjudicatory ruling: [The Company and the Department complied with their respective statutory obligations imposed by Section 2.04 of the Act regarding notifications to the public and governmental agencies and availability of the application for public inspection.] These rulings must be reversed and Section 1773.13(a) must be invalidated as applied." Not only must these rulings be reversed but IDNR must never be allowed to operate in this manner in the future.

We cannot agree with the statement made by IDNR in their motion to Dismiss that the permit was denied by the IDNR. The #355 permit was remanded back to IDNR "for further action" to correct the application to take care of the deficiencies that the petitioners were able to prove during the Administrative Hearing and the permit was not denied "in whole". The IDNR fought against the petitioner's 14 days of facts and oral and written testimony presented during the Administrative Hearing and had their heels dug deep into the sand trying to allow this flawed application to stand approved as submitted. We have never seen or heard of an official statement from IDNR stating that this application #355 has been denied!

We find it very interesting for IDNR to state, "However, since the statute only authorizes the Hearing Officer to grant or deny the permit, and since the Hearing Officer found numerous deficiencies with Permit Application 355, the IDNR acknowledges that Permit 355 was denied by the Hearing Officer's written decision as contemplated by statute." They then follow this up with the statement "For example, the Hearing Officer writes, [... the permit application cannot be approved until such site-specific resource information pertaining to the investigation ... is completed]. Exh. 91, p.160 at paragraph 42." Thus by their own words, the application has not been denied, just basically postponed until this site-specific work is completed. How can they with any honesty state "the Hearing Officer's Final Order is a permit denial as contemplate by statute." We cannot understand how a statute can contemplate anything.

We can contemplate that IDNR will continue in their arrogant and erroneous ways if this Motion to Dismiss is approved by the Court. We urge the Court to grant the relief that has been requested by the Attorney General in her Motion for Summary Judgment. It is only from such relief that endangered and threatened species and their habitat may have some hope for a secure future in the State of Illinois.

WHEREFORE, the Eagle Nature Foundation respectfully requests that this Court deny the IDNR's Motion to Dismiss the Complaint for Administrative Review.

ENF Announces New Summer Shrubs

Apple River) The Eagle Nature Foundation has just received its summer shipment of shrubs and flowering plants from the Beaver Creek Nursery, compliments of Roy and Sarah Klehm. There are over 500 plants of over 110 different varieties, many of which have never been received by ENF before. There are very rare and unique varieties of many species. All of these beautiful flowering and fall foliage shrubs and plants may be seen and enjoyed at the ENF headquarters located at: 300 East Hickory Street, on East Stagecoach Trail, Apple River, IL 61001.

The prices for all of these plants are marked by each plant and they may be picked up at a person's convenience as ENF has them on a self-serve basis. This way a person may come anytime, such as evenings and weekends to look over the selection. There are two to five plants of most varieties including many perennials. All plants are potted, in 1, 2, or 3 gallon pots, except for some 6 to 8 foot tall trees in 5 gallon pots, so they can easily be placed into your vehicle. A short description of each variety of the plants may be found on the office porch near the money box.

The money for the plants desired may be placed in the mail box on the front porch. Persons picking up their plants during ENF office hours will have the opportunity to receive a free gift, as well as visit ENF's store for books, feeders and bird seed. ENF is open from 8:30 to 5:00 on Tuesdays, Wednesdays and Fridays. The funds received for these plants will be used by ENF to support its continued efforts to protect habitat for endangered species, including the bald eagle, so when you write a check an extra donation for this purpose would be greatly appreciated.

If you would like a receipt for the plants you get, please stop in ENF's office during the week. All checks should be made to the Eagle Nature Foundation, or ENF. If you have any questions about any of the plants or whether a certain variety is still available, please call **815-594-2306** during office hours. ■

Atrazine

Atrazine a weed killer often used in farming can turn male frogs into females, says a study in the journal. Proceedings of the National Academy of Sciences. The study is the first to show such complete effects of atrazine, which has been known to disrupt hormones. It may put pressure on the U.S. to step up regulations. The EU imposed a ban in '04. ■

Reprinted from Investors.com

Proposed Army Corps of Engineers Rice Lake State Fish and Wildlife Area Habitat Rehabilitation and Enhancement Project, Fulton County, IL

I am very concerned that nearly \$12 million in federal funds and nearly \$7 million credits from the Illinois Department of Natural Resources are going to be expended on a harmful and questionably designed proposed project by the U.S. Army Corps of Engineers at the Rice Lake State Fish and Wildlife Area, Fulton County, Illinois, along the Illinois River, The Illinois Department of Natural Resources approved this project, without what seems to be the legally required environmental reviews.

Endangered plants and animals are in areas that will be impacted by the Corps. Citizen complaints and questions are going unanswered. The money for this project should be used to save habitat and improve the river, not destroy natural areas and build more lev-

ees for at best a 30 percent success rate of moist soil plants.

My parents owned land where I grew up that extended into Rice Lake. The property is still owned by my brother. I have lived across from this state conservation area for 70 years. Therefore I feel that I have knowledge of the area and experience to address the following issues.

This Rice Lake State Fish and Wildlife Area Habitat Rehabilitation and Enhancement Project is being financed with Upper Mississippi River Environmental Management Program funds. Potential and very possible problems with this project include:

1. The levee height construction at 442 Mean Sea Level (12.5) will not serve the intended purposes as outlined in the proposed project as listed.

2. Water levels along this part of the Illinois River regularly top 13 feet (442.50 MSL) which overtops the dam at Rice Lake.

3. A 2,500 foot spillway will be constructed at an elevation of 440 MSL, and that the area where it will be constructed is presently at a 442 MSL elevation, which means two feet of soil will have to be excavated to accommodate a 440 MSL elevation spillway.

4. Four 133,000 gallons per minute pumps to pump water in and out of the site will be placed at the Illinois River near the historic Copperas Creek locks, which will allow the site to be flooded in 14 days.

5. A 6,700 foot discharge channel will be constructed and articulated concrete mat will be layered in the bottom of the above referenced channel at an estimated \$1,134,653; during flood state, the articulated concrete mat will be inundated with as much as 15 feet of flood water.

6. Approximately 4.5 acres of mature trees will be cut for the levee and channel construction which will impact bald eagle roosts and a nesting site, as well as nesting sites for osprey.

7. The public needs to be made aware of the fact that the tree cutting and ditch construction is impacting the Slim Lake Illinois Natural Area Inventory site, which is a historic winter eagle roost and location of a federally endangered Decurrent False Aster.

8. After a project that had been under consideration for a period of 23 years, beginning in 1987, engineering plans from the Corps, as well as the Illinois Department of Natural Resources, does not appear to have the required wildlife consultations for impacts on this area completed.

9. Many of the problems at the site are due to lack of state funds to maintain current equipment and poor site management.

10. The public questions how the Illinois DNR will provide adequate funds for the additional costs of operating the new pumps, ditch and channel maintenance, levee maintenance which is estimated at a cost of \$49,117 annually; this number far exceeds the funds available over the past years which has contributed to a lack of maintenance of the area.

11. The proposed goals of this project are to enhance wetland, aquatic and existing wetland habitats, yet the best estimate by the corps is a success rate of 30 percent for moist soil plants production over a 10-year period.

12. Construction disturbance for this project is expected to be at least three years, causing disruption to species and habitat loss. In conclusion, I am asking for an immediate stay on this project and an investigation into the levee and spillway heights and river levels documentation, necessary endangered and threatened species reviews, and cost-benefits analysis of this project. Your prompt attention to this matter is requested and appreciated.

John. R. Grigsby Sr., Canton, IL ■

Reprinted from the 2010 Canton Daily Ledger.

Death of a Bald Eagle

St. Petersburg— She was beloved, and her sudden death at age 27 caught everyone of guard. They held the wake three weeks later - despite cold and rain, 26 people showed up. Some, like Andrea Pico Estrada, had never met her. Dr. Janine Cianciuolo recalled her patient's final moments. "She was in my arms. She stared at the sky again and called. Then she passed away."

Corey Smolik kept a recording of her laugh on his cell phone. When he played it for the gathered mourners, tears trickled, smiles cracked.

They sang a farewell song in Cherokee, a language connected to an ancient culture that revered her kind. And then they buried Free Spirit at the place where they had all come to know and love her — the Boyd Hill Nature Preserve. That the passing of a bald eagle would move so many hearts illuminated an oft-unmentioned side of a relationship usually defined in terms of the ill humans have inflicted upon a once-endangered species. On display at Boyd Hill this spring was evidence of the ancient, almost spiritual power eagles hold over people.

American Indian tribes see the eagle as a messenger from heaven; the Greeks, as a mascot to Zeus; Germans and Americans, as a symbol of national strength. For people like Estrada, the birds reflect the struggles they face in marriage and raising kids. For seven months, the stay-at-home mom and amateur photographer spent little time at home. Four hours every morning, after her two youngest children set off to school, she would drive more than an hour from St. Petersburg and park along the fence of the Anclote power plant near Tarpon Springs.

A pair of eagles that for years has nested on a rotted old pine next to the road was raising two chicks. Estrada was there for every moment, from egg laying to first flight. "It's like watching my own kids grow up, only with these guys, those milestones are condensed into three months," Estrada said. "When I started, I didn't know birds could be great parents. I didn't know the bond they have with their offspring... It was much more like watching a family."

When she moved to St. Petersburg from Texas in October after her husband started a new job at Jabil Circuit, Estrada got to know the eagles almost before she started making friends around her new home. Her infatuation with them began by accident, when a stranger she met while visiting Wall Springs suggested she visit the nest. Estrada spent so much time with the birds, snapping photos and even watching over the nest during storms, she created a narrative of their lives as if the nest were the setting for a sitcom.

The plot: a Mr. Mom deals with the antics of his diva wife. Dad feeds the babies, hunts for food and takes out the garbage —fish carcasses and spoiled moss. Mom is the "princess," "She spends hours preening and doing her toes and refuses to come back even if Dad has been rearing chicks for hours on end," Estrada said. She noted that Mom preens each feather and plucks each talon exactly four times during her grooming sessions.

In May, Estrada returned to the nest one last time. The nesting season for bald eagles in Florida ended May 15. When the birds and their new offspring flew off to parts north, their nests were left empty. In a way, so was a part of Estrada's life.

Back in the days when most of Central Florida was pin scrub and farmland, Charles Broley ventured where only eagles dare. Throughout the 1940s, the former bank manager climbed into hundreds of eagle nests across the state, often more than 100 feet up, placing numbered bands on more than 1,000 chicks so their movement patterns could be tracked.

His obsession is legend among present-day Florida eagle ste-

wards, like Barb Walker, the coordinator for Pinellas County's Audubon Society Eagle Watch Program. She feels it's her job to carry on the torch of eagle conservation pioneered by Broley 60 years ago. "I think it's important to our children. The past with eagles is important, even before they were delisted (from the endangered species list)," Walker said.

She's had a hand in helping with nearly every one of the dozen eagle rescues or releases in Pinellas County this year. She and the volunteers she works with have so impressed one Dunedin homeowner, Arno Beken, that he allows them to camp outside his home morning after morning, watching the eagles that live in his back yard.

When Beken was searching for a place to retire, his real estate agent sold him on the Dunedin home last year when she said. "the house comes with a bald eagle nest in the back yard." "By and large, I knew there would be people watching," Beken said. "I didn't know how active they would be with predatory birds."

Although the nest in his yard collapsed last month, killing one of the chicks inside, he said he hopes the birds will return next year to rebuild. For him, the birds were like a live version of *Mutual of Omaha's Wild Kingdom*. He would lie on his roof at nights and watch the birds stir in their nest. "They were like reality TV," he said, "Maybe with a lot more reality."

Patricia Terrell, mother of four, grandmother of 13, planted a eucalyptus tree in her south St. Petersburg back yard shortly after she and her husband bought their house in June 1970. In the early '90s, when the tree had grown to tower over the neighborhood, a pair of bald eagles moved in and have been roosting there ever since.

For Terrell, the birds are guardians. Like the female eagle that built her nest in the tree, with equal parts tenderness and maternal ferocity, Terrell raised her kids to be strong and smart. One of her daughters went to law school. Her son, Pat Terrell, won a football championship with Notre Dame and went on to play for the Los Angeles Rams and Green Bay Packers.

Like the eagle, Terrell lost her mate. Her husband died a few years back. But one day two years ago, when a new male had joined the female in the nest, Terrell entertained the idea —however briefly—that the essence of her husband had returned as well.

A contractor had come to repair cracks in her driveway. What happened next added fuel to her impossible notion. When the eagle, which never once disturbed Terrell, her children or any of her visiting grandchildren, saw the contractor, the massive bird attacked. The eagle swooped down over his head," Terrell said. "He was so close. I'm telling you, he just dashed in the garage. It was so frightening."

She said she'll always remember what the contractor told her afterward. "Ma'am, how long did you say your husband's been gone? Don't get rid of those eagles. He was protecting you."

Reprinted from St. Petersburg Times, 2010.

2011 Nebraska Wildlife/Historical Bus Tour

ENF has made plans to once again offer its exciting Nebraska Wildlife/Historical bus tour in 2011. The 4-day tour is scheduled for March 14–17, 2011. This tour is led by ENF's president, Terrence N.

Ingram, who will be bird watching all the way from Galena to Nebraska and back to Galena again. Eagles, hawks, geese, ducks, turkeys, cranes and other wildlife, such as prairie dogs, will be pointed out to the participants, as the bus moves from one historic site to another. Bald eagle and Red-tailed Hawk nests will be identified along the way. Each person is bound to have two seats and a window for their own use and viewing, as we will take no more than 30 persons on the 48 passenger bus. If you are interested in learning more about this tour, please write or call the office for a colorful brochure. Don't forget that all members will receive a 10% discount on these tour rates!

Join us for four days of education and fun!

Fall Eagle Fest

On Sept. 25 the Eagle Nature Foundation is proud to once again sponsor a Fall Eagle Festival at the University of Wisconsin, Platteville. If you have never had a hawk, owl or vulture fly over your head, so close that you could feel the wind from its feathers, then you need to experience our Fall Eagle Fest. Come and enjoy an education about our feathered raptors, their life requirements, and threats they face from humans. John and Dale Stokes from Trenton, Georgia present a very entertaining show three different times that day. This is the same show they present at Rock City Gardens on the top of Lookout Mountain every day throughout the summer.

This event is complete with oral presentations by the finalists in our school Bald Eagle Essay Contests for final judgment for their placing. Throughout the day there will be a display of the finalists entries in our school Nature Art Contests, including all of the Honorable Mention winners. Following a presentation at 1:30 will be an award ceremony when the winners in all of the above contests will be presented their award checks and/or trophies.

There is something going on throughout the day. At 10:00 will be the first bird of prey show. At 11:00 will be the annual ENF fund raising auction. At 12:00 will be the second bird of prey show. At 1:00 will be the school essay finalists' presentations. At 1:30 will be a half hour presentation by someone whom everyone will find enjoyable. The person will be announced at a later date. The Award Ceremony will take place at 2:00. At 2:30 will be the final bird of prey show.

In addition to the above there will be environmental booths featuring Bald Eagle and nature prints, books, t-shirts and sweat shirts, bird feeders and houses, and much, much more. Last year the University Biology club also had a booth where people could dissect owl pellets if they would like. ENF has its own store and information booth as well.

There is no charge for anyone coming to the event, but there will be several donation boxes for accepting donations from the public. Everyone attending will be eligible for a door prize.

Several of the University campus clubs will be co-sponsoring the event including: Biology Club, Phi Eta Sigma National Honor Society, and Alpha Lambda Delta National Honor Society. Students from these campus organizations will be helping with promotion before the event, especially in the Platteville area, helping with manpower to unload our vehicles before the event, with registration throughout the day and reloading the vehicles after the Festival is over. As they did last year the Biology Club will once again offer food at a booth outside of the building, as the student center is a couple of blocks away.

It takes lots of manpower to conduct a celebration such as our Fall Eagle Fest. If any of our ENF members could come and help with the setup, manning a booth, or tearing down the booths we would sure appreciate the assistance. Please call the office 815-594-2306 and let us know when you would be available to

You are Important to ENF!

All non-profits are taking it on the chin during this downturn in the economy. ENF is no exception. Our donations and memberships are staying fairly constant, thanks to all of you who have helped us. The problem is that all of our costs are increasing so in reality ENF is actually slipping backwards. With that in mind I urge each of you to consider a little extra donation to help us get through these troubled times. Even \$10 each time would help!

Redesigned ENF Web Site

Apple River) The Eagle Nature Foundation (ENF) has a re-designed, much improved and user friendly web site according to Executive Director, Terrence N. Ingram. Mr. Ingram urges anyone who has the opportunity and time, to click onto this site, eaglenature.com, to see and enjoy beautiful videos and pictures of bald eagles and learn about the many activities of ENF.

Once he or she is on the website a person can access many different things: see facts and pictures about the bald eagle; read about the colorful 50 year history of the Eagle Nature Foundation; learn more about and register for the many upcoming events which ENF is conducting, such as the four-hour 2011 Bald Eagle Bus Tours in January and February, the four-day 2011 Wildlife/Historical Bus Tour to Nebraska next March, and ENF's Fall Eagle Festival at the University of Wisconsin in Platteville on September 25; purchase items from ENF's web store; visit several different web cams of active bald eagle nests across the country; join the organization; donate to the organization for such activities as the Fall Eagle Fest; submit observations of active bald eagle nests; read copies of the various publications which ENF has published, [Bald Eagle News](#) and [Nature News](#) and read the latest news releases which have been sent to the news media; and volunteer for the Annual Midwinter Bald Eagle Count in January.

With just a click from the website a person is able to add his or her name to ENF's petition to the Fish and Wildlife Service to place the Bald Eagle back on the Endangered Species List. ENF is hoping to get at least 2,000 people to sign their names on this petition. So far at least 40% of the people signing the petition have been from other countries. In fact, only 8 of the last 40 names have been from the United States. People from 50 to 60 other countries have signed this petition so far. It is hoped that people from every state will sign the petition as well and will join ENF to urge the Fish & Wildlife Service to devote funds to save the Bald Eagle now, while we still have enough eagles left. We cannot wait until the bald eagle population has declined to such a point that it can no longer recover, such as what happened with the Passenger Pigeon.



We have constantly been trying to improve the looks of the office. Last fall the decision was made to remove the deteriorating two car garage that was falling down and becoming an eyesore. It was replaced with this 10 foot by 12 foot storage shed. The four windows and flower boxes add something to its looks, as well as let light get into the building. It has skids for a base, so it could be moved, if necessary. We feel that this building has improved the looks of the office without adding to the tax base of the property.

Update on HOMES vs Megadairy

Hi all,

It's been a while since I've updated you, so I'm forwarding this to "catch you up" on the status. Quiet doesn't always mean dead. Kathy, our treasurer advised us that outstanding legal and professional bills are now above \$57k, so any donation would be very helpful to this court case, and to fighting for clean air and water. We must defeat this attempt to get a mega dairy in JoDaviss Co, or attorneys for other mega farms will use this case as a precedent, and no citizens group will be able to win in court, in my opinion.

Ray Ruthenberg, Stockton, IL

Some Points of Appeal from the Original Case:

Plaintiffs have standing to see judicial review of the administrative act of Defendant Illinois Department of Agriculture.

Judge Ward refused to perform a judicial review of decision of the IDOA in granting the permit to construct, saying HOMES and the plaintiffs didn't have legal standing to contest it. Yet if your neighbor sought a permit to construct a building adjacent to your property, you have the right to show up at the zoning department to make sure the new construction doesn't cause damage to your property. We are asking the appellate court to review this decision.

Refusal of the trial court to take allow, admit, consider, and take judicial notice of public records and reports of the Illinois State Geological Survey was in error.

Judge ward ignored months of research performed by a team of experienced scientists from the Illinois State Geological Survey who warned that this facility could pollute the wells of surrounding residents. These public officials will not profit by allowing or denying this facility, yet their independent opinions were ignored in favor of the opinion of one highly paid consultant working for the dairy. We are asking the appellate court to review this decision.

Refusal to allow plaintiffs to read defendant A.J. Bos' sworn answers to interrogatories in evidence as admissions was in error.

Bos, while under oath, gave a detailed description of what would be going on at his dairy, what waste would be produced, how much would be produced, how it would be stored, how long it would be stored, etc. This description, taken in deposition, was not allowed to be read in court. We are asking the appellate court to review this decision.

Refusal to allow or consider plaintiffs' rebuttal testimony and evidence was in error.

Exclusion of plaintiffs' expert medical testimony and evidence was in error. Medical experts and researchers who have experience and knowledge about the diseases which affect people near large industrial livestock operations—and have written peer-reviewed articles in regard to this area-gave testimony for the court. Yet Judge Ward determined not to accept this testimony. We are asking the appellate court to review this decision.

Lay opinion testimony and evidence of the plaintiffs was erroneously not considered to be competent to contribute toward overcoming the burden of proof.

Refusal to admit, allow, and consider preliminary injunction testimony and exhibits was in error.

A private right of action under the Livestock Management Facilities Act may be implied; failure of the trial court to admit, allow and consider evidence of statutory and regulatory viola-

tions, as well as Plaintiffs' Constitutional Right to a healthful environment, was in error.

The final judgment of the trial court was against the manifest weight of the evidence.

Sierra Club, Trout Unlimited, and Prairie Rivers Network have all filed an "Amicus Brief" on the appeal. They have all expressed grave concerns about the potential for harm to the environment and public health from the proposed mega-dairy. We thank these organizations for their support in this appeal.

Is this a Corruption issue? A Public Health Issue? An Environmental Issue? A Rural Communities Issue? A Family Farms Issue? I just don't know...Mega-dairy in NW Illinois is a bad design and illegal!

ENF Garage Sale—August 6 & 7

Apple River) The Eagle Nature Foundation (ENF) is planning to hold a garage sale at its headquarters, at 300 East Hickory Street, (right on Stagecoach Trail) in Apple River, from 9:00 am until 4:00 pm on Friday, August 6 and from 9:00 am until 2:00 pm on Saturday, August 7, to help raise money for its bald eagle preservation efforts. After 11:00 am on August 7 all remaining garage sale items will be reduced to half price. The rain date for the garage sale will be the following week, August 13 and 14. Any shrubs and plants that are still remaining at the time of this garage sale will be reduced to half price during the garage sale.

Items already donated for this garage sale include: computer items (monitors, printers, etc); clothes (from baby to adult, some name brand, lots of women and men's clothing, including many bath robes); books; shoes; picture frames; dish sets including an 8-piece setting of bone china; household goods; assortment of baskets, including clothes baskets, picnic basket, many smaller baskets; knick knacks and much more,

All proceeds from this sale will be used to help ENF conduct its fight to prevent the destruction of vital bald eagle habitat and to help cover the costs incurred for conducting the Fall Eagle Festival in Platteville, WI on Sept. 25. Anyone wishing to donate items to ENF for this garage sale is invited to bring the items to ENF's office prior to August 6, so they can be properly marked.

On August 6, Ingram Insurance Services will also be celebrating 40 years of being in business. It was on August 1, 1970 that Terry Ingram started Ingram Insurance Services after having taught school for eight years. When Eagle Valley Environmentalists (EVE) first started, the organization operated out of the office for Ingram Insurance Services, which ENF still does to this date.

Mr. Ingram spends more of his time with the Eagle Nature Foundation than he does with the Insurance business and has ever since the beginning. But he still sells life and health insurance to anyone who needs good coverage. For 27 of the past 40 years he was a New York Life agent, retiring as a Senior NYLIC.

Items & Volunteers Needed for Garage Sale

Many of you members may have unneeded items in your home and/or garage that other people could use. By donating them today you can help ENF raise badly needed funds for its continuing fight to preserve and save bald eagle habitat. The more items we have available for people to buy, the more money we can bring in. And we need as much as we can get.

Do you live anywhere near the office? We need volunteers to help set up, man and tear down the garage sale on both days. Please call the office to let us know when you could possibly help!

Letters of Intent

President & Board Members,

Recently I was made aware of a board member position available within the foundation. I would like to present this correspondence as a letter of intent to apply for that position.

Since 1993 I have been active in several programs relating to the study, conservation, and preservation of wildlife and wildlife habitat within the Midwest. In part, my involvement in these programs was a volunteer position; Museum Naturalist, Peggy Notebaert Nature Museum, Chicago Academy of Sciences; Trail master, Wheaton Park District/Cornell Lab of Ornithology, Bluebird Recovery Project, among a few.

All positions required extensive research, interpretive presentations to the public, collecting research data, documenting and presenting same data with recommendations to administrators.

I feel that with my experience and willingness to continue as a volunteer in the area of wildlife preservation and education I would be an asset to the Bald Eagle and the Foundation.

I appreciate your time and consideration on this matter and look forward to meeting each of you at the next board meeting.

Sincerely,
Ralph Douglas
Winslow, IL

To whom this may concern:

The point of this composition is to express my desire to become a board member of the Eagle Nature Foundation. I've chosen the ENF because I believe its work has proven invaluable—not only in terms of saving the bald eagle from extinction—but also with respect to protecting the ecology or environment more generally. For me, the two are inextricably linked; and while this makes the ENF's work more complicated, the separation of one from the other would also reduce the ENF's work to complete and utter nonsense.

The rescue of our national symbol is emblematic of the good that can come from a concerted effort, jointly undertaken by the state and even a minority of its constituents. Of course, key elements must be in place to make such things happen. Among them, a motivated activist base; willing agencies and bureaucracies; a relentless pursuit of a realistic goal; and finally, a public ready and willing to help usher in whatever changes are prescribed. It is my intention to see that the ENF continues to play a role in any and all future and ongoing efforts to effect any much-needed change to our nation's seemingly reckless course to destroy itself, one environmental catastrophe after the other.

My personal life in many ways mirrors these concerns. My earliest memories feature me in my backyard in Chicago, exploring the soil beneath my knees, seeking repositories of the most interesting of insects and other many-legged creatures. Being born and raised in the city hardly put a damper in my interest in the "microcosmos." It grew in leaps and bounds as I reached maturity, leading to an inevitable interest in not only understanding nature, but also preserving and protecting what I had come to truly cherish. This path took me to politics, including a stint in the Illinois Green Party's founding period. Also to work as a manager of the New World Resource Center, an activist-oriented, collectively-run bookstore on the city's north side. My years as an environmental activist eventually even landed me a job with Uptown Recycling, one of the pioneers of urban recycling programs. Along with its sister south side operation, The Resource Center, URC played a role in popularizing environmental ethics in Chicago, opposing the city's

"blue bag" pseudo-recycling initiative from the very start and demanding that the Daley Administration stick with a source-separated program—albeit to no avail.

I could go on; but I'll save my personal contribution to the cure for insomnia for a later date for those still curious. Anyway, it is safe to say that any work I do with the ENF would be an extension of things I've already done, and would be a fit with things I'm already doing, including my current role in the H.O.M.E.S. group. It is all of one piece, as far as I am concerned, with the ultimate goal being a better world—or at least leaving my space (and place) in it better than how I found it.

Thanks for your consideration. "Neither right, nor left, but ahead."

Cordially,
John Jankowski
Stockton, IL



This photo of ENF Board members Jane Ward and Edward Kinsel was taken by Marvin Thill during ENF's Annual Board Meeting on March 27 at the Klehm Arboretum in Rockford, IL.

Injured Eagle

I live on Kelleys Island in the summer and this past Saturday on a wooded lot I saw a group of people staring at something. I walked over and saw this huge beautiful eagle and the wing looked broke. I called the police who in turn said there was nothing they could do, I then called state wildlife, they said they don't have a license to capture, I said uuuuhhhh ok. So I went on the internet and Googled injured eagle and I received numerous calls, one even stating he would fly up himself and get the eagle.

As the islanders started to hear about it they passed a name around, Mona Rugger, who has a nonprofit. So I e-mailed her and she was off saving a 10 week old eagle who had fell out of his nest, she has the baby eagle, they x-rayed and the wing is broke so she is rehabilitating him. She did call wildlife and they came to the island, but didn't find her, were still looking.

Kristine George

Kris,

I hope you were able to find someone to help you. Whenever we find an injured eagle we ship it to Pat Redig at the University of Minnesota. Why you could not get a response from the Fish & Wildlife is beyond me.

Terrence N. Ingram, President & Executive Director
Eagle Nature Foundation, Ltd.

Millions of Birds Set to Fly into Gulf Oil Mess

'They won't be safe on their fall passage,' says Audubon officials
By Steve Gorman & Ernest Scheyder

Los Angeles/Fort Jackson, La.—Despite the images of oil-soaked pelicans flooding the media in recent weeks, wildlife experts say the toll on sea birds from BP's Gulf Coast oil spill is smaller than was anticipated, so far. That is expected to change drastically for the worse.

Scientists warn that as shifting weather and sea conditions conspire with the dynamics of avian life cycles, a tremendous number of birds will soon be put in jeopardy. In the coming weeks, millions of waterfowl and other birds that flock to the Gulf Coast on their annual fall migration will arrive in the region either to roost for the winter or to make brief stopovers en route farther south.

With toxic crude still gushing from the floor of the Gulf of Mexico and streaks of the slick creeping inexorably farther inland, many more birds and other wildlife that nest, feed and find shelter on shore are likely to become casualties. "To this point, we haven't seen a lot of oiled wildlife based on the size of the spill," U.S. Fish and Wildlife Service biologist Catherine Berg said. "(But) there's still a lot of oil out there. There's still a lot of wildlife in the area." Birds migrating through the Gulf largely dodged a bullet in the spring when newly escaped oil from the ruptured BP wellhead took longer than expected to wash ashore. "A lot of those birds were safe on their spring passage, but they won't be safe on their fall passage," said Greg Butcher, bird conservation director for the National Audubon Society.

Wildlife officials are taking various steps to minimize the risks, cordoning off rookeries with containment booms, paying farmers to flood fields that could serve as temporary bird-friendly wetlands, and considering new duck hunting restrictions. Authorities are even weighing the possibility of capturing baby pelicans to move them out of harm's way, said Jay Holcomb, head of the International Bird Rescue Research Center.

Rehabilitation centers in the Gulf have treated over 800 oil-impaired birds and released at least 250 back to the wild. The birds are tagged, and some have come through twice, said Holcomb, who oversees rescue operations out of the main treatment facility in Fort Jackson, Louisiana. "A lot of these birds...want to come back to their nests," Holcomb said. "Most spills are over really quick, but this is like a new spill every day. It's really discouraging."

Drop box and body counts

A container labeled "Bird Carcass Collection Drop Box" in a corner of the Fort Jackson center is a grim reminder of the difficulties the rehab teams face. Over 100 oiled birds brought there have died or been euthanized Holcomb said. To date, more than 2,000 dead and debilitated birds have been counted along the entire Gulf Coast—quadruple the number reported a month ago when the government first began posting its daily tallies.

But Holcomb said partial or skeletal remains with no visible signs of oil exposure account for most of the 1,165 dead specimens found so far and unlikely were spill victims. The high proportion of older remains from birds that died of natural causes can probably be attributed to the intense efforts to find and catalog every animal that may have been killed or injured in the disaster.

Those counts are more than just academic. They ultimately will help determine how much BP will be expected to pay into a compensation fund for wildlife damages. Dr. Michael Ziccardi of

the Oiled Wildlife Care Network at the University of California at Davis, said dollar figures attached to birds counted as casualties of past spills have ranged from \$500 to \$20,000 per individual. Factors include whether the bird was an endangered species and whether any economic or commercial value could be ascribed to the animal.

Exxon Valdez much worse, so far

As disturbing as pictures of oiled wildlife have been, the 850 oil-fouled birds found alive to date and hundreds more known to have died pale in comparison to the 250,000 seabirds estimated to have perished from the 1989 Exxon Valdez spill in Alaska's Prince William Sound. "That may change as time goes on because more and more birds are probably going to be oiled," Holcomb said.

Experts say high winds and seas from any number of storms, including Hurricane Alex, could push more oil into the fragile patchwork of salt marshes, beaches, islands and inlets composing the Gulf's ragged shoreline. The 2010 Atlantic hurricane season that officially began last month is expected to be one of the more active in recent years. Moreover, the Mississippi River's drainage into the Gulf is starting to dissipate after a robust spring outflow—fed by heavy rains and Tennessee floodwaters upstream—that helped keep oil away from shore in the early days of the spill. As the river levels fall, the Gulf's waters will be drawn back up toward the mouth of the Mississippi and farther into the delta, along with more of the oil on the surface.

Pelicans, gannets and other plunge-diving species were among the hardest-hit at the spill's outset because they feed in open water—where the oil was then most present. Shorebirds such as sandpipers, and wading species like egrets and herons, are next in line. "We have a lot of birds on rookeries. We have a lot of birds in the marshes, just roosting locally. Pretty soon, we're going to get an influx of waterfowl as they come in here to molt post breeding season," Berg said.

After mating and nesting in freshwater inland areas, many ducks and geese venture to the coast to molt, losing their worn summer feathers, then growing winter plumage, before continuing their fall migration. In between they are flightless. "Think about it. A whole bunch of ducks that can't fly, on the water," Berg said.

Billion birds pass through

The Gulf Coast straddles the Mississippi Flyway, one of the world's major bird migration corridors and one that brings about 1 billion birds from more than 300 species through the region each year. Tens of millions of sandpipers and plovers from Alaska and Canada will be arriving within days on their way to Latin America, Butcher said. Most roost in the uplands away from shore but venture down to the beaches, mudflats and sand bars to feed at low tide. Herons and egrets that have stayed fairly stationary while nesting are now on the move with their young, potentially becoming more exposed to oil in the marshes, he said.

Hoping to create safe, clean rest stops for migrating birds as alternatives to wetlands fouled by oil, a land conservation agency of the U.S. Agriculture Department announced this week it would pay growers to convert cropland to bird habitats by flooding rice fields. Gulf authorities have had success here and there in keeping oil out of some prime bird real estate. Hundreds of pelicans and other birds remain safe for now on Gran Terre Island, a major roosting ground in Louisiana's Barataria Bay that has been encircled with soft and hard boom.

Plaquemines Parish President Billy Nungesser and other local officials made the island's protection a top priority, though they acknowledge that a large storm could tear through the artificial barrier. Some of the surrounding marshes already have been fouled as oil continues to creep farther especially during morning and evening tides. "God forbid if we have another Katrina, we'll be picking oil off Bourbon Street," Nungesser said. ■ Reprinted from msnbc.com

Letter to the Editor of Canton Daily

In the past four years so much has been written and discussed in regards to Canton Area Citizens for Environmental Issues, Canton Lake and its Watershed (CACEI) and the proposed North Canton Mine.

CACEI has taken an environmental stand that the mine location has real potential to pollute the water supply of Canton and interfere with the health and safety of residents in Canton, Brereton, the area's rural subdivisions and the townships of Orion and Canton, Coal mining, especially strip coal mining, has a history of polluting water and the air whether it is in Illinois, West Virginia, Pennsylvania, Tennessee, Kentucky, or the western states of Wyoming, Utah and Colorado. A person can read the newspaper accounts, see documentaries on TV, or any other media to see the real stories of coal mining destruction of lives and the effect it has had on the environment and the economy of actual mining areas.

People around the world are involved in preserving and protecting the environment. These people are engineers, scientists, chemists, hydro-geologists, and common folk like us. Our common sense tells us that our community has every right to be concerned about a mining project in the watershed to Canton Lake and within a few miles of thousands of people, including the hundreds of families within the half-mile area around the mine site.

The recent lawsuits against Industry mines were not sought by our Canton group. The intent to file a lawsuit concerning the known 300 water pollution violations at Industry was by Environmental Law & Policy Center, Chicago, which is a national environmental group. Illinois Attorney General Lisa Madigan filed a water enforcement complaint with the Illinois Pollution Control Board. This suit was joined by Sierra club of Illinois and Prairie River Network, Champaign, IL. The suits charge serious water violations over a period of five years.

It is our understanding there is a tie between the North Canton Mine and the corporate office of the Industry Mines and Greg Arnett, Director of Surface Operation, Capital Resources Development Company and North Canton Mine. Using the Illinois Secretary of State Comptroller's web page, the Agent name for Capital Resources Development Company, LLC, North Canton LLC, Springfield Coal Co LLC (Industry, IL) is BCRA Cp., 161 N Clark Street #4300, Chicago, IL 60601. The Limited Liability Members for each mine are listed as Tom Austin, Michael Caldwell and Brian Veldhuizen for Springfield Coal Co. LLC (Industry), North Canton LLC and Capital mines. The address for Freeman Energy Corporation is 4440 Ash Grove Dr., Springfield, IL 62711. Thomas A.

Korman is listed as an agent for Industry Mine and has signed the North Canton Mine permit as well. It seems that these companies are all "fingers on the same corporate hand."

If over 300 water violations went unnoticed for years by the Illinois EPA, the Illinois Pollution Board and Department of Natural Resources at the Industry Mine which has the same administration as North Canton Mine, how can we trust that the same violations will not happen at North Canton Mine? Will government and mine officials turn a "blind eye" to water violations to Copperas Creek, its streams and Canton Lake?

Canton Area Citizens for Environmental Issues realizes jobs are necessary not only in this immediate area but in the county. The economic development leaders need to look further for companies that are more compatible with the City and County's present and future growth plans. The City of Canton has room to grow to the north which could happen when 336 is built within a few years. It will provide a corridor for service jobs, corporate and residential subdivisions and tourist services for many years to come rather than the 5 years of coal mining.

Agriculture is one of Fulton County's major businesses. It is both a national and global business. The proposed North Canton Mine wants to strip 1084 acres of farmland less than three miles from the city of Canton. On June 23, 2009, Dean Spindler of Illinois Department of Natural Resources spoke at a seminar on mine land sponsored by the University of Illinois Extension and Fulton County NRCC. One of the facts given was that over 50,000 acres of strip-mined land is in Fulton County with only 2,500 acres having met all cropland productivity standards. That is a dismal number of acres meeting productivity standards. Farming brings jobs and economic growth to the county through purchases and taxes.

Tax dollars are lost on land that is not productive. Professor Lance Factor, Knox College, makes the following statement in a U.S. EPA Community Wide Assessment Grant for Mine-Scarred Land (2009) for Prairie Hills Resource Conservation and Development, Inc. which covers six counties including Fulton County. Professor Factor states, "Costs are passed on to the general public when farmland is lost to productivity. Townships and counties that were heavily strip mined have lost the tax base to maintain schools and roads." Many township roads are in dire need of repair due to the lack of tax dollars.

One has to look beyond the speculative short term dollars that proposed mine will bring to the area. There is so much more to lose. ■

Brenda Dilts,

Chairman, Canton Area Citizens for Environmental Issues, Canton Lake and its Watershed, Canton, IL

Eagle Nest Monitoring Program

We are starting to receive the final reports from the people who are observing the bald eagle nests. Some of these nests are no longer visible because of the tree canopies, so we cannot get the real facts about how well the young were fledged.

If anyone knows definitely how many young any eagle nest has fledged in 2010, please send that information to ENF's office, along with the nest location, either by snail mail or e-mail. Our e-mail address is eaglenature.tni@juno.com. I know that some nests had no activity, so there were no young produced from those nests. Others only have one young left after 12 weeks.

There is a definite need for funds to get an accurate check on as many nests as possible. I know the Fish & Wildlife Service keeps telling the world about all the nests they have, but even they don't have the manpower or finances to get them checked.

Bald Eagle Corporate Sponsors

Apple Creek Apiaries, 8384 N Broadway Road, Apple River, IL 61001 PH 815-594-2592

Apple River State Bank, 135 E Main St., Warren, IL 61087 PH 815-745-2194
Web: applesriverstatebank.com

Brian Schoenrock DDS, 9600 W Buckhill Rd., Galena, IL 61036 PH 815-777-0604
Eagleland Environmental Consultants, 8384 N Broadway Rd., Apple River, IL 61001, PH 815-594-2592

Ingram Insurance Services, 300 E Hickory St., Apple River, IL 61001 PH 815-594-2305

Southwestern Wisconsin Traders, 1032 Keep St., Darlington, WI 53530 PH 608-776-2755 Web: www.swtsales.net

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ENF's Upcoming Dates

2010

August 6 & 7 - ENF Garage Sale, Apple River, IL
August 28 - ENF Board Meeting, Dixon, IL
Sept. 25 - Fall Eagle Festival, Platteville, WI

2011

Jan. 15 - Bald Eagle Bus Tour, Galena, IL
Jan. 29-30 - Annual Midwinter Bald Eagle Count
Feb. 5 - ENF Board Meeting, Dixon, IL
Feb. 12 - Bald Eagle Bus Tour, Galena, IL
Feb. 26 - Bald Eagle Bus Tour, Galena, IL
Mar. 14-17 - Wildlife/Historical Bus Tour to
Nebraska, Galena, IL
Mar 27 - ENF Annual Meeting - Klehm
Arboretum & Botanical Gardens,
Rockford, IL
Unknown - International Bald Eagle Days

Thank you for your generous donations and memberships!

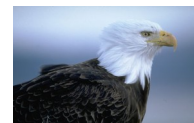
A bequest to the **Eagle Nature Foundation, Ltd.** is a unique and precious way to preserve the natural environment for both the bald eagle and man for generations to come. Through bequest giving, your concern for wilderness, wildlife preservation, and endangered species extends far beyond your own lifetime.

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