

Hello all,

Today our field crew came across this wildlife photographer at one of our chat nests in the south Okanagan wildlife management area. The biologist was shocked to find that Donald Waite had cut a path and a 5 ft. sq. patch of wild rose out of the bush to completely expose a chat nest so that he could photograph it and its contents. He said he had been there three days! He also said that after he finishes photographing birds on nests he puts the vegetation (dead veg. I suppose) back around nests so no harm is done! The chat chicks were still in the nest but René weighed them and they were 2-3 grams underweight for their age suggesting that the birds were not fed at a normal rate, likely due to disturbance. We don't know how this person figured out exactly where and how to find chat nests because as you know they are damn cryptic and once the birds are nesting the adults don't sing much. He did say he has someone who helps him find nests but he did not reveal who it is. He also said he was in the process of also photographing a grosbeak nest at South Okanagan Wildlife Management area. When he was asked to leave, he then asked if it was ok to come back tomorrow to photograph the birds fledging.

He claimed ignorance of the impact he might be having on the birds on their nest and their habitat around the nest especially of a Species at Risk residence. However, I suspect this person knew very well that what he was doing was not ethical. Perhaps you know this person and have had a better experience with him. However based on this situation, I felt I had to alert wildlife people about this incident.

If you are approached by this person for access or suggestions on where to go to photograph wildlife please be aware of this situation. If you are inclined, please also pass this information on to as many people as you know in the Okanagan valley and elsewhere, I am not at my office computer so I don't have my full email list.

His web site is: globalbirdphotos.com

Donald Waite is based in Maple Ridge.

Thanks

I was confronted by three biologists at the chat nest at 11:45 a.m. and Dr. Christine
A.

Bishop, the biologist of the Yellow-breasted Chat Recovery Team, sent the above
“vigilante justice” email out to twenty-five recipients (not Canadian Wildlife Service
investigators

at 2:14 p.m.—less than three hours later.

Within 8 hours the email had gone viral on 5 birder blogs.

x:xx am 14 June 2007

Donald, here is some feedback and advice. You are about to be bombarded by repercussions for getting caught and removing vegetation from a chat nest. In my humble opinion, not a great move to support your hobby (unless of course you make a living as a wildlife photographer, which I doubt, but either way ot's unacceptable). I hope it's not too rough for you, but hopefully it will cause you to refrain from this sort of behavior in the future. We all love to get great pics but it not worth causing a) probably failure of the nest bo a public outcry. Good luck with the latter. I'm sure it's quite feasible that your equipment will be confiscated by the conservation authorities - ouch! Either that or a hefty fine-yikes!

Nobody needs to be chastised, but I did have to write you as a fellow photographer to say "way to go" for doing it the wrong way and giving us all a bad name. Look forward to seeing you in the field.

Steve Ogle - wildlife photographer Simon Fraser University

11:05 am 14 June 2007

I have taken the liberty of forwarding this very disturbing account to two 'BC group', the members of which, I am sure, will be appalled as I am at the completely irresponsible behavior involved here.

I might add, that in the UK, this person would undoubtedly have ben prosecuted.

It is possible that the message might arrive from other sources but I have not got it yet.

M. Barry Lancaster, Oliver, B.C. - BC Interior Birds Message #17030

11:28 am 14 June 2007

This message was passed onto me by a very ethical, responsible wildlife photographer. They have done work photographing / documenting YB Chats in the Okanagan, at the request of a researcher with the Canadian Wildlife Service. This involved trying to photograph adults and nests, without removing any vegetation whatsoever.

Unfortunately, this CWS researcher's field crew recently came across a photographer who had removed a significant amount of vegetation to get a better shot of the nest and chicks, and admitted to being there for 3 days. The disturbing message from this researcher follows, below the dotted line."

Colin Clasen, Coquitlam, B.C. - BC Interior Birds Message #17031

11:10 am 14 June 2007

Take a look at his web site. As you go through his pictures you will notice that he has chopped vegetation more than once to get his pictures. Take a look at the Wilson's Phalarope. You can actually see in the foreground where he has cut or pulled off the reeds so he can get a better picture.

Jim Mitchell - BC Interior Birds Message #17036

11:47 am 14 June 2007

With respect to this photographer disturbing (or perhaps harassing) the yellow breasted chats - can someone tell me if it is illegal to harass endangered species? If so, then why didn't the CWS researcher take action of some sort such as calling a conservation officer?

If it is not illegal to harass endangered species then we need to agitate for the law to be changed.

In either case, perhaps we should consider whether it is appropriate to publicize this more widely and perhaps even works towards a boycott of these books.

On the other hand is this materially different from the fantastic video footage we've all seen (and ooh-ed and aah-ed over) on the Discovery Channel (or national Geographic) taken by world famous wildlife photographers where camerqas have actually been put in nests? I recall one in one instance a hole was drilled in the back of a cavity nest so that a camera could be fitted in?

I guess every time I now look at a great wildlife photo I will have to wonder what was done to get such as shot!"

Bob Handfield, Kaleden B.C. - BC Interior Birds Message #17039

12:17 pm 14 June 2007

“Good Morning Bob and others,

When I first circulated this message originating from Christine Bishop at the Canadian Wildlife Service, I too wondered about how many other “beautiful” wildlife photos, from other authors, may have compromised the well-being of the subjects. However, we can only deal with what’s obvious and in front of us right now. Mr. Waite was caught in the act, therefore he should be dealt with now, both by the authorities and by the public boycotting his books. No doubt he could likely justify his irresponsible behaviour by saying ‘others do it too’, but that’s not acceptable to me and others who have responded to this incident.

As far as boycotting his books, that might prove difficult, especially if the book stores take the ‘others do it too’ attitude. After all, they want to make profits too and might therefore be quite willing to overlook Mr. Waite’s methods of obtaining his photos.

I will be emailing Christine Bishop today to ask whether a person can be charged for endangering the well-being of a ‘Species at Risk’, like the Yellow-breasted Chat. I’ll let you know what she says.

Colin Clasen, Coquitlam - BC Interior Birds Message #17040

1:30 pm 14 June 2007

I have been following this conversation and wish to throw out some questions around this behavior.

I think I may ruffle a few feathers with this but I think most of you will understand what I am asking here.

I should preface my comments by stating the following. I do not know Mr. Waite. I do know an associate of his who is responsible for some of the photos on the web and have invited him to join this group and address some of the comments being directed at him.

Let me be clear this is not a defense of Mr. Waite.

I start by stating the obvious. We binocular holding birders to have an “impact” on the birds we observe. Those of us who push, myself included, have an impact on the birds. Those of us who play recordings in the field to attract species have an impact on the birds.

The question is how much impact is acceptable and what is gained from that impact.

If a photographer drills a hole in the back of a stump to film or photograph a bird, potentially causing that one nest to be unsuccessful and yet it is seen by millions on National Geographic and brings people to be moved towards conservation, is this acceptable? If it has already been done before, photographed before, does it need to be repeated?

Where does one cross the line?

Can an end justify a means?

I bird because I enjoy it as a past time for myself and my family. It allows me to instill in my children a love for the natural world and empathy for all living things. But the truth is, I would bird any day just for the sheer pleasure it brings to me whether I had children or not. My birding is, by that standard, a purely selfish act.

I have an impact on the birds I encounter.

Not the same impact as Mr. Waite, but an impact none the less.

Mr. Waite aside, as this is NOT a defense or justification for his actions, each of us must decide what we believe is acceptable actions in the field.

Maybe, this incident will spark a debate between us all and have us re-examine our own views.

If the chats fledge successfully, does this mean that our view of “tolerable impact” should be re-examined? Can we ever know the impact we have on a bird?

I do not know the answers to these questions. I look to other birders, photographers and scientists to help me find the answers.

On the face of it, it appears to me that this intrusion on the chats is unacceptable. It seems to cross lines I could certainly never cross. But if, in the long run, they fledge successfully, has any real harm been done?

Again, this is not, I repeat, not a defense of Mr. Waite.

Just a question, sincerely posed and I truly look forward to your comments.

I guess I took to many philosophy courses at university.

Trent Gluckler, Burnaby - BC Interior Birds #17041

2:31 pm 14 June 2007

Trent you have brought up a valid point as to what constitutes 'impact' or 'disturbance'. If it were being assessed by a judge, I think he would look closely at the severity or degree of the 'impact' or 'disturbance'. Naturally, most people would probably like to think that the severity of their actions is less than someone else's, in order to appease their conscience and justify their actions. What constitutes 'mild' or 'medium' types of severity could be argued forever. However, the most obvious and severe types of disturbance doesn't leave much to be discussed. This includes the irresponsible caught-in-the-act 'disturbance' of bird photographer Donald Waite. Cutting away natural vegetation was bad enough, because that automatically makes it easier for predators to locate and access the nest and chicks. That by itself is bad enough, but then he admits to staying on-site for 3 days - unbelievable. The adult birds cannot realistically be expected to properly feed their vulnerable little chicks with him hanging around the nest for that length of time. Three hours on site would be bad enough, but 3 days shows a blatant, profit-obsessed disregard for the well-being of the birds. This is supported by the observation of the CWS researcher, that Mr. Waite showed no apparent remorse for his actions. Even though he was caught-in-the-act, he still asked to come back the next day! That should tell us a lot about his character.

Colin Clasen, Coquitlam - BC Interior Birds Message #17044

3:59 pm 14 June 2007

Again, not to defend Mr. Waite.

But just for the sake of the discussion, what if Mr. Waite sincerely believes his impact is not over the line and that his book will be a great benefit to the appreciation and protection of birds. What if it was a Starling nest? a Robin's nest?

What if we were later to find out that the chats fledged successfully? In this case... and I realize this is purely hypothetical... would his actions be able to be described as "destructive" or "negatively impacting the chats"?

I only pose these questions because it seems fair that if we are going to challenge Mr. Waite's view of "acceptable impact" then we must challenge our own as well.

Mr. Waite has gone much farther than I ever would. Mostly because I would fear the impact of the birds. But are my perceptions of what is acceptable on the shy side of safe and acceptable in the big scheme of things? If I want to have as little impact as "humanly possible" on bird populations, then I should not bird at all. But I choose to look at birds, pish for birds, imitate bird calls and sometimes get closer for a better look with my binoculars. I have drawn a line for myself that I will not cross in what I will do to see a bird, photograph a bird. Some of it bothers me a little and some a lot, but I do not "know" what is too much impact. I do "know" what doesn't feel right and I suspect certain actions increase the risk of nests' survival.

These are the questions I ask myself when I see another calling out someone for their actions. Not that I think it is wrong to say when you think someone goes too far. In fact I encourage it. But where does the 'truth' lie on a line differentiated by degree?

If we constantly ask ourselves these questions and encourage others to do as well, then I think we will all lighten our general impact on the natural world that we all appreciate.

Again, just my thoughts and questions.

Trent Glukler, Burnaby - BC Interior Birds Message #17044

2:00 am 15 June 2007

Tonight was the monthly meeting of the local Pitt Meadows/Maple Ridge naturalists club (Alouette Field Naturalists) so I thought I would ask if anyone knew of the photographer in question Mr. Waite. The response was immediate and very vocal. YES they knew all about him and apparently he has been using this technique for several decades at least. They have long since stopped offering any locations of nests.

If his actions do result in a charge under the Wildlife Act they will make sure it receives the attention of the local media.

So Mr. Waite may be new to this group of birders he sure isn't new to the local naturalists.

I too took a ramble through his web & found his pictures far inferior to many of the new photographers posting pictures on various web sites. In particular there is a photographer posting on the Birding in BC site. His pictures are truly spectacular. I would suggest paying a visit to see some of his posts. His "handle" is "Bart5".

Larry Cowan, Pitt Meadows - BC Vancouver Birds Message #12484

9:08 am 15 June 2007

"Thanks for posting this, Jim. A perfect example of the Almighty \$ trumping care and concern for the well-being of our planet and its most vulnerable residents. I hope the young chats survived. I personally don't know any real birders in BC but I do travel out there a couple of times a year, so will send it along to a few people. And, I shall begin my personal boycott of this photographer dude immediately - not that I've ever heard of him before - I'll be looking for photography credits in BC nature books, cards et al and yap off at random any time I do see his name; it's the least I can do.

Kathy Hedegard, Estevan, SK - Saskbirds Message #12240

11:52 am 15 June 2007

'I think calling this photographer's actions "unethical" is an understatement. It goes beyond unethical. Mind-boggling callousness and selfishness. Aside from his own incredible invasive actions, he is exposing the nesting sites to predation.

I don't know if what he is doing is illegal, but there has to be a way to bring some serious pressure on the guy to cease such reckless and damaging behavior."

Daniel Bastaja, Vancouver - BC Vancouver Birds Message #12490

12:32 pm 15 June 2007

"Hi Dan et al: here is a quote from the federal Migratory Birds Regulations Sec. 6. No person shall:

a) disturb, destroy or take a nest, egg, nest shelter, eider duck shelter or duck box of a migratory bird"

The vagaries of making a successful prosecution by ensuring that an officer can collect enough information to conclusively prove that an offence was committed by an accused may well temper whether charges are laid, but certainly a visit from an enforcement officer to discuss the issues and to talk about possibilities with this photographer should take place.

To be honest, one has to wonder whether checking the nest success of bluebirds or any other species could constitute "disturb" if you had a zealous enforcement person. Politically and practically, I don't think that the CWS would want to lose the data from all these good programs, and research has shown that to a certain level, disturbances of bluebird nests for example, do not reduce hatch success.

So what does it take to constitute a disturbance in terms of nest outcome, which is really what it is all about in the long run. I don't know, and it may vary by species. Certainly leaving a nest free of its protective covering leaves it vulnerable to predation and the effects of weather on the nestlings. As far as ground nesting birds are concerned, just finding a nest can lead predators such as foxes, coyotes and cats directly to a nest as they follow the scent trail.

I have had this happen more than once to me, as I have stumbled on nests and stooped to check the contents. Returning a couple of days later to empty nests and missing eggs leaves me to wonder about nest searching as a practice when it comes to ground nesters. The data is useful but at what expense? Complex business at times, but as photographers (I include myself) and biologists & naturalists,

we must ensure that our ethics protect the very species that we wish to study or photograph. This requires a certain amount of understanding of the species, potential predators and your own actions in the environment. Naturalists and biologists could do well to give lectures to photo clubs about these interactions in an attempt to make a positive step in the creation of awareness.

As someone famous once said something like “beware the enemy, for he may be us.”

Rick Howie - BC Vancouver Birds Message #12491

4:28 pm 15 June 2007

“You did stress that you were not denuding the actions of this guy. Thank You. Where he did cross the legal and ethical line was when he did this to a threatened species with full knowledge of its status. He did take a risk that many would find unreasonable in interfering with a nest. EVEN if the nest will be successful this year he has no right to take such risks for a photo shoot period. Aside from the ethical or legal considerations currently. There should be some form of laws governing these activities for all Raptors and Migratory Birds. Then it would require a permit. Someone would have to justify their activities prior to carrying them out or face the consequences. The Fisheries Act has some interesting sanctions on persons that do these sorts of actions repeatedly. An abalone harvester not only had his GEAR [read cameras, tapes, tripods, car] Scuba tanks, boat, diving gear, harvesting equipment seized for repeatedly harvesting but had restrictions on being in possession of diving gear or engaging in diving for several years. Basically he could be jailed or fined for being in a boat with diving gear present. I believe he was fined to boot and jailed.

Putting the nest under risk or failure for purposefully altering the habitat near the nest for a frivolous activity should be enough to warrant a charge. If he could be pinned as the one whom altered the habitat. What’s frivolous. That’s where the permit comes in.”

Richard Swanston - Delta - BC Vancouver Birds Message #12494

5:55 pm 15 June 2007

“I think you are right. The fact that it is a threatened species in Canada dictates that the nest should not be disturbed. Much less have the vegetation removed from around it. Vegetation that is intrinsic in protecting the location and, therefore the safety of the nest.

I must admit, rather sheepishly, that I did not realize that the Chat was an endangered species here in Canada.

I went to the Canadian Biodiversity site at McGill to get confirmation of the fact. There are only six birds listed there as endangered, one of which is the Chat. Ironically, it does not list Kirkland’s Warbler.

I also noticed that it shows Peregrine Falcon which I knew was endangered but it lists it as Anatum Peregrine Falcon.

Can anyone tell me if this is a local sub species that we have here in the lower mainland? Sibley’s lists two types of Peregrine Pacific (or Peale’s) and Tundra. Are they both part of Anatum?

Anyone out there able to shed some light on this for me?

Trent Glukler, Burnaby - BC Vancouver Birders Message #12495

Damon’s ‘To whom it may concern’ letter (on the following 4-pages) was sent to Dr. Bishop at 8:38 a.m. 15 June 2007.

To whom it may Concern:

This response is in regards to the letter sent by Christine Bishop of the Canadian Wildlife Service to a number of birders in the Okanagan region as well as throughout the province of B.C. I have had a chance to read this letter because a birder friend of mine was kind enough to let me know about it being posted this morning.

Firstly, I would like to say that I am very saddened and disappointed that Christine did not approach my partner Don Waite to talk to him about the situation before sending this letter out to a large number of people. Don gave his cellular phone number to Renéé McKibben of the C.W.S. chat research team so that he could be contacted if there were any further concerns. Since Don did not have a chance to speak to Christine about this situation, I would like to at least speak out about what has occurred.

Don Waite and I have worked together as bird photographers for the past seventeen years. Don has been photographing birds for over thirty years. We have recently released my first book, 'Flights of Fantasy: Photographing North American Birds', and are currently working on several other books including some children's bird books. Our goals are to promote an awareness of nature's beauty through our photography and to educate people about the family lives of birds—hopefully prompting more habitat to be set aside by future generations.

We are conscientious photographers who care very much about our subjects and about birds and wildlife in general. When we photograph birds at the nest we use a blind that prevents the birds from seeing us near them. Consequently, they go about their family business as if we weren't there.

The first issue Christine mentions in her letter is the fact that a five-foot square patch of vegetation was cut out adjacent to the nest of a Yellow-breasted Chat. This is true. The chat nest was placed in a large patch of wild rose, and in order to

photograph it and place our blind adjacent to the nest, we needed to cut away that much (which is at the extreme end of how much vegetation usually needs to be trimmed away before photography can occur). What she failed to mention was that our blind was occupying the space created in the vegetation, so that the chat nest was not exposed to predators in the way she has inferred in her letter. She then goes on to mention that at the end of a photography session Don covers the nest up with some of the removed (and now dead) vegetation. This is true. She then goes on to write "...so no harm done!" an obvious and somewhat sarcastic reference to her belief that Don has made a flippant comment about covering the nest up. What she again failed to mention is Don's explanation about how he covers up nests to the C.W.S. worker who was there at the time. Don and I are very thorough about how we cover up any nests we have exposed in any way. We do use dead vegetation, but we are very careful to cover up the nest so well that no predator would be able to see it. And no predator has ever attacked a nest while we were photographing it. Ironically, a bird is likely to be safer with a photographer there than not—and this is backed up by a comment from Wayne Campbell, who spoke to Don and I two years ago over lunch about a study involving two groups of incubating and brooding American Robins: one being watched by people and one not. The overall fledging success of the "watched" group was significantly higher than the "unwatched group" because the Robins took greater care with their offspring by hunkering down to incubate and brood them more closely.

As to the issue of dead vegetation, the whole lower canopy of the wild rose patch that the chat was nesting in consisted of dead vegetation—and this is a common situation with plant life in many ecosystems, such as marshes, for example. Many birds nest in dead vegetation or any combination of living or dead vegetation. And the nest itself is composed of—you guessed it—dead vegetation.

This chat nest did have some dead vegetation immediately around it to begin with. And the wild rose (like blackberry) will grow back very quickly—next year you would see the same amount of material grown back to fill in any gaps.

Before I address any of the other issues raised in Christine's letter, I'd first like to talk about the issue of removing vegetation to photograph birds in general, as it is usually this hotly contested point that is brought up in any debate about the merits of wildlife photography. If one is to photograph birds at the nest, there will be many different nesting situations that one will encounter: Killdeer and many other shorebirds nest on wide open ground and tundra, with absolutely no vegetative protection from above. Camouflage of the eggs and chicks and of the incubating adult is their only defense. Other birds nest in cavities, and still others run the gamut of little or no vegetative cover to quite a lot of cover. Depending on the bird being photographed, any photographer will have to remove some vegetation to get a shot. All of the so-called great photographers over the past 100 years (including Eric Hosking, Arthur Allen, Eliot Porter, Alan Cruickshank, and Frederick Truslow) have done this, and the evidence is clearly visible in their photographs. Eliot Porter, arguably the greatest North American bird photographer of the twentieth century, wrote openly about his techniques in his books—including cutting down 40-foot trees to get shots of birds. Instead of being castigated for his "crimes", which are far more severe than anything Don or I have ever done when photographing birds, his images were widely published by every major birding publication including National Geographic. For some birds, there is simply no way to photograph them without removing some of the vegetation. And since photographs of birds at the nest have served to educate the public for years about conservation and birding, one must judge whether or not a little vegetation removed (and then responsibly replaced) now and then is harmful to

the species as a whole—or even to the individual. I, for one, believe that the greater good to any species of bird being photographed far outweighs any "perceived" risk to the individual.

As far as overall nesting success of species Don and I have photographed, so far this season we have had 100% of our birds fledge safely after being photographed. Don and I have kept track of any losses and we have had over the years, and we have seen well over 90% of young birds we have photographed fledge safely. Many scientists estimate that the fledging success of nests undisturbed by photographers is much lower—I have read estimates as low as thirty or forty percent fledging success for birds. One nest I lost was due to the adult being predated away from the nest, and a snake attacked another ground nest while I was away—things which have no direct connection to exposure to predators from the sky. And I want to reiterate that although predators have indeed robbed a couple of nests we were in the process of photographing (despite our covering them up with vegetation at the end of the session), neither Don nor I have ever had a predator attack a nest while we were photographing it. And if Brown-headed Cowbirds are intelligent and observant enough to locate the well-hidden nests of countless ground-nesting warbler species so they can parasitize them, it just might be possible for a squirrel, skunk, hawk, or corvid to locate a well-hidden nest to rob it of its contents. Predation is very common, and not always directly connected to the interference of a photographer removing and then replacing vegetation.

Christine Bishop then goes on to mention that the Chat chicks "were 2-3 grams underweight for their age, suggesting that the birds were not fed at the normal rate, likely due to disturbance". This is a very unfair assumption, given that our photographs of the Chat feeding its young have a date and time attached to the digital files, giving us a very accurate log of just how often the adults fed their young—which was regularly and with quite

copious amounts of insects (and lots of beetles). I would imagine that a photo inventory of a bird's diet could be as useful as analyzing the contents of a "collected" specimen's stomach, while certainly less harmful. The other inference here is that the chats were so stressed and disturbed by our presence that they refused to feed the young very often. Again, our observations from the best vantage point possible (inside the blind) and our photographic records prove that absolutely wrong. The chat, in fact, adapted to our presence as quickly as any other bird has, and was inured to our presence and the click of the camera's shutter within about fifteen minutes, feeding its young happily and with no concern for the quiet noise of the camera whatsoever.

Christine then mentions that she has no idea how Don found the chat nest, because "as you may know they are damn cryptic and once the birds are nesting the adults don't sing much." It was I who found the nest, and I found it by searching through the habitat and being observant. The inference here is that Don and I are a couple of yahoos who tramp through the bush hoping to luck out and surprise some poor unsuspecting bird, despite our lack of a PhD., which would—clearly—qualify us. I do have over twenty years of experience in wildlife photography and a degree in Animal Biology from U.B.C., was accepted for a masters degree in animal behavior at the University of Southwestern Louisiana (which I ultimately chose not to do and instead got a B.Ed. in Science), and I do know how to read a textbook and study field guides. And I am good at locating birds' nests, as I am sensitive to their behavior and do my research on how to locate them.

Christine then makes the following statement: "When he (Don) was asked to leave, he then asked if it was ok to come back tomorrow to photograph the birds fledging!" This is completely erroneous—Don never made any such comment, and the inference here is that Don is completely ignorant about birds and when they fledge. It was Don who introduced me to bird photography, and after thirty years in the field he knows a thing or two

about birds. In addition, when asked to leave, Don told me that he was very polite and cooperative, although upset, and packed up his blind and camera equipment immediately.

Don did ask to discuss some of the issues with the C.W.S. team that was there, but was told they were too busy. He was then told that he could apply for a permit to photograph the chat and was given a name to contact with the Ministry of the Environment. Subsequently, Don followed up on this but has received no response.

Christine then goes on mention that Don "claimed ignorance of the impact he might be having on the birds on their nest and their habitat around the nest especially of a Species at Risk residence. However, I suspect this person knew very well that what he was doing was not ethical." Don and I did not in fact know about that particular area being off-limits for chat photography—there are no signs posted anywhere mentioning chats and Species at Risk, and no one mentioned this to us, although I sent an e-mail listing several species (including The Yellow-breasted Chat) that Don and I hoped to photograph to the South Okanagan Birding Club which was widely circulated among its members. Not one of them e-mailed me back that the chat was a Species at Risk or that the area was off-limits. Apparently they didn't know either. We are very respectful of signs and statutes; we have no desire to cause any trouble. It was also my understanding that the chat was a common North American Species, and that the Okanagan is simply at the northern limit of its range. I even sent my list of desired birds to a very high-profile birder in the region, and he made no mention of the Species at Risk act either; he just directed me to the area in question to search for them there.

Finally, Christine goes on to say that "If you are approached by this person for access or suggestions on where to go to photograph wildlife please be aware of this situation. If you are inclined, please also pass this information on to as many people as you know in the Okanagan valley and elsewhere, I am not on my office computer

so I don't have my full email list." The obvious inference here is to "spread the news" as rapidly as possible that two renegade photographers are in the region bent on destroying it and that a "lynch mob" is in order to "stop the threat". I find it extremely distressing that Christine has done this without trying to make contact with Don Waite, and feel that in the court of public opinion we have been unfairly vilified—tried, convicted and executed, if you will, without ever having had a chance to speak out on the subject.

Don has already received a couple of letters of "hate-mail" from birders as a result of Christine's e-mail. They have based their letters on her account alone, of course, which is a somewhat one-sided and biased.

I realize that because we have chosen to photograph our subjects at the nest, this is a contentious issue for some birders. However, if one is going to condemn us for our "crimes", then one must be equally quick to forgo looking at all photographs of birds at the nest, and to condemn all the great photographers such as Eliot Porter and Hal Harrison—even though they had equally good intentions. One must also not stop at that. Any magazine or book which publishes such heinous photography—National Geographic, International Wildlife, Living Bird Magazine, A Field Guide to Western Birds' Nests, et al., must be banned from our bookshelves for it is these "criminals" who are ruining our environment with their careless methods of photography.

Never mind the vast ironies that are associated with all this furor: that the government pays workers to trim roadside vegetation and vegetation in many other areas during the summer months—killing countless animals and birds and destroying nests in the process; that farmers all over North America mow their hayfields during the months of June and July, shredding ducklings and countless other species in the process; that many birders tramp through the bush, carefully avoiding disturbing nesting birds, while stressing out adults by "pishing" them out of their well-

concealed hiding places and exposing them to predators; and finally, that when a duck and her brood of oh-so-cute ducklings cross a busy city street that everyone stops what they are doing to make sure that they are kept out of harm's way—and boy do we ever feel good about ourselves when we have done nature this service. It's simply all a matter of perception. And I feel very strongly that Christine has perceived Don and I wrongly. And by sending out her e-mail to countless other birders, she has encouraged everyone to jump on the bandwagon to tar-and-feather us.

I would like to conclude that Don and I respect very much what the C.W.S. is trying to do—we would have loved to have the opportunity to work with them to photograph the chats. We feel very strongly that we are on the same "team" as other birders, rallying in our specific way for the same bigger picture cause: to preserve the environment as a whole. We also respect the opinions of individual birders who make the choice not to disturb certain habitats because they feel that they are helping individual birds reproduce more successfully. We would like others to at least gain a better understanding of what it is we do, even if they can't or won't share the same opinion about nest photography. And I welcome healthy debate about the subject. Things aren't always in black and white. Some come in shades of grey, and in the birding world, photography is one of those issues. The bottom line for me is my unshakeable belief that Don and I have done far, far, far more good for birds through our photos than harm.

Don will write a more detailed response to Christine's letter. However, before he does so, he wishes to discuss it with several of his birding colleagues.

Sincerely,

Damon Calderwood