

American Oystercatcher Working Group Annual Meeting
Nov 30 – Dec 3, 2021
Meeting Notes – Day 2

Disturbance: challenges and opportunities

The focus for the day is related to disturbance management challenges and the exploration of ways that we can engage to improve outreach in positive ways.

Setting the scene: The case of the fractious photographers- Beth Amendola

Overview of events that led to the death of an AMOY chick in CT and the management actions and decisions that came from the event. *See recording and/or powerpoint for talk.*

Questions

Some feedback from photographers that indicated that they felt the photographers involved in the incident were not representative of the larger group and had concerns that they were being accused as a whole unfairly.

- Yes, the group in CT was defensive and felt that the messaging was accusatory. Messaging could have been more positive to avoid those views. But, it also let to a great opportunity to open the discussion with photography groups and others, like bird tours, bird walks, etc. These sites are small and disturbances are hard to avoid so these conversations need to occur and actions to

You said that having photographers on site is changing people's behavior. Is this anecdotal or do you have data because this is interesting and lends itself to future outreach efforts elsewhere?

- Observations this year and hope to include data next year on disturbance observations and be able to assess. This is an important part of our messaging; photographers can help reduce the disturbance. For example, people don't generally disturb/flush birds when photographers are out.

Wondering if you have buffer zones that you recommend for photographers in CT? We have a brochure in FL and recommend 300ft. One of the issues is that unless you have a very expensive lenses, the 300 ft is challenging- Link to FWC shorebird photography brochure:

<https://flshorebirdalliance.org/media/1025/uc-shorebird-photographybrochure.pdf>

- Barely have 400 ft at this site, it is very small but with high quality habitat like mud flats and shell rakes and these features really draw in birds, particularly migrants. We are recommended that people stay less than 10 minutes. However, the water line is challenging to manage based on state rules. Sites are very narrow and get a lot of human use which makes it difficult to set up standards. Alex- interesting idea on the limited duration rather than space

Mass Audubon experiences disturbances with photographers too. Saw photos of young chicks on social media and had concerns. Decided to actively engage with the groups and talking with admin of the FB pages to create guidance and recommend removing locations and specific information. They found that

admins of pages were receptive and saw an immediate change. Plan to expand this effort next year. Are also trying to develop their own guidelines for the state but are also interested in what others are using. Maybe adding to the AFSI site would be good so we can learn from each other.

- We have also tried to monitor FB pages and found that it was overwhelming and had negative feedback/reactions from folks they reach out to

Debra Reynolds- When this story broke, and all the discussion was happening on the list serve- the AFSI human disturbance group brought this up as a priority to see if there was a need to create broad guidelines. There was overwhelming response that this is an issue and guidance is needed. Have formed a small working group to develop specific messaging that can be use broadly, hosting webinars, etc. Have even asked a couple of photographers to the working group to get their perspectives and learn their point of view. Agrees that AFSI should be the repository for guidance and will look into what would work best and would be accessible to folks. If you are interested in joining the working group that is focused on this issue- let me know. All are welcome to join, and input is needed. If you have any materials already, send my way to draw from for the materials underway and to include on the AFSI website. Having a wide-ranging group of people with different backgrounds will really benefit the products that come out of this effort. debra_reynolds@fws.gov

From the chat

Kate Goodenough- It certainly reverberated throughout the photographic community. There were comments from Oklahoma to San Diego California.

Lindsay Addison- I also find that people will divert if I'm looking with a scope, but it's about not disturbing me, rather than the birds. I have also had people ask if I wanted them to flush the birds for me (they think I'm taking pictures and that I want pictures of them flying).

Todd Pover- I think the narrowness of many sites is the big problem as far "buffers". They are just too narrow to bump out the fence to protect nesters using a standard buffer.

Shiloh Schulte- Agreed Todd. There is a difference between someone walking past and someone stopping for an extended period and pointing a giant eye at the bird/chicks.

Emily Heiser- This is an article written by one of our volunteer photographers that we have worked extensively with. I also recommend reaching out to Melissa Groo - she has done a lot of work in the ethical photography world. <https://www.audubon.org/news/how-i-learned-safely-photograph-beach-nesting-birds>

FWC's Waterbird Patrol Initiative: Developing a Framework for Reducing Disturbance at Key Areas: Alex Kropp

See recording and/or powerpoint for talk.

Questions

Can patrol efforts be linked to improved productivity?

- Potentially, but there are often a lot of other threats and other management actions that influence productivity. One success story is from Anastasia, after we started these patrols, we had BLSK at the site for the first time in 20 years.

Similarly, I'm interested in how you developed the LE patrol targets?

- for years we were just asking LE to do patrols and eventually realized that we had to be more direct and have agreed upon goals. LE have a lot of other obligations which meant we needed to understand reasonable expectations for LE. Eventually, LE realize they can multitask and respond where needed for shorebirds (waterbirds) while out for other activities and vice versa.

Have you needed to provide funding to cover LE time spent on these patrols?

- Audubon FL provided some additional funding for some sites. But, if you can let LE know where priority sites are, they can multi-task. For example, if they are already out at St. Augustine inlet for fishing regulation, they can keep an eye on Julia's island, where shorebirds/seabirds occur. It is really about LE being aware of high priority shorebird/seabird sites are.
- Audrey DeRose-Wilson- the funding the Audubon Florida provides to FWC LE is specifically to cover officer overtime on holiday weekends. So this certainly helps direct some patrols to priority sites during these busy times.

A basic question, how did you get LE to be involved/committed to this?

- A lot is keeping reoccurring communication/coordination with LE and at the local level highlight success to LE leadership. Grassroots work initially and then going up the chain of command to get approval by demonstrating success Positive reinforcement and providing recognition is vitally important for LE. Really trying to stress to LE that waterbird patrols are part of the job description. Reinforcing this idea with annual LE shorebird education workshops.

From the Chat

Emily Heiser- Similar questions as Tim regarding funding and Mary-Catherine - how were you able to initiate that initial conversation with LE about increasing patrols and do you provide funding support for the LE officers? Our LE is heavily focused on hunter/angler and less inclined to get involved heavily in T&E issues.

Alex- Thanks for all the great questions! How did we get DLE involved? In short, it was a combination of working with regional DLE at the local level to demonstrate success followed by working with LE leadership to show the approach was working so we could get buy-in to try it statewide. Giving LE positive feedback when we had success was critically important. Also, Audubon FL provided funding for LE overtime for some sites. A big part of this is pushing a cultural shift, where DLE sees proactive patrols as a key part of their central responsibilities.

Alex- Here's one LE handout. Talking points are actually not on this one, but this one summarizes key rules and signage as well as including an ID guide for shorebirds/seabirds:

<https://flshorebirdalliance.org/media/1020/le-pamphlet.pdf>

Alex- Here are some talking points in our beach nesting birds brochure:

<https://flshorebirdalliance.org/media/1017/beachnestingbirdsbrochure.pdf>

Emily Heiser- I plan to share Alex's talk with our upper management when the recording is available!

Tackling Compliance with Leash Laws through Law Enforcement & Voluntary Techniques: Insights from Conservation Criminology- Ashley Dayer

See recording and/or powerpoint for talk.

Questions (a blend of Q/A for all disturbance topics during this time period)

Has anyone ever tried working with their local vet offices? posting outreach materials their or having vets as advocates?

- not aware of any efforts in the US, but did have dog days, where swag and information was provided. In some instances, vets were present and provided free microchipping as part of the event. Very positive results with this approach.
- Vets can encourage dog owners' good behavior
- *Mary- Catherine Martin*- one season a couple of years ago we visited all vet offices in a city adjacent to several of our beaches and asked them to post a sign about leaving dogs at home instead of taking to beach, most agreed to post. Can't say what effect if any was accomplished. But may be one of the "tools" to use. There were over 40 vet offices in this one area so will take some effort!

When doing dog owner surveys, found that people were concerned about dog poop and policed other dog owners out of worry that dog privileges would be disappeared. If something similar was set up about dog leashing, you may see people react in a similar way.

- *Allyssa Zebrowski*- In SC we have partnered with a local adoption agency in the past and had frisbees distributed with a "leash at the beach" sort of message. They were given out at adoption events, I believe.
- *Lindsay Addison*- Sea turtle groups in NC and possibly elsewhere have run programs where they provide rental companies with postcards or fliers that go in each rental property telling people to turn out lights for turtles. I don't know of any case where its effectiveness has been studied, but it could be tried with bird-related asks (especially if there are properties that allow dogs). Renters not knowing the rules is a problem.
- *Debra Reynolds*- The AFSI shorebird sign was designed so that it could also be printed and used in this exact way. Anyone could add their specific site rules on the back and ask rental companies to distribute or laminate and put on the fridge!
- *Ezra Thompson*- I think oftentimes people view dog leash laws to apply only when other people are present and generally may not be aware of impacts to shorebirds (especially solitary species that are more cryptic)
- *Lindsay Addison*- Yes, I see that happen. They leash until there's no one else for the dog to run up to
- *Nelia Amato*- Another layer to this issue is the growing problem of people falsely claiming the dog is a service dog. I've seen this play out multiple times on local beaches.

- *Lindsay Addison* - Fake service dogs are a real pain. We have our volunteers tell people that the birds will poop on their dog so they should take it elsewhere where there are no birds, rather than argue with them.
- *Nelia Amato*- That's a good deterrent Lindsay!
- *Robyn Elman*- This is the most frustrating issue and a Huge problem here in NY
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- *Ccoppola*- Fines from citations can be progressive where repeat violators pay more and fines should be directed to enforcement
- *Lyra Brennan*- jurisdiction is a significant enforcement issue as well. for example, town local Animal Control won't enforce dog issues in private areas, etc. we have had some luck developing strong relationships with local animal control.
- *Lyra Brennan*- has anyone used incentive based or penalty based quotas? An example might be that after a certain number of dog incidents on a beach, dogs on leash are no longer allowed. the hope being that good behavior is rewarded, non compliant behavior changes permissions on the beach. Would need a bit outreach component and depends on the community/norm enforcement...
- *Bridie Farmer*- Years ago when I worked at Acadia NP, dogs off leash was a big compliance problem and there was threat of taking that privilege away. I just looked it up and was impressed with the very specific positive dog information they now have on their website to encourage compliance, including becoming a "Bark Ranger". That's not the kind of program that would work on our Virginia beaches, but perhaps in some other areas folks here are monitoring?

The community centered approach can be effective but may not target the core issues unless dog owners really understand it. A couple of years ago, a dog did kill a piping plover, and this led to increased community discussion about the topic and some change in behavior and ordinances. Other item I wanted to bring up is the difference between a rate-based issue versions binary. In most cases, reducing disturbances, regardless of the amount, can approve conditions. But, in other cases, like with dogs, you need 100% compliance to avoid complete loss. You really need communication with LE for the more binary type issues.

- Ashley- maybe not as much a targeted, but a where and when, ie., being in the right place at the right time. Maybe Alex can address the where and when as part of the waterbird patrol in FL.

- Lyndsay Addison- I'm curious, Alex, if you targeted weekends or holiday patrols as targets/metrics too.
- Alex Kropp- this is where the within season frequent communication is important, so that LE have a better idea of the time to be on site and the where of specific issues.
- Lyndsay Addison- Nice! I was thinking about those zero-sum times (vs. rate-based issues) when disturbance can cause reproductive failure and we all know weekends and holidays are key.
- Lyndsay Addison- there is also a tidal component, as to when LE can access a site and when disturbances may be more problematic.

Ashley- Also interested in info from the literature that suggests that if you push too much outreach/enforcement it may lead to negative interactions/response from the public.

- Maureen Durkin- I've noticed that with interactions with LE, it can be difficult to get interest from LE when there is not a case or if it unlikely that they can issue a citation, for example with high mean water issues or that the people causing disturbance are gone by the time LE arrives. I don't rally care if people are ticketed or not, I just want the behavior to stop. I do see from FB some push back when there is a big push from LE and some grumbling from the public.
- Alex- part of that cultural shift. Move from just issuing citation but to patrolling, a presence, and outreach to the public. Moved that recognition to be out there instead of just the citation.
- Lyra- you often have the person that says, 'give me the ticket' and will continue the same behavior. But, another challenge, is the crying wolf model. We want to be able to track the incidents that are happening. Finding the balance between reporting instances vs enforcement. IF we aren't prioritizing issues, LE may not respond. If we report every issue we see, it might be overwhelming. We need to find the balance and possibly provide guidance for field staff. We don't want to fatigue LE by overwhelming them with issues that might seem minor to them.

Tim- Like everywhere, LE is spread thin, even though we've tried prioritizing, we find that LE has to have something concrete to respond. Bird rules and protection differ between sites and closures may not be explicitly be as part of a rule which makes things difficult. The best example, is for sea turtles and required TED checks by LE.

- Le Seasonal patrols- would love to hire something like this. Is this a voluntary compliance type position or is it someone that can issue citations?
- Alex- One of the things we are doing as part of our stewardship program is to train folks to recognize what they are seeing and how it relates to disturbance and how to report violations to LE to make site visits from LE easier. Some basics, like who, what, when, what were they wearing, what direction were they walking, etc.
- Brian Van Druten- There's the opposite too when staff repeatedly reports violations and sees no enforcement that staff becomes numb to reporting.
- Susan Heath- Yes we have had that problem. The response from LE when we call is often that the issue won't be prosecuted so they aren't interested in responding. We are working through that issue and trying to get them to understand that prosecution isn't the only end game. If a warning makes them stop then it was worth the visit.

Emily Heiser- The MHW issue is a big challenge for NJ LE not wanting to get involved - happy to hear if anyone has figured out a way around this... They want that specific statute to point to that says we can

do this and they are less likely to enforce harassment. We are hoping to dedicate specific funding to LE but contingent on RAWA coming through right now.

- *Maureen Durkin- Emily-* same. We've had to go through the agency that has jurisdiction below mean high water (in RI separate from the state natural resources agency) to get permission to post below MHW in very specific areas, but even then it doesn't seem any LE want to get involved in enforcement in that zone
- *Emily Heiser-* Similar in NJ, Maureen. We have worked with them in gaining certain permissions and/or management rights to areas but it still seems very murky whether or not we can actually enforce even with the management rights. We've consulted with legal counsel and between them and LE, they seem to interpret it a little differently which essentially means it would likely not hold up in the courts. I agreed strongly with your comment about not even writing citations and just getting them to come out and have a presence. It's definitely resource driven here in NJ. The FL framework is really commendable.
- *Lindsay- Maureen,* 100% yes to the concept of not caring about tickets, but about just getting them to stop and leave!

Alexis Feldman- I have a question about using photos on social media to spread awareness while still protecting the birds by not attracting the public to approach nests and shorebirds. How soon after photos are taken should you wait to post the photos? Has anyone found that the photos that are posted in real time affects the productivity rate of the shorebirds?

- *Pat Denmon-* Up to Alexis' question. I don't post anything to social media, but if I did, I wouldn't post photos of nests/chicks in real time. I also ask my techs not to pose photos of themselves holding shorebirds on social media when we are banding. I can't enforce it but I ask them to comply. If we were posting the photos with a comprehensive explanation of why we were banding, then I would consider it.

Alex Kropp- One of the challenges we've been trying to address is better signage on the beach related to dogs. Many parks don't have adequate signage informing beach-goers that dogs must be on leash or are not allowed.

- *Ccoppola-* Signage that suggests an occurrence of parvo or other canine disease is "prevalent" in certain areas could be a deterrent
- *Debra Reynolds-* alex have you seen the AFSI signs? we developed one specifically for this purpose!

Thanks for the thoughts everyone. I'm writing this up now as a journal article. I welcome any more feedback via email: dayer@vt.edu

AFSI/Shorebird Resources - Debra Reynolds

Debra Reynolds provided a virtual tour of the AFSI resources. The AFSI resources and the AFSI working groups are here for you. If there are site specific disturbance issues that are challenging to address, let

us know, we can facilitate further discussion and problem solving. The goal is to make efforts more effective and efficient.

Links from the virtual tour:

Human Disturbance landing page: <https://atlanticflywayshorebirds.org/human-disturbance/>
Disturbance and Best Practices Guidance doc: <https://atlanticflywayshorebirds.org/human-disturbance-guidance-and-best-practices-document/>

As a result of the Guidance and BPs we developed three videos: General Disturbance, Disturbance by dogs, and disturbance to migrants. If time allows, pick a video to show and please mention that videos are available in English and Spanish when they go to that languages page from AFSI site. that address disturbance: Share the Shore web page English: <https://atlanticflywayshorebirds.org/share-the-shore/>
Share the Shore web page Spanish: <https://atlanticflywayshorebirds.org/es/compartir-la-costa/> Share the Shore web page in Portuguese: <https://atlanticflywayshorebirds.org/pt-br/compartilhar-a-praia/>

ALL videos, including English versions that are 508 compliant are available on our youtube channel: <https://www.youtube.com/channel/UCG8231ZboWsdJkKdnWgJYw>

Strategies to Address Beach Walking and Dog Disturbance guidance document (this doc is crazy chock full of things from case studies, sign guidance, CBSM primer, and hundreds of links to existing tools and resources): <https://atlanticflywayshorebirds.org/guide-to-help-managers-address-beach-walking-and-dog-disturbance-to-shorebirds/>

Predation Management: <https://atlanticflywayshorebirds.org/guidance-bp-predation/>

AFSI Outreach database: collection of materials for people to use and share: <https://atlanticflywayshorebirds.org/outreach-materials>

Shorebird Conservation Initiatives of the Americas: This is a universal page for the entire shorebird community in the Western Hemisphere to share universally shared resources and gets people to "their" flyway: <https://shorebirdflyways.org/>

Shorebird Forum: A way to talk to the shorebird community, get ideas, ask for feedback, and engage in a conversation on several topics. Easy to follow instructions to register! <https://shorebirdforum.org/>

From the chat:

Ashely Dayer- Deb gets stuff done! 😊 Thanks Deb!

Abby Sterling- So impressive, Deb! That looks great!

Case Study in Social Marketing for Shorebird Conservation- Nolan Schillerstrom

Goal: To illuminate human disturbance to shorebirds and what actually changes behavior beyond traditional shorebird protection efforts.

- Allyssa Zebrowski - If anyone has any questions, I can pass them to Nolan for when he gets back from the field!

- Additional materials from Nolan:
Title: Case Study in Social Marketing for Shorebird Conservation Extended research thesis defense with statistics and fun graphs:
https://www.youtube.com/watch?v=KSk5RKBC73Y&ab_channel=M.S.EnvironmentalandSustainabilityStudies

Ecotourism in Georgia- Abby Sterling

Goal: Building Connections for Shorebird Protection. To understand how recreational disturbance is affecting shorebirds, including oystercatchers. The presentation today really focuses on the ecotourism community.

From the chat:

Ezra Thompson- Amazing involvement of ecotourism to improve shorebird conservation actions!

Shiloh Schulte- Great talk Abby! Have you been able to incorporate feedback and insights from ecotour providers? I'm sure there are some common themes that emerge from working with the public that maybe we don't always see

- Abby-(reply to Shiloh) We have been taking comments and will adjust content moving forward. We also have it set up so every six months participants are reporting to us about how many visitors they are interacting with, and how they are using the information from the course as part of the certification/ recertification. That's part of maintaining the certification and part of building the community- and making sure that the certification isn't just box they check but something that is actually making an impact.
- Were worried about creating a certification that became just a box to check

Tackling Fishing Line Entanglement- Sue Heath

Goal: Methods of capturing entangled American oystercatcher- using a net gun.

Edwards, D.B. and H.G. Gilchrist, A New Means of Catching Shorebirds: the Super Talon Net Gun, Wader Study Group Bulletin 118(2): 134-136

From the Chat

Shiloh- curious about capture rates.

- Sue relayed that they probably have a 50% capture rate, hardest to capture adults that may fly off after missing the first try.

Ezra Thompson- Is there a forum on bird/injured bird capture? it is interesting to hear duplication of methods and also differences that may benefit from increased communication on this topic. great talk Susan!

Abby- A bird/injured bird capture forum might be a great new topic for the Shorebird Forum that these resources could go in?

Debra Reynolds. ezra-I know that the marine bird coop is working on a marine debris guide (cause i am doing it) and maybe this is something that could be incorporated as part of their website?

Ezra Thompson- the weight on nets also have a hollow rubber section probably meant to reduce any unintentional impacts

Disturbance Session Q&A and group discussion-

Blend of live and chat questions/answers

Abby Darrah- Has there been follow up on the Red Knot Ready campaign to see if disturbance rates were reduced as a result?

- Allyssa- used the red knot ready verbiage for the season and are anticipated expanded use

Ashley Dayer- Disturbance related issues that aren't getting a lot of interest- kite surfers and/or drones

- Beth Amedola- in most cases, kite surfing is not allowed. For drones, local gov is generally wary of creating restrictions. In CT- at the incident where the AMOY was injured by a drone, the town was more cooperative and restricting drones in nesting areas but were concerned initially about the legality of regulating drones. Also witnessed the PIPL chasing the drone and visibly upset.
- Shea Fee- We have tried to develop a kiteboarding policy for several of our nesting/ staging sites on Martha's Vineyard. The kiteboarding community was open to working with us for the most part but with changes in organization staffing, the effort was delayed. However, enforcement will be difficult.
- Time Keyes- We have used drones to monitor seabird colonies with no negative impacts - far less disruptive than walk through colony counts, but shorebirds hate them, even non-nesting winter flocks.
- Alex Wilke- We often use the strategy of warning people that they don't want to risk losing their drone if it's hit by a bird, i.e. it crashes. Obviously that's not OUR main concern but sometimes that reaches people.
- Debra Reynolds -Patricia Gonzalas has had success with managing kite surfing that we might be able to draw from. If it is a flyway wide issues, reachout to the AFSI group and we can try to address issues as they come up.
- Lindsay Addison- Tim, we've done a drone project too. It was great. But took some thought and trials to make sure it wasn't causing a problem for the colony.
- Shiloh- have looked at regulating drones and hear back that they are regulated by the FAA- federal land is restrictive and have to have a ground operating license and a permit. There are options and opportunities, but there is legal work that would be needed to establish regulation. Enforcement may still be an issue.
- Alex Kropp- Link to draft FWC beach-nesting bird permitting guidelines. Page 62 has draft guidance for UAS (unmanned aircraft systems) for recreational, commercial, or research applications. Has literature cited section as well: <https://myfwc.com/media/28019/revised-ibnb-guidelines.pdf>
- Ezra Thompson- I haven't kept up with FAA recently, but I think they were considering requiring remote ID capabilities. Geofencing is the most effective way at restricting sUAS. Many sUAS/drone pilots unfortunately ignore the already abundant restrictions in place.
- Kate Robb- Our township has a No Drone policy in the town code if anybody is interested in the language used! Town of Hempstead No Drone Town Code. <https://ecode360.com/31276612>
- Lindsay Addison- Sample language would be great to share, Kate! Maybe Deb can host that on the AFSI site.

Emily Heiser- Has anyone had success addressing the flight-powered parachutes? I believe this came up on a forum this summer

- Lindsay Addison- No luck addressing it, but we have some in SE NC that fly really low over nesting areas. Couldn't find out if there are any FAA regs that would affect them.
- Lyra Brennan- we had a lot of success working with a local paragliding/hangliding club and worked with them to maintain no fly zones as nesting evolved over the season. if possible to find the local clubs/organizations for windsurfing, etc, sometimes they can be receptive

Abby Sterling- Has anyone here had success with addressing disturbance from low-flying planes?

- Shiloh Shulte- recording the flight number of low flying planes is the most successful
- Tim Keyes- We have a state law that airplanes cannot fly lower than 500 feet over the beaches, and we have had our LE reach out to these when they have flown low over our protected natural area.

AMOY Database and Working Group Website business- Lindsay Addison

Goal: Update about database and overview for new members

See recording and/or powerpoint.

Data Request from FWRI- Lindsay will be reaching out to folks

- Tim Keyes- go for it.
- Abby Sterling- Manomet would be excited and I have no hold over any data!
- Allie Hayser- There's another contact with Ogeechee Audubon who does AMOYs at Fort Pulaski. Her name is Pam Vercellone

If anyone needs updates or summary statistics from their states, reach out to Lindsay.