

# When Is A Bird In Iowa?

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The Iowa Ornithologists' Union Records Committee has reviewed several records over the past few years that have raised the question "When is a bird in Iowa?" The answer to this question turned out to be complex. We looked for authoritative guidelines on which to base decisions and decided to follow the rules of the American Birding Association in determining whether a bird sighting shall be accepted as having occurred in Iowa. The current reference to these rules is: Pyle, R. L., 1983, Report of the ABA Listing Rules Committee, *Birding* 15:171-174.

Occurrence of a bird in Iowa depends on its identification and location. Acceptance of identification is subject to the general rules of the IOU Records Committee and will not be further discussed here. A person who identifies a bird in another state and maintains direct visual contact with the bird as it flies in to Iowa may count the bird in Iowa even though it was no longer identifiable as it flew into the state.

Location of a bird is defined by ABA List Rule 1 B (ii): "A sub-area of the ABA Checklist Area, or other prescribed area, is as defined by its legal boundaries. If not legally defined otherwise, it includes adjacent waters (rivers, lakes, bays, sounds, etc.) out to half the distance to a neighboring area, but not beyond 100 miles."

The legal boundaries of Iowa are defined in Volume I of the *Code of Iowa 1983*. The northern boundary of the state is defined in the preamble to the Constitution of the State of Iowa (1857) as forty three degrees thirty minutes north latitude. The eastern boundary is defined in the same preamble as "the middle of the main channel of the Mississippi River." The southern boundary is defined as the northern boundary of the State of Missouri (June 12, 1820) as modified by the Iowa-Missouri Boundary Compromise (April 23, 1939). The compromise defines the boundary in Lee County, Iowa, as the Des Moines River "in its present course." The western boundary with South Dakota is defined in the preamble as the main channel of the Big Sioux River. The western boundary with Nebraska is defined by the Iowa-Nebraska Boundary Compromise (April 21, 1943). This compromise specifically defines the Carter Lake area (an old oxbow on the Nebraska side of the Missouri River northwest of Council Bluffs) in terms of coordinates. The rest of the Nebraska-Iowa boundary is defined as the middle of the main channel of the Missouri River which is further defined as "the center line of the proposed stabilization channel of the Missouri river as established by the United States engineers' office, Omaha, Nebraska, and shown on the alluvial plains maps of the Missouri river from Sioux City, Iowa, to Rulo, Nebraska, and identified by file number AP-1 to 4 inclusive, dated January 30, 1940, and file numbers AP-5 to 10 inclusive, dated March 29, 1940..."

Interpretation of these boundaries in relation to bird sightings offers some difficulties. The northern boundary, the southern boundary west of Lee County (the straight portion), and the Carter Lake area are easily determined. The Carter Lake area is nicely shown on United States Geological Survey maps; the boundary does not follow the middle of the oxbow--most of the water is in Nebraska. The Mississippi and Big Sioux river boundaries apparently move with the river with the boundary being the middle of the main channel. Since these river boundaries were defined before navigation channels were made, the main channel can be interpreted as half way across the body of water that comprises the primary channel of the river.

The Des Moines River boundary is defined in terms of the river's course in 1939. On the U. S. Geological Survey maps, the only part of the boundary that does not correspond with the current river channel is an area of Iowa west of Keokuk that lies south of the Des Moines River about 2 miles from its mouth.

The Missouri River boundary is even more difficult to interpret because several areas have been cut off since the boundary was defined in 1943. The boundary seems to be fixed, while the river is moving. Apparently the legal boundary has not been surveyed and is marked "indefinite boundary" on U. S. Geological Survey maps. There are several areas between Council Bluffs and Sioux City where the boundary does not correspond with the main channel of the Missouri River as listed below. Carter Lake, DeSoto Bend, and Decatur Bend are the only areas that are easily accessible.

#### Pottawattamie County

Carter Lake: An area northwest of Council Bluffs with boundaries specifically defined.

#### Harrison County

DeSoto Bend: A portion of Nebraska, within the bend of what is now called DeSoto Lake, lies on the Iowa side of the river. It is all within DeSoto National Wildlife Refuge.

Areas between Mondamin and Little Sioux: An area of Nebraska west of Mondamin is on the Iowa side of the river. North of this and west of Round Lake an area of Iowa is on the Nebraska side. Further north and northwest of Round Lake an area of Nebraska is on the Iowa side. And to the north of this and south of the Little Sioux I-80 interchange an area of Iowa is on the Nebraska side.

#### Monona County

Areas near Blue Lake: Southeast of Blue Lake (northwest of the town of Blenco) an area of Nebraska is on the Iowa side. Southwest of the south end of Decatur Bend an area of Iowa lies on the Nebraska side. Decatur Bend, which is south of Highway 175 and southwest of Blue Lake, is an area of Nebraska on the Iowa side. The backwater at Decatur Bend Park is the boundary. North of Highway 175 an area of Nebraska is on the Iowa side.

#### Woodbury County

Most southern part of the county: An area of Nebraska is on the Iowa side.

For practical purposes it would seem best to use the center of the Des Moines and Missouri rivers and the center of any oxbows created by cut-offs as the boundary for ornithological purposes. Where no oxbow exists, the U. S. Geological Survey maps could be used to give a best estimate of the boundary. These guidelines would conform to the American Birding Association "halfway across" rule to be used when the legal boundary is not explicitly defined.

In a letter to the secretary of the IOU Records Committee dated March 16, 1985, Robert L. Pyle, Chairman of the ABA Rules Committee, made two comments worthy of note. First, a bird must be entirely within a state to be counted. Thus a bird on a wire on a state boundary would have to move before its location could be determined. If a bird is in the middle of the Mississippi River, one should wait for it to clearly move closer to one shore than the other. Second, it is permissible to coax or flush a bird into another state in order to count it in that state.

Persons documenting rare birds near the Iowa border should carefully specify the location(s) of the bird and continuity of observation if the bird flies to a different state after identification. When the sighting is over a river boundary, the direct line of sight from observer to bird to the opposite shore should be used to determine whether the bird is half way across the main channel of the river. Locations should be specified as exactly as possible for birds in the Carter Lake area or within areas cut off by the Missouri River since 1943.