



## YCNH-2004-01 reconsideration (Yellow-crowned Night Heron) 1<sup>st</sup> round vote – May 10, 2022

Accepted: 4  
Not Accepted: 5

### **ACCEPTED**, verified

While it is unfortunate that the bird wasn't properly identified at the time of the sighting, I still think that based on Jeff's interview with Richard Vial, it seems very likely that the bird was photographed at the location where he said it was photographed.

I feel comfortable with research done. If photographer was traveling around country, maybe he got confused but that was covered. I have no reason to doubt the decision with no new info provided.

The original observer, Richard Vial, is still alive and has already been questioned about this record. We could ask him again, but details are probably not as clear as they were during the original questioning by Jeff Gilligan.

I'm wondering if anyone has Richard's contact information? It may be helpful to reach out to him and try to get some more information about this sighting. I know Jeff did this in 2012, but perhaps another round may clear some of the air? I'm hearing a fair amount of speculation in regard to this report, but unfortunately, there isn't much concrete to back it up. It seems since this report has already been accepted by the committee, the burden of proof lies on why this wasn't photographed in Oregon. I'm not seeing anything in the photo that seems out of place for an Oregon beach, although owing to how heavily it is cropped and the exposure, there isn't a lot to work with. It's somewhat reassuring to know that Owen and Jeff visited the location of the purported sighting, and didn't report anything incongruent with the little information the committee was provided. Jeff's contact with Richard in 2012 sounds reassuring, especially the fact that he vetted some of the details of this sighting. I agree I would like to read a write up from Richard and have more information available, but from what we know, I'm not hearing anything substantial to doubt the sighting, sans the sheer weight of the rarity. In regard to the timing of YCNH migration, the date of the sighting would work. In addition, the observer noted the bird was "...rather beat up, and acted like it could hardly move." This contributes to the narrative of a lost migrating bird in my mind. From BOTW: "Spring migrants appear in lower latitudes of U.S. in early to mid-Mar (Sprunt 1954c, Crawford 1981) and at higher latitudes from late Mar to mid-Apr (Bull 1974, Bohlen 1989, Robbins 1991).

This record was submitted long after the photo was taken. I believe Jeff Gilligan knows the back story on this. It is clearly a YCNH so the only question is location. Jeff and Owen Schmidt checked out the location and found it was similar to the background in the picture. I don't know where the information on the photographer being in Mexico prior to this came from. Is Hendrik confusing this for the American Oystercatcher report from a couple of years ago?

### **NOT ACCEPTED**

This is obviously a YCNH. I agree with Hendrik that this report is lacking the supporting details and clarity for a first state record. However, I see no serious reason to doubt the validity that the photograph was taken in Oregon. Regarding the beach and the apparently dark sand that the photograph shows, I think, given the quality of the photograph, that the color of the sand should not be a reliable factor in considering whether or not the photo was taken in Oregon. To me, there is very little about the photo that points away from it being taken in Oregon. My sticking points with this record are the fact that the photographer was in Mexico around the time that they supposedly photographed this bird and that there isn't enough first hand information from the observer about the sighting. I'm split about 60% to accept and 40% to reject, so for now I am voting not accept but want to discuss this record further with other committee members.

While there is no question about the identity of this adult Yellow-crowned Night-Heron, there is no report from the observer - date and location are all based on hearsay. The location is indiscernable in the photo and there is

understandably not accompanying metadata. The second-hand report was submitted years after the photo was taken. I think the Committee needs more solid evidence of location to accept.

Eesh, I'm not sure what to do with this one and I guess I'd like to see the thoughts of other committee members, so hopefully someone will vote to accept. The original photo and later corroboration by committee members is somewhat compelling, but the length of time between when the photo was taken and acceptance by the Committee is odd and the observer's prior trip to Mexico does make me suspect some sort of photo-location mixup. Why was the photo accepted without a report at the time? Did the Committee members query the observer nearly ten years after the photo was taken or contemporaneously (it seems like the latter). I'm uncomfortable making the assumption the observer was not being truthful (although that does occasionally occur), but if he was being queried nearly 10 years later, I could certainly see him getting mixed up over what he photographed and when and where. All in all, I agree that there are too many questions to accept, particularly for a first and only State record.

This reminds me of the American Oystercatcher report last fall. A good photo and an obviously correct identification of bird with an unknown provenance. There are too many holes in the story and the report comes too far after the claimed observation. Beach sand is hard to judge from a photo like this, though I do commend the efforts in trying to establish origin. A record of this magnitude requires excellent documentation of time and location and these are severely lacking from this report.

I am simply quoting my reasons here for questioning this record as stated in my reconsideration request: The bird was photographed in April 2004, but the committee did not vote on the record until March 2013. There appears to be no written report, just a single photograph that somehow made it to the committee. It is not really clear to me how this report came about, what the exact circumstances of this sighting were, and who actually submitted it. There has been speculation that the bird may not have been photographed in Oregon, especially given the fact that the photographer supposedly had spent time in Mexico just prior to allegedly photographing the night-heron in Oregon. Questions have also been raised about the consistency of the beach sand in the photo (although Owen S. and Jeff G. stated in 2013 that they visited the beach in question and found the habitat consistent with the photo). Given all these uncertainties, I feel that this record does not live up to the standards expected for a first (and, 18 years later, still the only) state record and should be revisited.

I remember our committee discussing this bird when the photo was presented at an annual meeting. As I recall, we all sat there a bit flummoxed by the odd situation and debated for quite a while as to what the proper way of handling it would be. I think all of us were troubled by the second-hand nature of the report and by the fact that the photo did not show enough background context to feel confident of its location. I do not recall the fact that 9 years had passed since the photo was taken, but we surely must have ruminated on that, too. Hendrik's mention of a Mexico trip rings a vague bell with me, but I do not see that mentioned in the documentation, so perhaps there is more to the story we should know? Anyway, we weighed all our various reservations against the fact that Jeff and Owen had paid a visit to the site and that Jeff did not seem to be pressing hard for this or to have any kind of an agenda, but simply wanted to have this person's remarkable sighting considered. In the end I think we all swallowed our reservations and came down on the side of showing respect for both the observer's apparent integrity and Jeff's diligence in getting the report to the committee and personally checking out the site. Also, if I recall correctly, at the time there was some sense that the species was increasing and moving northward; there had been an increasing number of recent reports from California, and I think that impression provided some context that helped lubricate my decision, and the collective decision, to vote in favor of the record. Now all these years later, without any subsequent reports, I guess I feel a bit more troubled by the situation than I did at the time, and I also feel the 9-year gap between the observation and the report is cause for potential concern. Another question is, on principle, how do we want to handle reports that do not have a direct account from the observer? In this case, we have an apparent account from the observer via the wording in Owen's video text, but oddly, we have no such account properly transmitted through the secretary, so it is unclear how Owen obtained the wording. Perhaps it was via Jeff's conversation and the quote is paraphrased, or perhaps it was via an email and the wording is exact; we apparently don't know. In any case, though, it is a second-hand account. As I recall, Jeff told us he had tried to get the observer to submit a direct report, but he did not do so. I think everyone had the very best of

intentions in this situation, and that it was reasonable to have accepted this record. However, I also feel it is reasonable to hold ourselves to higher standards (especially for a first state record) and to insist on certain principles, such as direct first-person accounts. And I feel it is reasonable to question something when 9 years have elapsed between a sighting and a report, particularly when it involves a non-birder, for whom the experience was presumably not nearly as memorable as it would have been for a birder. And certainly without the photo showing enough background context, it is impossible to know that the photo came from the location specified, despite the much-appreciated efforts of Jeff and Owen to vet this. For all these reasons, I am perhaps most comfortable at this point voting not to accept the record on reconsideration

## YCNH-2004-01 reconsideration 2<sup>nd</sup> round voting – July 9, 2022

Accepted: 3  
Not Accepted: 6

### **ACCEPTED**, verified

I think it would be fine if someone wants to interview Richard Vial about this again. In any case, I still think it is likely that he took the photograph in Oregon. It is unfortunate that the sighting wasn't better documented at the time of the event.

This record continues to challenge me and I am very much still on the fence. With all of the new material it seems the waters have gotten muddier, instead of clearer. For a first state record, and one that has not shown up in Oregon since, I feel the report needs to be more definitive. That being said, I'm starting to think this report is valid. I think I'm going to give the entire record the benefit of the doubt for now. Time of year and location both seem completely reasonable for a vagrant YCNH. Nothing about the picture suggests that it was taken outside of Oregon. Everything about this record is legitimate, besides the confusion surrounding whether the photo was taken in Oregon or Mexico, but this piece of info seems shaky. I'm going to change my vote to accept this record, but really hope this one goes to a third round to be discussed at the annual meeting.

Already voted and accepted in 2013, I see no reason to change unless new info provided.

I stand by my comments on the first round of reconsideration and those of [another committee member].

### **NOT ACCEPTED**

Still no based on unresolved concerns explained in 1st round.

We do not have enough direct information from the observer about this photo, and it is impossible to determine whether or not the photo was taken in Oregon. I think we need a higher standard of evidence to accept as Oregon's first (and only) record of this species.

I still think there is too much uncertainty surrounding this record and how it came before the OBRC for me to feel comfortable accepting this, especially as a first state record. I'd rather err on the side of caution here.

Since first-round voting, we've obtained, thanks to our Secretary, further information, including copies of correspondence among Richard Vial, Greg Baker, Jeff Gilligan, and Owen Schmidt. This has been very helpful in piecing things together, and I hope that we can make all of this correspondence part of the official record. In case we cannot, essentially the story is that Greg Baker learned from Richard Vial about his photo of the bird he had remembered taking on the beach below the restaurant at Otter Crest during an HOA annual meeting there. This was 8 years after the fact. Greg relayed the information to Jeff, and Jeff then contacted Vial to confirm the story. ... In all likelihood I feel that the bird probably was photographed at Otter Crest exactly as claimed. But we do not have proof of this, and 8 years is a long time to have passed between sighting and recollection, especially for an observer who was not an active birder (and thus probably not terribly invested in the sighting). Add to this the fact that the observer apparently traveled frequently and kept a collection of bird photos ("random pics") from various locations, and that he has not replied directly to our secretary. For a first state record, there are simply too many uncertainties here.

There is no doubt as to the ID. The location is somehow in question? Richard Vial to Greg Baker to Jeff Gilligan...the story goes around. Photo is cropped and trying to match up beach in photo to alleged beach location in Oregon is problematic, in my opinion. Not sure where the notion or rumor that the photographer had just come from Mexico came from, but it does throw some doubt into the authenticity of photo location.

After reading all the correspondences between the original observer and members of the OBRC, revisiting the circumstances that this record found its way to the committee, and factoring in the time it took from the original date of observation to acceptance by the committee (including the original opinion of the committee), I now have sufficient doubt present. There's unfortunately just a little too much uncertainty that the bird was actually photographed in Oregon, especially as this was the first and now only record of YCNH since. A shame, as it certainly still seems possible the details were correct, but the historical email correspondences did little to assuage my doubts.

See previous response

## YCNH-2004-01 reconsideration 3<sup>rd</sup> round vote – July 16, 2022

Accept: 2

**Not Accept: 7**

Committee agreed on the ID of this bird, but felt the evidence of where the photo had been taken was not convincing. The photographer, not a birder at the time, had traveled the world taking thousands of photos for several years; the photo was subsequently seen by a third party, identified, and submitted to the committee eight years later, at which point the photographer said he “thought” it had been taken in Oregon. Evidence too weak for a first state record.