

North Country Notes

The Newsletter of the Laughing Whitefish Audubon Society
Marquette and Alger Counties, Michigan



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Migratory Bird Protections Restored

By Jeff Towner (*Chair, Laughing Whitefish Audubon Society*)

The Migratory Bird Treaty Act (MBTA) was signed into law in 1918 and has been the law of the land ever since. This federal law protects 1,093 species of birds in the U.S. and its territories (source: [fws.gov/birds/management/managed-species/migratory-bird-treaty-act-protected-species.php](https://www.fws.gov/birds/management/managed-species/migratory-bird-treaty-act-protected-species.php)). Some bird species that are not migratory in fact still receive protection under the Act.

The treaty that forms the basis of the law was originally signed by the United States and Canada to protect migratory birds that crossed their borders. Mexico, Japan, and Russia were added by later treaties. The U.S. law says that migratory birds may not be “taken” with intent, i.e., harmed or killed without permission. (If you hunt waterfowl, the federal waterfowl stamp you purchase is your federal permit to shoot those migratory species.) The Act also protects birds against “incidental take”, i.e., those birds harmed or killed incidentally by otherwise lawful activities. This kind of take results from oil waste pits, oil spills, unmarked power lines that birds collide with, and spinning wind turbines, among other things. Although permits have not historically been available for incidental take, those who may take birds are strongly encouraged to consult with the U.S. Fish and Wildlife Service to avoid and reduce bird deaths. When consultation has not been accomplished, companies and individuals may be held liable for any bird deaths.

As a former official of the U.S. Fish and Wildlife Service, I consulted with dozens of companies on measures they could take to avoid and minimize the killing of birds. Those commonsense measures included covering oil waste pits with netting, marking power lines and cell tower guy wires with highly visible markers, siting wind power plants to avoid major bird flight paths, etc. These are all measures companies can take with reasonable cost, and that allow their projects to proceed without fear of incurring liability, a true “win-win” solution. That was not good enough for some, so in a move that favored industry at the expense of birds, the former Trump administration issued a legal opinion in December 2017 that said in essence no one would be held liable for incidental take of migratory birds. In its final days in office, the former administration completed regulations that formalized their policy of stripping protections for birds ([Unprecedented Rollback of Bird Protections Cemented in Administration’s Final Days | Audubon](#)).

The 2010 British Petroleum Deepwater Horizon oil spill in the Gulf of Mexico is estimated to have killed more than one million birds. BP ultimately paid \$100 million in federal fines which included killing of birds, and some of those fines were used to acquire and improve bird habitats in the Gulf area. Under the Trump policy the company would not have been held liable for those bird deaths. Under that policy if Line 5 that crosses the Straits of Mackinac were to spill oil that killed birds, no fines would be levied for those losses and Michigan would receive nothing.

As just one example of the negative, real-world impacts of this former policy, the governor of Virginia blamed the Trump administration decision to end enforcement of the MBTA for the 2019 destruction of a nesting ground for 25,000 shorebirds to make way for a road and tunnel.

On behalf of 46 million birdwatchers and others the Audubon Society and several other parties challenged this unprecedented attack on an Act that has protected migratory birds for over a century. If you are a member of the National Audubon Society, a portion of your dues helped to support this important legal challenge.

Thankfully, on his first day in office President Biden ordered that a hold be put on those regulations, and that the review process be reopened. The Trump era regulation will be formally revoked at the end of the year [Critical Migratory Bird Protections Restored by Biden-Harris Administration | Audubon](#). The U.S. Fish and Wildlife Service is accepting comments from the public until December 3rd on a proposed rule that would better protect migratory bird populations and provide regulatory certainty to the public. [Governing the take of migratory birds under the Migratory Bird Treaty Act | U.S. Fish & Wildlife Service \(fws.gov\)](#)

Even greater protection would be afforded birds by passing the Migratory Bird Protection Act of 2021, introduced in the current session of the House with 75 co-sponsors, including Michigan Representatives Debbie Dingell, Dan Kildee, Haley Stevens, Elissa Slotkin and Andy Levin. This bill prohibits the incidental taking of migratory birds by commercial activities unless authorized under a permit, or is identified as posing de minimis risk. The new Administration and environmental leaders in Congress are taking bold actions to protect migratory birds into the future. As a bird lover, I applaud them.

Spring Birding at Tawas Point State Park

by Cathy Waller

Several years ago, I attended a spring warbler identification program by Beth Olson for Laughing Whitefish Audubon Society (LWAS). Many of her beautiful photos were taken at Tawas Point State Park. I immediately added Tawas to my bucket list.

Tawas Point is a public recreation area located on Lake Huron in Northern Lower Peninsula near the city of East Tawas, Michigan. The State Park was created in 1960, after the Michigan state legislature authorized the purchase of 175 acres on Tawas Point. It officially opened to the public in 1966 and now encompasses 183 acres at the end of a sand pit that forms Tawas Bay. It is a birding hot spot in the spring as migrating birds follow the shoreline to summer nesting habitats. Some 296 bird species have been seen in the park (E-bird data) and it is



Dune overlook at Tawas State Park. Photo by Cathy Waller

recognized as an Important Bird Area (IBA) by the National Audubon Society.

In spring 2021, I decided to make the trip a reality. In normal years, the Au Sable Valley Audubon, a chapter of Michigan Audubon, hosts a Tawas Point Birding Festival in Mid-May. Due to the uncertainties caused by COVID-19, it was canceled. That meant less people to deal with. I made campground reservations from Sunday, May 16 through Tuesday, May 18. My husband, Steve, and I packed up our RV and headed across the bridge to Michigan's Lower Peninsula and the shores of Lake Huron.

We arrived late Sunday afternoon. After setting up camp, I went out to check the bird action. The campground is located on the northwest side of the park. Most of the campers seemed to be regulars with extensive bird feeder systems at each campsite, aimed at attracting hummers and orioles. I found the paved, handicap-accessible path and headed to the point. There was a marsh on one side and as I walked by, a green heron flew overhead squawking. A nearby walker commented, "So lovely." The path took me to an open lawn and the Tawas Point Lighthouse. Just

past the lighthouse was the 1 ½-mile Sandy Hook Nature Trail. The Trail is a preserve with a no dogs policy. It is relatively flat but on either side there are paths that climb up (and down) the dunes. Paths on one side take you to an expansive beach on Lake Huron. On the other side, dune overlooks face Tawas Bay. I found my way up to a dune overlook and scanned for birds in the

Green Heron. Photo by Steve Waller.



Bay. There, on an island rock pile, were several gulls and a Whimbrel! I birded until dusk and turned in 44 species on E-bird during my 90-minute walk including a half dozen Bobolinks singing their cheery tunes.



Busy Sandy Hook Nature Trail. Photo by Steve Waller.

The next day, my husband and I were birding by 6:30 a.m. and walking with MANY fellow birders. It was tricky navigating around them, but the advantage was that there was that many more eyes to spot rarities. A siting of a Golden-winged Warbler spread like wildfire. I spotted a group of birders by a bushy clump out in the open near the

lighthouse and went over to see what the excitement was—a pair of Golden-winged Warblers. When the birds were spotted again, my husband was able to photograph the female. We took a break for lunch, 74 species tallied, traveling 3 miles during 6 ½ hours. What a morning! It was so

Golden-winged Warbler. Photo by Steve Waller.



amazing to see the trees littered with so much color—35 Baltimore Orioles, 14 Scarlet Tanagers, 12 Rose-breasted Grosbeaks and 8 Indigo Buntings! My husband is the photographer in the family, so he followed behind to capture the highlights.

In the afternoon, we drove to the nearby Tuttle Marsh Wildlife area. Tuttle Marsh is a 5,000-acre wetland project consisting of over 3-1/2 miles of level ditch network and a 2-1/2 mile low-head dam with water level control structures. Thirty-five earthen nesting islands have been constructed. The marsh includes an impoundment area, open water and wildlife viewing areas. It has been reported to have deer, fox, coyote, muskrat, beaver, otter, weasel, and a large variety of bird species. Exploring a marsh in the middle of the day was not the best plan but we did see several deer, beaver, trumpeter swans, a harrier gliding over the marsh, and heard a sora call.



Scarlet Tanager. Photo by Steve Waller.

Trumpeter Swan. Photo by Steve Waller.



Since the evening was so pleasant, I did a quick hike down Sandy Hook Trail and Lake Huron beach and managed to locate twelve Black-bellied Plover that someone had seen earlier. The sunset that night was superb from our campsite.

There was a huge advantage to camping at the state park campground. We were up as soon as it was daylight, grabbed a cup of coffee, and then headed out for the morning, joining the rest of the crowd who drove in to be there. It was yet another beautiful blue-sky day at Tawas. Overnight the dynamics had changed. There were fewer Scarlet Tanagers and Indigo Buntings in the trees than the previous day. But there were more warbler species with a Blue-winged Warbler being the highlight. Marquette doesn't

have many Terns, so we spent some time watching the Caspian and Common Terns frolicking and making their noisy calls.

Several Great Blue Herons flew along the Bay and a Great Egret spent time fishing at the very tip of the peninsula. Another surprising bird was a grumpy, Black-billed Cuckoo, caught sleeping in a tree at the very end of the Trail. That location was a popular hangout for photographers who stationed themselves there hoping for a Mourning or Black-throated Blue Warbler to pop out from the dense hedge.



Blue-winged Warbler. Photo by Steve Waller.

For our last evening at Tawas, we started out by walking along the beach. That strategy paid off because there was a nice assortment of sandpipers feeding in the surf including a large flock of Dunlins. But...we found out why there are so many birds here on this sandy point. Once we headed towards the main trail, we were surrounded by a swarm of nonbiting midges. Clouds of them hovered over every lowland area. We basically became covered with them when we tried to get through the dunes. It was more of a nuisance than

anything. The trees were covered with them. Warblers were eating them like candy.



Dunlins feeding on the beach.
Photo by Steve Waller.



Nonbiting Midges.

We had a 6-hour drive home the next day with rain in the forecast, so we headed out early. On reflecting on the trip, I would say that Tawas State Park is a magical spot to bird in the spring. Birds are confined to a narrow strip of land which can make for easy viewing. And it is fun to be among so many others of all skill levels sharing a love of birds. There was even a family with matching outfits and hats.



Savannah Sparrow. Photo by Steve Waller.

Christmas Bird Count Dates

Audubon's Christmas Bird Counts (CBC) take place this year from Tuesday, December 14, 2021, through Wednesday, January 5, 2022. Participation is free! Due to COVID-19, Audubon encourages all gatherings to be done outdoors. Masks will be required when indoors or when social distancing is not possible in the field.

Carpooling may only occur within existing social "pod" groups.

- **December 18, 2021 (Saturday) - Marquette**

The compiler is Melinda Stamp at mstamp@mstamp.net or 906-869-2489

*Meet outdoors at 8 AM in the parking lot at Mattson Lower Harbor Park in Marquette. This meeting is optional, but please make sure to contact Melinda prior to the count if you are not planning to be there. **All participants must contact compiler in advance for planning purposes.** Feeder counters are especially encouraged to participate. Information about the count will be distributed on the UPBirders.org email list. To subscribe, send a message to birdnet-subscribe@upbirders.org and you will receive a confirmation.*

- **AuTrain Count December, 2021**

The compiler is Scott Hickman at suboscine@gmail.com or 906-892-8603.

We will not be meeting at the start of this count at a central location. Each group will be meeting independently to census its preassigned section of the circle according to its own schedule. All communication for this count is done via email, so please contact the compiler by email at least four days before the count if you intend to participate.

- **Gwinn, January 3 (tentative date), 2022**

The compiler is Brian Johnson baidaj@yahoo.com at or 616-600-5300.

Contact Brian or Beth Olson (upbirdie@gmail.com) for meeting place and time.

- **Michigamme and Peshekee Grade (date undecided)**

The compiler is Gary Palmer at palmerjg@gmail.com if you are interested.

LWAS Programs January 12, 2022 – April 13, 2022

(Due to Covid-19, programs may be on ZOOM instead of in-person)

- **January 12, 2022 (Wed) 7:00 p.m. ZOOM “Forestry for Michigan Birds”**
PRESENTER: Joyanne Mittig, Private Lands Forester, Michigan, ABC
ABC and its partners are developing Forestry for Michigan Birds, a program + toolkit centered around helping Michigan landowners, foresters, and other natural resource professionals manage forests in ways that benefit birds and other wildlife. The toolkit focuses on 20 of our most threatened forest-dwelling species, providing a detailed look at how to create habitat and build on existing forestry practices for the benefit of these birds. Learn how you can make use of this new product for managing forests in our area.
- **February 9, 2022 (Wed) 7:00 p.m. ZOOM “Impact of bloodborne pathogens on reproductive outcomes in white-throated sparrows (Zonotrichia albicollis)”**
PRESENTER: Rachel Weisbeck, NMU Master's Candidate
Rachel, a recipient of the LWAS Research Grant award, will be presenting the results of her work.
- **March 9, 2022 (Wed) 7:00 p.m. ZOOM or PWL “Sandhill Cranes”**
PRESENTER: Dr. Stan Temple, Senior Fellow at The Aldo Leopold Foundation
This film will give a brief sandhill crane biology and behavior and all the work that Leopold Institute is doing to restore crane populations. In this program, you learned how the landscape once home to Leopold's "Marshland Elegy" has transformed into the site of a marshland celebration.
- **April 13, 2022 (Wed) 7:00 p.m. ZOOM or PWL “Spring Tune-Up”**
PRESENTER: Gary Palmer, LWAS treasurer
Join us for a refresher on the birds returning to the north woods this spring! Gary will be presenting an overview of many of the migrants that can be found throughout the Upper Peninsula as they travel back to breeding grounds.

Annual Sandhill Crane Count on Saturday, April 9, 2022 6:45-8:45 AM EST

Save the date! Each year in mid-April, over 1,600 volunteers travel to their local wetlands and favorite birding locations to participate in the Crane Count. To participate in the Crane Count, you first need to contact your County Coordinator to be assigned a site and receive additional instructions. Cathy Waller (cathy@upwallers.net) is the new Marquette County Coordinator. Jude Holloway (906kayaker@gmail.com) is the Alger County Coordinator. To see the list of coordinators in the UP:
<https://savingcranes.org/education/annual-midwest-crane-count/>

Laughing Whitefish Audubon Society Membership Form

Dues support the newsletter, programs, & local birding activities. Donations are tax-deductible.

Your name (or gift-recipient's name): _____

Street: _____

City, State and Zip: _____

Phone: _____ Email: _____

Address _____

(E-mail addresses are not given to other groups or commercial entities)

Annual Membership fees (please check one)

Gift membership - \$15 Regular membership - \$15 OR Student - \$5.00

How would you like to receive your newsletter? (check one) e-mail or postal service

Additional donations:

\$_____ General Expenses for club projects

\$_____ Research/Conservation Grant to fund birding research/conservation in the UP

FOR GIFT MEMBERSHIPS please supply your name and the recipient will be notified of your gift: DONOR NAME: _____

Mail this form, along with your check (payable to LWAS) to:
Gary Palmer, 2522 Center St., Marquette, MI 49855 (palmerjg@gmail.com)

c/o Beth Olson
5 Arrowhead Dr.
Marquette, MI 49855

