

North Country Notes



The Newsletter of the Laughing Whitefish Bird Alliance
Marquette and Alger Counties, Michigan

November 2024

From My Perch

By Jeff Towner, Chairperson, Laughing Whitefish Bird Alliance

In the Fall 2023 newsletter I wrote about a Supreme Court decision in the Sackett v. EPA case. In that decision the court substituted their judgement of what constitutes a wetland or waterbody, the development of which has been decided by the experienced regulators at the U.S. EPA and the Corps of Engineers. That decision was devastating for wetlands, many of which serve as valuable habitat for birds and other wildlife.

In another decision this year the court similarly overturned four decades of precedence and the expertise within federal regulatory agencies. I'll try to avoid getting too deeply into the weeds, but some background is needed. In 1984 the decision in the case of Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc. directed courts to defer to an agency's reasonable interpretation of an ambiguity in laws that the agency enforces. As long as a regulatory agency's interpretation of a law is reasonable, courts were directed to give deference to that agency's determination. In the cases heard this term in Loper Bright Enterprises v. Gina Raimundo, Secretary of Commerce and in Relentless, Inc. v. Department of Commerce, the ability of the Commerce Department and the New England Council to require commercial fishers to pay the cost of government observers on-board fishing vessels was disputed. The plaintiffs in both cases won their Supreme Court cases. The decision leaves in place already existing laws and regulations, but future laws or changes to existing laws will no longer receive deference under the Chevron doctrine.

So why should we, as birders, care about these cases? Because these decisions have a huge potential to

impact our environment. Shortly after these decisions were handed down and citing the Supreme Court's ruling in Loper Bright Enterprises v. Raimundo, the Air Force refused to comply with an EPA order that they develop a cleanup plan for drinking water near Tucson, Arizona, after the region's groundwater was contaminated by PFAS runoff from nearby Air Force bases. Some of the human health effects of PFAS exposure include increased cholesterol levels, hormone disruption, reduced fertility, high blood pressure, low birth weight, and increased risk of some cancers. There has been very little published on the effects of PFAS on wildlife, but I can't imagine it is not negative.

In these recent cases the conservative majority on the court stripped away decades of precedence that have been serving us and our environment very well. As Congress passes new laws or amendments to existing laws, and whenever ambiguity exists in interpreting and writing regulations to implement the laws, the expert regulatory agencies will be subject to more and more legal challenges. That means that judges, not only at the Supreme Court, but also in lower courts will be substituting their judgement for that of the agency experts. Being an expert in law does not qualify judges to question the expertise in many, many areas regulated by the government. It is a formula for chaos and a diminishment in legal protections for our environment and our wildlife resources. That is why it is essential to remain vigilant and to elect judges and politicians who appoint them that care about the environment and wildlife.

Birds and Beers and Dunes at the Audubon Great Lakes Chapter Gathering

By Cathy Waller

Laughing Whitefish Bird Alliance surpassed attendance records for the MI Birds & Brews events held by other chapters in the Great Lakes Region. Because our Jeopardy game created both a fun and educational evening, Audubon Great Lakes thought it would be interesting for other clubs to learn how we did it and to play our Jeopardy game during their annual “Audubon Great Lakes Chapter Gathering & Awards”. The theme for the event was “Collaboration.”

My husband Steve and I signed up for the gathering and traveled down to the Indiana Dunes National Park in northern Indiana on Friday, October 18. Our Jeopardy game was the headliner event for the Friday evening program held in a brewery in Hammond, Indiana.

There were about 30 attendees from various Great Lakes Audubon chapters. They were divided into four teams. Never knowing when a Jeopardy bonus question will appear creates a bit of suspense and ups the ante. All the chapters were very good birders and answered most of the questions correctly. The Chicago group kept getting bonus points which helped them eventually win both rounds. Afterwards, many chapters wanted to try the game at one of their chapter functions, so we made our Jeopardy game available to other chapters.

The next day at 7:30AM, we joined 20 fellow birders on a bird walk in Miller Woods led by a Dunes-Calumet Audubon Society member. Our guide was a recent steel plant retiree who spent his free time hiking the nearby trails and loved sharing his knowledge of the area with the group. There was such an abundance of sparrows, our guide gave up calling them out. Quite a few Eastern Bluebirds, a Greater Yellowlegs, and a Winter Wren made an appearance during our hike.



The main portion of the “Chapter Gathering” was being held at The Paul H. Douglas Center for Environmental Education in the Indiana Dunes in Gary, Indiana. The Indiana Dunes National Park is squeezed between big industries and remains an important hotspot for birds and plants alike. Steve and I lived in the dunes for a few years in the ‘80s. It is where I first saw a fringed gentian—my now favorite flower and

the name we gave our first-born daughter.

The “Gathering” began with several Audubon Great Lakes staff giving us the highlights of their recent achievements and future goals. Then we heard from two staff members who were heading a coastal wetland restoration of the Calumet region in Illinois and Indiana.

They were seeing major successes with the return of targeted wetland bird species in the recently restored wetlands. They ended their presentation with the optimistic words, “If you fix it, the birds will return.”

The Northeastern Wisconsin Bird Alliance has been building a relationship with the native American Oneida Nation in Green Bay, WI, since 2020 and has formed a partnership with them on marsh bird monitoring on tribal land. The data, gathered jointly with the help of the Alliance, are the Oneida Nation’s property, and it is up to them on how they want to share the knowledge gained from the studies.



“Share our Shores” is the catchy slogan developed for the city of Waukegan, IL, to encourage residents to protect the nests of a pair of Piping Plovers. Lake County Audubon developed a robust group of volunteers to monitor their nest site and did a fabulous job getting city officials to support their efforts. They even developed a special Piping Plover cookie.

The Chicago Bird Alliance repeatedly hosted the famous Piping Plover pair, Monty and Rose, at the Montrose beach. They have a regular group of volunteers and have recently hired a bilingual staff member to educate the beach goers on the plovers and the reason for the nest barrier. Rose didn’t return to Montrose Beach one year, but Monty found a new mate and continues to successfully raise cute little fluff ball chicks to adulthood.

After the collaborative project presentations, each of the five state groups formed work groups and were tasked with three questions related to collaboration. The only other chapter from Michigan was from the Oakland Bird



Alliance (they too recently removed Audubon from their chapter name) so we collaborated. We came up with several ideas to be presented on Sunday to the group, but Steve and I were unable to stay for the Sunday events.

The finale for the Saturday was a “Celebration Dinner and Awards” held at the Portage Lakefront & Riverwalk in Portage, IN. It was a fabulous evening to view the sunset over the shores of Lake Michigan, nestled among the sand dunes, on a balmy 65-degree evening. After dinner, the Alan Dolan Great Lakes Conservation Advocacy award was given. Afterwards we watched the debut of Waukegan Share Our Shore Piping Plover film.

New Board Members

The LWBA board are very excited to announce that we have 3 new board members (as of their soon to be addition at our Members Meeting on November 13th)! They are all young, talented and energetic additions to our group. We look forward to their input into our upcoming meetings and adventures. Please come to the annual Members Meeting on November 13th to welcome them. We will have some refreshments to enjoy as well as enjoy beautiful photos taken by our members at this meeting. Below is a brief bio written by each of them to introduce themselves:

Anna Ellis- “I am a born and raised Yooper with a background in forestry and ecology, currently employed by MSU Extension as a Forestry and Natural Resources Educator for the eastern half of the Upper Peninsula. Birds have been a constant source of fascination for me since I took an ornithology class at Michigan Tech in 2018; joining the LWBA was the perfect opportunity to take my interest to the next level and meet like-minded people. I’m excited to put my love for birds into meaningful action by serving on the LWBA board!”

Zoe Folsom- Zoe Folsom lives in Marquette, where she works remotely in the solar energy industry. She found LWBA through friends, including fellow new board member Anna Ellis, and looks forward to inviting new friends to participate. In addition to birding, she enjoys gardening, knitting, and backcountry canoeing with her partner.

And Korben Moelter- “Hello members of LWBA! I’m Korben Moelter, one of the new board members. I am a second year Fisheries and Wildlife student attending NMU, and I am from Milwaukee, Wisconsin. I am an avid birder and wildlife photographer and enjoy learning about different animal species. I have the privilege of being a part of several student organizations on campus such as the Vice-president of Fisheries and Wildlife Association and the Secretary of the Ducks Unlimited Chapter. I am also involved in undergraduate research studying the effects of climate change on hibernators, ectoparasites on woodpeckers in the Eastern US, the

effect of temperature on body size in heterotherms, and conducting a population size estimate of White-tailed Deer on Presque Isle for the city. Thanks for welcoming me and talk soon!”

Christmas Bird Count Dates

by Cathy Waller

National Audubon Society’s 125th Christmas Bird Count (CBC) takes place this year from December 14, 2024, through January 5, 2025. Participation is free! To arrange to participate, contact compilers by email in advance of count day following the information.

Saturday, December 14, 2024 (Saturday) - Marquette

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

*Meet outdoors at 8:00 a.m. 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 reply.*

Sunday, December 15, 2024-AuTrain Count

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 two weeks before the count if you intend to participate. Potential participants should also know that most of the count circle is not accessible by car and is typically snow-covered on the day of the count.

Saturday, January 4, 2025– Gwinn Count

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

Contact Brian for meeting place and time. Date could change based on participants’ availability.

2024 Breeding Bird Survey of Tory’s Woods

By Cathy Waller

Last spring, the Upper Peninsula Land Conservancy (UPLC) contacted Laughing Whitefish to see if Cathy Waller and Beth Olson could once again conduct the 5th breeding bird survey at Tory Woods, on the west corner of Alger County off M-28. The first survey was conducted in 2017 by Scott Hickman, with additional surveys done in 2018 and 2019. The most recent was completed last year by Cathy and Beth on June 20, 2023.

The 2024 survey was done on the same date as the 2023 survey (June 20). We started bright and early at 5:45AM and counted birds until 11:20 AM. The conditions were perfect for the survey: clear skies, 60-degree temperatures and no wind. There were more birds singing this year at ALL stops and legs. In 2023, we saw or heard 30 bird species in our first 40 minutes, but everything quieted down quite a bit

after.

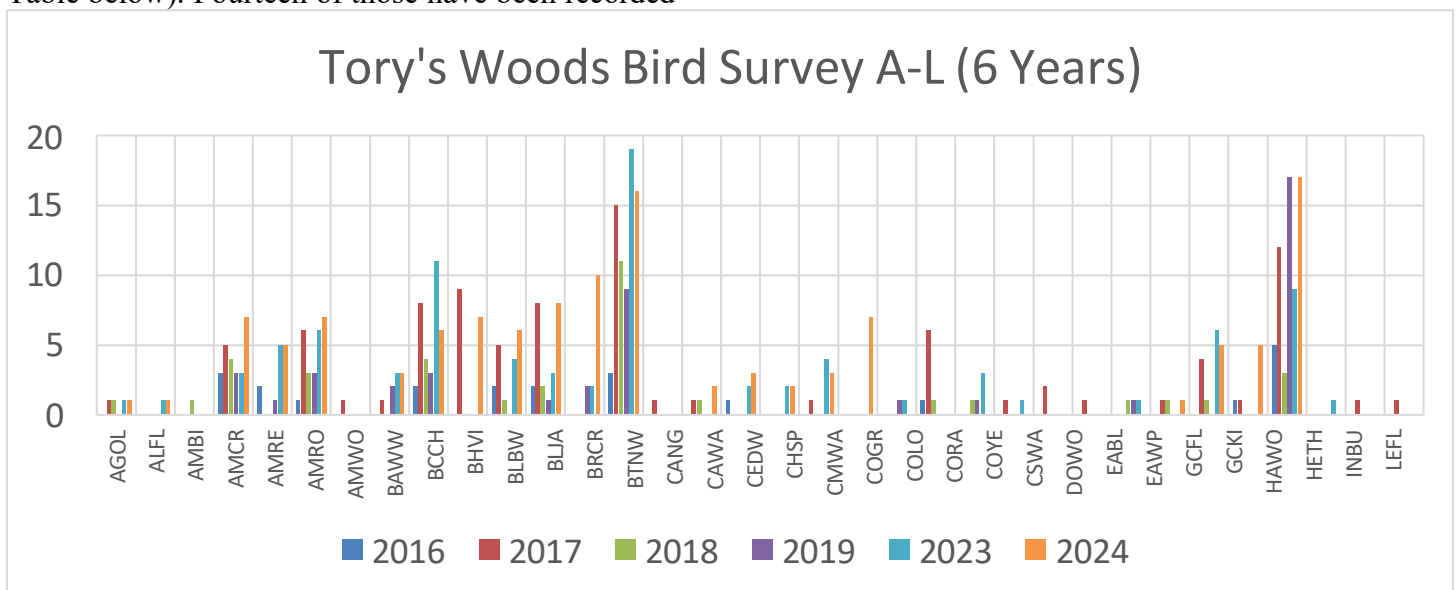
Tory’s Woods birds are surveyed using the transect – listening stop method. This method entails recording all birds seen or heard while slowly walking transects (routes) through the area being studied. Researchers using this method also pause for 10 minutes at specified listening stops located along the transects and similarly record all birds seen or heard. There were 10 listening stops previously set-up by Scott Hickman along the existing trails. We were able to get close to the 2017-2019 listening stops but varied some of our stops to fall near wetlands. Scott Hickman marked Listening Stops 1 through 8 with a permanent marker in 2017 on the existing diamond-shaped trail markers, used bearing tree sign for Stop 9, and flagging tape for Stop 10. These numbers may have worn off over the last 7

years. Stops 1 and 2 are on the road (Lake Superior Point Trail). Stops 3 and 4 are on the South Trail that travels through a very muddy section of the property. This time we were prepared for the deep mud holes and had muck boots and trekking poles to navigate through the sections of water holes. Stops 5 and 6 are on Middle Trail. Stops 7 through 10 are evenly spaced on the North Trail.

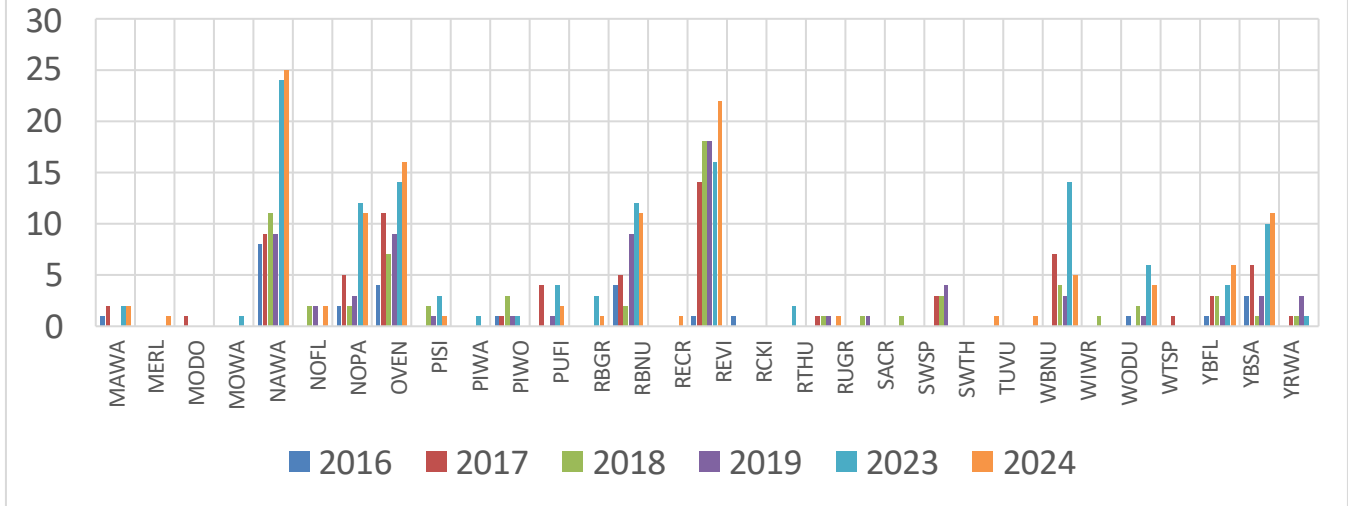
Forty species of birds were counted during this survey. In comparison, 2023 had 39 species, 2019 had 28 species, 2018 had 33 species, and 2017 had 39 species. There was an additional E-Bird survey done in June of 2016 that recorded 22 species. Four bird species were added to the bird list for Tory's Woods: Common Grackle, and flyovers of Turkey Vulture, Red Crossbill and Merlin. No federal or state endangered or threatened species were encountered. However, one species, the Canada Warbler, is considered a tipping point species on the decline. The conifers in Tory's Woods are an important nesting habitat for 15 conifer-dependent species. It also provides habitat for these "watch-listed" species – Canada Warbler, Cape May Warbler, and Rose-breasted Grosbeak. The watchlist includes species that are most at risk of extinction – those already listed under the Endangered Species Act, as well as those not yet listed but in need of conservation action to prevent them from becoming threatened/endorsed.

Sixty-four species have been found during the six years of Tory's Woods Breeding Bird Surveys (see Table below). Fourteen of those have been recorded

in the last five surveys: American Crow, American Robin, Black-capped Chickadee, Blue Jay, Black-throated Green Warbler, Hermit Thrush, Nashville Warbler, Northern Parula, Ovenbird, Red-breasted Nuthatch, Red-eyed Vireo, Winter Wren, Yellow-bellied Sapsucker, and Yellow-rumped Warbler. Their numbers are fairly stable or increasing since 2023. But Common Ravens have declined to 0 ((2016-1, 2017-6, 2018-1, 2019-0, 2023-0, 2024-0). Blue-headed Vireo looked like it was on a decline as well, but we recorded 7 this year (2024). Last year, we located the nest of a Brown Creeper pair on the Middle Trail. We found a pair again this year at that same spot; but we also found Brown Creepers along the rest of our route. It seems that their population is expanding (2016-0, 2017-0, 2018-0, 2019-2, 2023-2, 2024-10). The most vocal birds this year were the Hermit Thrushes and Ovenbirds. We are pretty sure we got close to one Ovenbird nest on the North Trail. Magnolia Warbler has been found in Tory's Woods during the 2016, 2017, 2019, 2023 and 2024 surveys. It has been declining in the national forests of the upper Midwest and utilizes smaller, close-growing conifers in coniferous wetlands for breeding habitat which are prevalent in Tory's Woods. This is a habitat type that has been under increasing pressure for pulp-paper production making the protected status of Tory's Woods likely to become even more important. The results of this year's survey indicate that Tory's Woods continues to provide habitat for a healthy diversity of breeding birds.



Tory's Woods Bird Survey M-Z (6 Years)



LWBA Programs and Outings – November 13 – March 12, 2025

Field Trip—Saturday, Nov. 9: *Field Trip to Peshekee Grade*, The Peshekee Grade is located in western Marquette County and is a great spot to try to find a number of boreal species including Boreal Chickadee, Canada Jay and Black-backed Woodpecker. Details and registration will be found on our website: <https://laughingwhitefishbirdalliance.com>.

- **November 13 (Wednesday), 7-8:15 PM *Annual Membership Meeting and Social Gathering***

Location: Peter White Library, 217 N Front Street, George Shiras Room, 3rd Floor

The program will begin with a SHORT business meeting with an opportunity to meet new and existing Board members. This will also be a social event where members are invited to bring photographs of birds and other nature-oriented subjects to share with the audience. Refreshments will be served, and the meeting is open to the public. Please bring your photos on a CD, DVD, or small jump-drive. A computer & digital projector will be provided.

- **January 8, 2025 (Wednesday) 7 PM - *Bird Mural at Moosewood Nature Center***

Location: Peter White Public Library, Shiras Room, 3rd Floor

Presenter: Matt Betts, LWBA Board Member

Matt Betts is a Marquette area artist with an interest in wild birds. With a small grant from the Audubon Society, he began work last year on a mural on an outer wall of the Moosewood Nature Center, depicting some of the bird species that visit the feeders and habitat near the Center. In his presentation, he will discuss what motivated the project, the process of painting the mural, and share images of the completed work.

Matt Betts received a Bachelors of Fine Arts degree from Virginia Commonwealth University in 2006 and has had many jobs in the arts since, including mural and portrait work. An interest in native birds directed him to roles with Moosewood Nature Center and Laughing Whitefish Bird Alliance. He is vice-president of the LWBA.

- **February 12, 2025 (Wednesday) 7 PM - *U.P. Birding Trail***

Location: Peter White Public Library, Shiras Room, 3rd Floor

Presenter: Brian Murphy, LWBA Board Member

Brian will discuss future plans of expanding Michigan birding trails like the North Huron Birding Trail in the Eastern UP to include the at the least, central Upper Peninsula's Marquette, Alger and Delta Counties. This means that the central UP will have it's own version of the aforementioned North Huron Birding Trail (can be seen at <https://www.northhuronbirdingtrail.com/>) or Saginaw Birding Trail. Printed versions of these and more birding trails can be found at the Marquette Welcome Center just as you enter Harvey on US 41.

- **March 12, 2025 (Wednesday) 7 PM - Topic TBA**

Location: Peter White Public Library, Shiras Room, 3rd Floor

Presenter: Heather Shaw, Michigan DNR

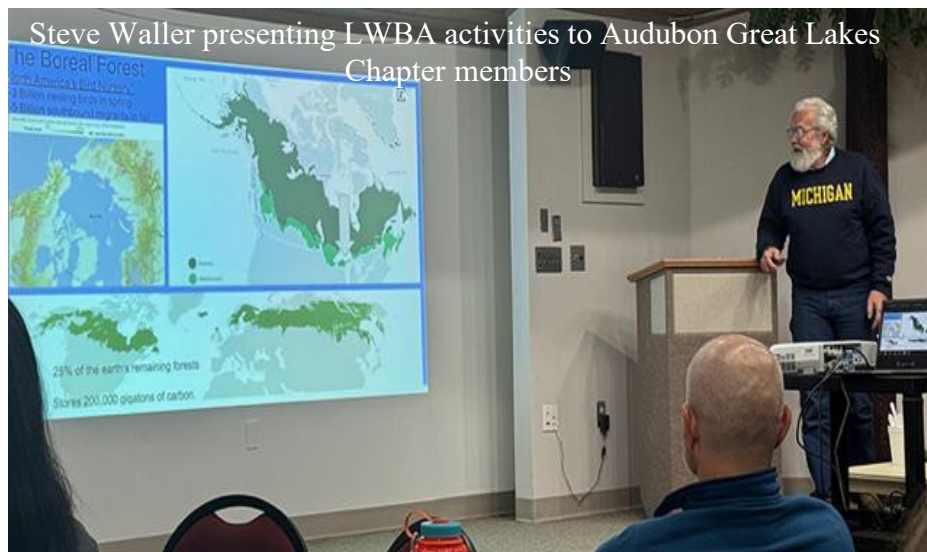
April 9, 2025 (Wednesday) 7 PM - Spring Tune-up

Location: Peter White Public Library, Shiras Room, 3rd Floor

Presenter: Gary Palmer, LWBA Board Member

LWBA board member Gary Palmer will present 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.

More photos from Birds and Beers and Dunes at the Audubon Great Lakes Chapter Gathering



Laughing Whitefish Bird Alliance 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: _____

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

Annual Membership fees (please check one)

Gift membership - \$15 Regular(family) membership - \$15 OR Student - \$5.00

How would you like to receive your newsletter?

E-mail or Postal service

Are you also a member of the Michigan Audubon Society?

YES or NO

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 LWBA) to:
*Cathy Waller, 201 County Road KB, Marquette, MI 49855***

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

