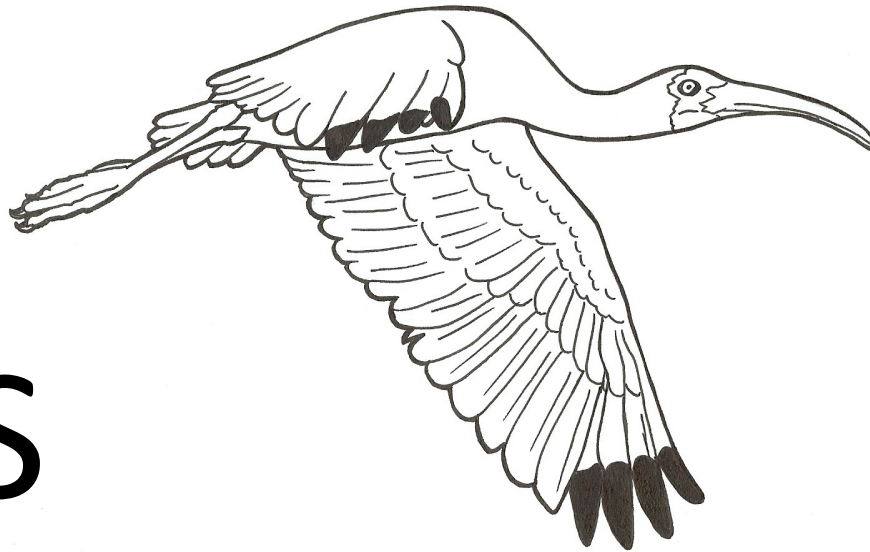


the IBIS



Newsletter of the Orleans Audubon Society.

A Chapter of the National Audubon Society.

Volume: XXXVIII Issue: 1

September 2020/November 2020

Message from the Board of Directors

The OAS Board of Directors hopes this message finds you, your family and friends alive and well. Given all that has happened in 2020, we thought it best to update everyone on OAS's plans regarding programming and what we've been up to.

Due to the pandemic and concern for everyone's health, OAS has cancelled all in-person programming through December of 2020. This includes banquets, socials (wine and cheese party, pot-luck holiday party), program meetings and field trips. OAS Program Chair, Joelle Finley, is scheduling online programs instead using Zoom. Please contact her if you have a speaker to recommend. OAS graciously thanks Tulane University for the use of Zoom, which enables us to provide this online programming. OAS especially thanks Tulane professor, Dr. Donata Henry, for training us to use Zoom and for her invaluable help in facilitating Zoom presentations.

OAS volunteers have been busy while still maintaining social distancing. OAS recently presented three Zoom nature programs to the membership and general public that have proved to be quite popular, with hundreds of folks viewing each one (see details herein to access recordings). We thank Jennifer and Tom Coulson, Donata Henry and Wendy Rihner for these fine programs. In July, Jennifer also presented a Zoom outreach program "*Working with Wildlife*" to Audubon Youth Council teen volunteers.

If you are not signed up to receive OAS email messages, you probably missed the electronic-only May-June issue of *The Ibis*. It features some great articles which you may wish to access through the OAS website: jjaudubon.net. We were not able to print and mail the May-June issue because our printer was closed due to corona virus.

The Swallow-tailed Kite research and conservation program was in full force this spring and summer: OAS conducted 13 aerial surveys, monitored 31 nests (21 in Mississippi, 8 in Louisiana, and 2 in Texas), and conducted conservation-based outreach to land owners and managers. We've distributed over 200 of the Swallow-tailed Kite conservation recommendations brochures to land owners and citizen scientists. OAS thanks the volunteers helping with the Swallow-tailed Kite project during the 2020 nesting season: Jason Arena, Ross Bentz, Father Burns, Donna Bush, Jennifer and Tom Coulson, Holly Cox, Sherry, Sam and Ben DeFrancesch, Brett and Inga Falterman, Donata Henry, Petra Hockey, Andy and Jeanne Licau-si, Carla Lizana, Becky Lloyd, Bill and Karen Magee, Dan Milner, David Muth, John Nelson, Glenn Ousset, Jason Price, Jim Randolph, Janine Robin, Barry Tillman, Wesley and Rebecca Smith and Wayne Wilson. We also thank everyone who submitted sighting reports.



Fledgling Swallow-tailed Kite in Long Beach, MS.
Photo courtesy of James W. Randolph, D.V.M.

www.MyPetsDoctor.com
www.AnimalGeneralHospital.com

OAS has also been busy with environmental and conservation advocacy. In June, OAS sent a letter to U.S. Representative Scalise urging him to support the Recovering America's Wildlife Act (HR 3742). In July, OAS sent a letter to the judge urging the deliverance of a sentence befitting of the wildlife crime of shooting Whooping Cranes and hiding evidence. OAS thanks Andrew Wilson for spearheading the OAS campaign to curtail illegal shootings. In August, OAS commented on Southeast Louisiana Refuges' proposal to harvest timber on Big Branch Marsh National Wildlife Refuge as a habitat improvement tool; our recommendations were specific to protecting and conserving Swallow-tailed Kite nest sites. Also in August, OAS provided technical scoping comments for the Mid-Breton Sediment Diversion Environmental Impact Statement (CEMVN-ODR-E #MVN-2018-1120-EOO, to the U.S. Army Corps of Engineers. OAS thanks David Muth for sharing his expertise on this coastal restoration project.

OAS volunteers also located and monitored rare southern American Kestrels on the breeding grounds in Louisiana and collected breast feathers from local kestrels for the *Mapping the American Kestrel Genoscape - Full Cycle Phenology* project (see fullcyclephenology.com for more information). Special thanks to volunteers: Jason Arena, Tom and Jennifer Coulson, John Keegan, Leslie Lattimore, Scott Metayer, John Nelson, Janine Robin for their help with the kestrel project.

A number of folks have been conducting bird surveys at Bayou Sauvage National Wildlife Refuge. We thank the following volunteers, and apologize for any we have forgotten to mention: Byron Almquist, Jennifer and Tom Coulson, Cathy DiSalvo, Joan Garvey, Donata Henry, Becky Lloyd, Mary Mehaffey, Mark Meunier, Krista Morgan, David Muth, John Nelson, Glenn Ousset, Malise Prieto, Christie Riehl, Claire Thomas, Jon Wise and Peter Yaukey.



The OAS wild bird rescue team was more active than ever this summer, with many rescues of Barred Owls, Red-shouldered Hawks, Mississippi Kites, Yellow-crowned Night-Herons and other species. In several instances when nestlings fell from their nests, OAS volunteers were able to either return the nestlings to their nests, or fashion artificial nest platforms which the parents readily accepted. In the case of one barred owlet, we enlisting the assistance of a local power company and one of their bucket trucks. Special thanks to the following volunteers for rescuing wild birds: Jason Arena, Jennifer and Tom Coulson, Sherry DeFrancesch, Donata Henry, John and Madilynn Nelson, Janine Robin and Andrew Wilson.

OAS Zoom Meetings

Madagascar: A Place Like No Other

Presented by Ken Harris and Joelle Finley

Tuesday, September 15, 7:00 p.m.

The fourth largest island on Earth hosts 6 endemic families of birds with over 110 endemic bird species. Madagascar is one of the major zoogeographic regions of Earth. Ninety percent of its forest species and all of its native land mammals are unique, among them the many species of lemurs, a primate group now largely confined to Madagascar. Two-thirds of all chameleons occur on Madagascar along with 7 species of Baobab trees (Africa has only 1 species). 80% of the forest is gone from Madagascar due to a huge over-population problem and is sadly being replaced by Eucalyptus. It is one of the poorest nations in the world with no free education for children. Madagascar was once a colony of France who left behind their language



Long-tailed Ground Roller by Joelle

and wonderful French Bread!

How to participate: All are welcome. No registration is required. There is no limit to the number of participants, so please share this announcement widely. We advise that you click on the link a few minutes ahead of the workshop's starting time. Once you've clicked on the link, either click on "open zoom.us" or you may need to download the Zoom app to join the meeting.

If prompted to download the Zoom app, it takes less than a minute to do so.

Join Zoom Meeting: <https://tulane.zoom.us/j/91053588568>

Meeting ID: 910 5358 8568

40 Years in Borneo: Hacking Through the Jungle in Search of Birds

Presented by Dr. Fred Sheldon, George H. Lowery, Jr. Professorship, Director of Museum of Natural Science and Curator of Genetic Resources at LSU in Baton Rouge

Tuesday, October 20, 7:00 p.m.

Fred received his PhD from Yale University in Biology in 1986. He has two fundamental areas of research interest: the evolution and systematics of birds, and the natural history of the birds of the Malay Archipelago. His work in S.E. Asia is concentrated mainly in Borneo, where he is conducting a variety of studies with students and collaborators.

Borneo, a giant, rugged island in Southeast Asia's Malay Archipelago, is shared by the Malaysian states of Sabah and Sarawak, Indonesian Kalimantan and the tiny nation of Brunei. It's known for its beaches and ancient, biodiverse rainforest, home to wildlife including orangutans and clouded leopards. In Sabah is 4,095 meter-tall Mount Kinabalu, the island's highest peak, and, offshore, the famed dive site Sipadan Island.

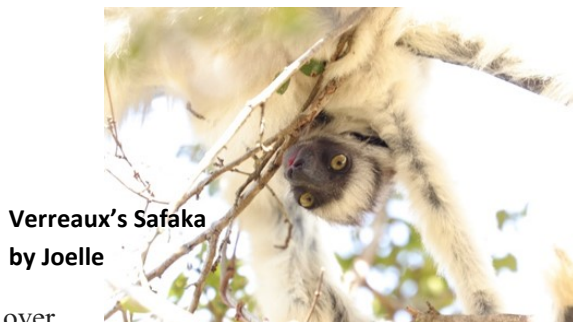
Orangutan by Ken Harris

Join Zoom Meeting:

<https://tulane.zoom.us/j/93007091575>

Meeting ID: 930 0709 1575

Mt. Kinabalu



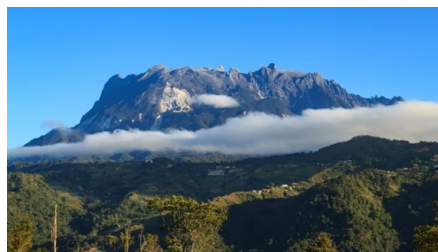
Verreaux's Sifaka
by Joelle



Lesser Hedgehog Tenrec by Joelle



Rhinoceros Hornbill by Ken Harris



Caroline Dormon, Louisiana Pioneer Woman

Presented by Linda Auld

Tuesday, November 17, 7:00 p.m.

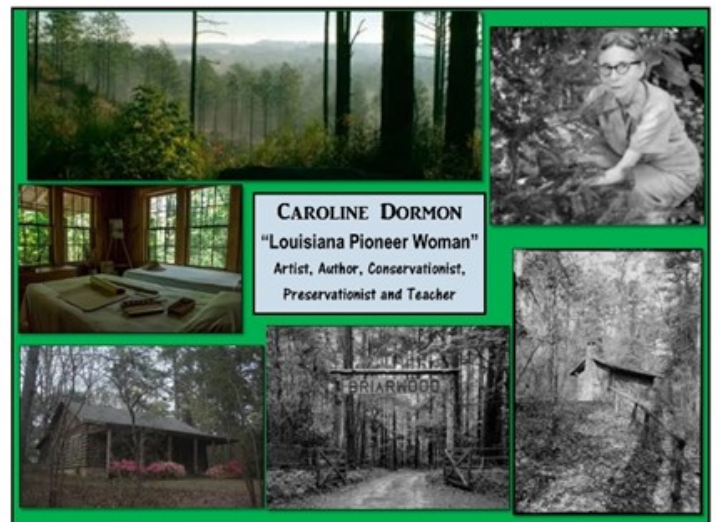
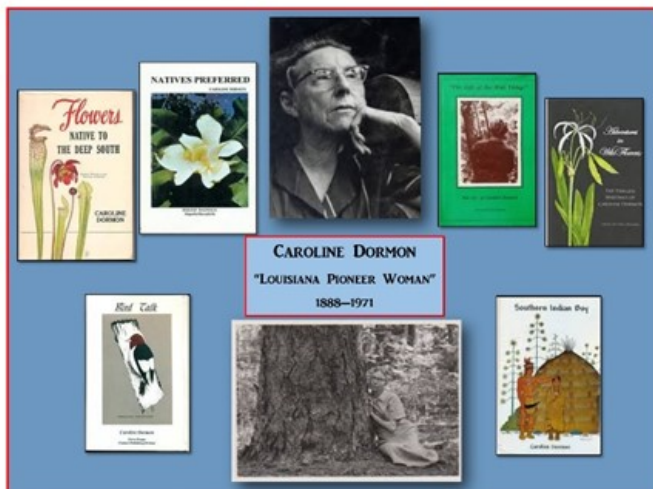
Linda's 2020 project is celebrating the life of Caroline Dormon, an intriguing and powerful woman born in the little town of Acadia back in 1888. She is famous for being an artist, teacher, conservationist, and the first woman spokesperson in the U.S. Forestry Service. Linda's about her fascinating life, her phenomenal accomplishments, her beautiful Briarwood Nature Retreat, and her fantastic books is guaranteed to be inspiring.

Linda Barber Auld, affectionately known as "BugLady," owns and runs Barber Laboratories, a pest control supply store founded in 1921 by her grandfather, Ernest R. Barber. In addition to helping New Orleanians solve their pest problems, for over forty years Linda has also studied and promoted understanding beneficial insects. She has raised 127 species of butterflies and moths, studying and photographing their life cycles. For 26 years she has participated or lead butterfly count surveys for the North American Butterfly Association. Since 2014, to help Monarch butterflies, Linda has installed seventeen school gardens in the Metro area, donated countless plants to public park gardens and created Monarch Waystations in seven different Louisiana cities.

Linda enjoys working with school and Scout groups. She gives presentations to garden clubs, plant societies, Master Gardeners and Master Naturalists groups. Her 2019 project was called "Geaux Grow Natives!" Its purpose was to promote using wildlife-friendly native plants. She has also written articles for the Louisiana Gardening Magazine, the Louisiana Native Plant Society, the Orleans and the Baton Rouge Audubon Societies, and the Southern Lepidopterists Society. On May 4, 2019, Linda self-published her first book, "BugLady's Butterfly Summer" currently available at Barber Laboratories, LongueVue Gardens gift shop, Allen Acres B&B (Pitkin, LA), Crosby Arboretum (Picayune, MS) gift shop, online @www.barberlaboratories.com and www.nolabuglady.com. The NOLA BugLady will continue to promote her "BugLady's Butterfly Summer" alongside the five books by Caroline Dormon. All book purchases channel funds to Briarwood to aid in tornado damage restoration.

Join Zoom Meeting: <https://tulane.zoom.us/j/95675516416>

Meeting ID: 956 7551 6416



Audubon Louisiana's *Plants for Birds* recorded webinars:

Links to the videos are posted on Audubon Louisiana's Facebook Page under the **videos** tab:
[@audubonlouisiana](https://www.facebook.com/audubonlouisiana)

Inviting Birds to Your Yard with Plants - Join your fellow bird-lovers and learn how to use native plants to turn your yard into a haven for birds! In this webinar, **Jane Patterson**, President of Baton Rouge Audubon Society, teaches ways to attract birds to your yard with plants, with an emphasis on plants that are native to our area. She also covers resources that will help you to transform your yard, including sources for native plants in south Louisiana.

Avian Food Resources in Garden Settings -featuring professional naturalist and author, **Bill Fontenot**! Bill's presentation focuses on wild berries produced by native trees, shrubs, and vines as well as seeds produced by native wildflowers and grasses of the Gulf Coastal and southern Atlantic Coastal Plains. He also touches upon insects and other invertebrates in the garden – the “elephant in the room” of wildlife food resources available to native plant gardeners/gardens.

The Time is Right to Merge the Crescent Bird Club with Orleans Audubon Society

By Joelle Finley

The Crescent Bird Club (CBC) was founded in 1966 by Helga Cernicek at the height of the environmental movement and flourished over the years. The CBC was led by Helga for many years and then by numerous dedicated people, most recently Gwen Smalley, Judy Fall, Ilze Choi and Ed Wallace. For the past several years, Mary Joe Krieger and myself have been at the helm. Mary Joe and I are both on the board of the Orleans Audubon Society (OAS) which was founded in 1949. Mary Joe is the treasurer and I am the vice-president. I have been organizing the field trips, banquets and wine and cheese events for both organizations as well as the OAS meeting programs for probably over ten years. The CBC field trips are under the umbrella of the OAS liability insurance policy. Mary Joe and I have decided to disband the CBC and instead of having two birding clubs in New Orleans, to have just one, the Orleans Audubon Society. The CBC does have a small checking account, and we will donate those monies to the OAS.

OAS Recorded Nature Webinars...watch them anytime!

Links to the videos are posted on the **events** page of the **OAS website**: <http://jjaudubon.net/events/>
and on **OAS's Facebook Page** under the **videos** tab:
<https://www.facebook.com/OrleansAudubon>

The Monarch's Egg and Everyday Wonders of Louisiana's Butterflies – **Dr. Donata Henry** showcases the unique wildlife photography of **Walter Clifton**, an avid outdoorsman dedicated to documenting the natural history of birds and butterflies of Louisiana. He hand reared and photographed over a dozen different species of butterflies, allowing us to marvel at and appreciate life stages we rarely, if ever, get to see. Notably, he did not use a digital camera. He and Dr. Donata Henry, a Senior Professor of Practice in Ecology and Evolutionary Biology at Tulane University, explored the Honey Island Swamp together nest searching and waiting in hot, buggy blinds for warblers to reveal their secrets. Join us for a glimpse into the weird and wonderful biodiversity in your own backyard.

Raptor Identification Workshop - Raptor biologists **Jennifer and Tom Coulson** share their basic approach to raptor identification, a strategy which differs from that of most field guides. They provide a number of novel tips for identifying our native diurnal birds of prey. The Coulsons are true “raptorophiles” who have spent much of their lives studying and working with birds of prey.

Native Plants for Birds - **Wendy Rihner** discusses the great potential for gardeners in the Greater New Orleans area to build bird-friendly communities. She highlights WHAT native plants are, WHERE native plants can be purchased locally, WHY native plants are more important for birds and pollinators than tropicals/exotics, HOW we can help create bird-friendly communities one yard at a time. Wendy Rihner, recently retired from teaching English at Delgado Community College, now has even more time to learn about the relationship native plants play in the lives of birds. Rihner serves on the Board of Directors for the Native Plant Initiative of Greater New Orleans, as well as the executive boards of both the Orleans Audubon Society and Audubon Louisiana.

Keep up with what's happening!

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<https://mailchi.mp/faf69a03b4e9/orleansaudubon>
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BugLady's Northlake Adventure

by Linda Barber Auld

Northlake Nature Center in Mandeville is a 400 acre tract of land with three distinct ecosystems: hardwood forest, pine hardwood forest, and pond swamp. Beaver dams created the ponds in the cypress swamp and visitors can view a beaver lodge from one of the center's raised boardwalks. Interpretive signs and outdoor classrooms enhance the experience. The site serves for environmental education programs, hiking and other nature activities.



On Saturday morning May 30, 2020 folks from Baton Rouge, Prairieville, Folsom and New Orleans joined me to hike and look for butterflies and their preferred plants. A native plant garden greeted us in the parking lot, created by Jim Russell and Rue McNeill. We spent a good half hour looking at the variety of host and nectar plants inviting the native pollinators to visit. We admired Partridge Pea and *Cassia obtusifolia*, two caterpillar hosts for Cloudless Sulphur, Sleepy Orange and Little Sulphur butterflies. We also found a nice stand of blooming native milkweed, *Asclepias perennis* that attracts Monarchs to lay eggs. Its delicate white flowers supply a nectar snack for butterflies as well as bees. We watched two different species of flower beetles lapping up nectar on those flowers. Nearby, a Two-spotted Long-horned Bee was struggling to squeeze its body down into a purple ruellia flower, trying to reach the throat to gather the nectar. I noticed its two spots--one on either side of its butt--that's how it got its name! There's always something to discover in nature.

A big surprise was finding baby Goatweed caterpillars on the *Croton capitatus*! The Goatweed caterpillar is one of only four butterfly caterpillars that creates what's known as a "frass chain". This happens when the baby caterpillar eats from the leaf stem to tip along the leaf rib, leaving a "plank" of poop, creating a safe haven that ants and other predators don't want to cross! Our list of blooming flower smorgasbord grew to include monarda (bee balm), coneflowers, ruellia, milkweed, turk's cap, basketflower, elderberry, verbena, sida and bidens. Summer will bring new varieties to bloom.



Next we checked out the powerline area where on my last visit I saw many different skippers plus Buckeye butterflies and caterpillars perched atop stems of their host plant Agalinus. To get there we hiked a boardwalk trail where we stopped to admire a gang of large turtles sticking their heads up out of the water as if begging for a snack. Further along I noticed turned leaves on Water Canna



(*Thalia dealbata*) that indicated Brazilian Skipper use. This caterpillar, an interesting little critter, is reported to be crepuscular (active at dusk and dawn) and clear in coloration so its "innards" show. The Brazilian Skipper butterfly has such a long tongue that its pupa has a separate sheath to house it! Moving along, sprays of white, globe-shaped Buttonbush flowers towered above our heads as we crossed the boardwalk into the meadow.

There we found stands of indigo, *Baptisia alba* crowned with seed pod spikes. A month earlier, these must have been spectacular splashes of erect white flower swords. Patches of indigo mixed with Lead plant, *Amorpha fruticosa* packed this area. It didn't take long to find a clump of Lead plant leaves sewn together and discover, inside them, an adorable Silver-spotted skipper caterpillar, an



orange dot on each cheek and green stripes running side to side across its body. Lead plant is also a host for whimsically-named Dog-face Sulphur caterpillars. As we hiked along the path, Common Checkered Skipper butterflies flitted around us, investigating *Sida rhombifolia*, its host. "What's that?" someone shouted. A male Black Swallowtail was showing off his yellow-dotted black wings. He barreled across the cleared area and vanished into the forest trees.



Reaching the meadow, someone else excitedly yelled out, “Come look at this one!” A Buckeye flitted around patches of sprouting Agalinus. Next, spotting some sewn leaves on Desmodium, we discovered a Long-tailed Skipper caterpillar hiding inside! This caterpillar, like the Silver-spotted Skipper, also has an orange dot on each cheek (I call them headlights) but its stripes run the length of its body. A mnemonic technique to differentiate the Long-tailed from the Silver-spotted caterpillar (other than knowing their different host plants) is this: *Long-tailed’s* stripes run the *Length* of the body whereas *Silver-spotted’s* stripes run from *Side to side*.



Host plant of the Barred Sulphur, tiny yellow Pencil flowers, each the size of a Sweetheart rose bud, dotted the meadow landscape. As we were admiring the ironweed—some already sporting purple flowers—I spied something shiny on nearby *baptisia* leaves. Upon closer inspection I detected webbing and another great surprise—Genista moth caterpillars whose shiny metallic spots warn predators that they taste bad.



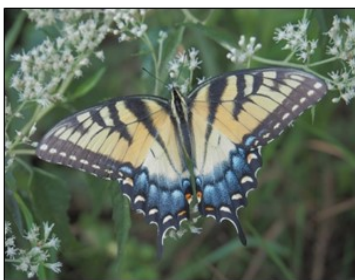
Suddenly from out of a row of trees a Giant Swallowtail swooped into the open next to us, startling and exciting us before flying off to the opposite tree line in a flash. We caught our collective breath to observe several species of dragonflies patrolling the area in search of lunch and a pack of immature Painted Lubber and little green grasshoppers munching on the green buffet. Delicate damselflies hunting for a snack hovered among low-growing plants as a Tiger Swallowtail butterfly lazily flew past us to investigate the tree line. Surprise! A thin green snake poked its head out of some high grass and slithered across our path. We all stopped to give it some space, observe and take pictures.

On our return stroll back to the parking lot, Rue McNeil of the Center directed us on another loop trail to check out PawPaw trees, host for Zebra Swallowtail. Several trees resemble the PawPaw but it can be easily identified by its distinctive crushed leaf smell of bell pepper. One more butterfly waited for us back in the parking lot: a male Spicebush Swallowtail circling a mud puddle before landing to suck up minerals with his tongue. Male are black with green accents whereas females are black with blue.

Although our group had catalogued a great diversity of interesting plants and bugs, in two hours we had covered only a small portion of the Northlake Nature Center’s tract. Hikers may choose from three main loop trails, each encompassing Longleaf Pine restoration areas: Eagle Trail Loop at .75 mile, South Loop at 1.2 mile and North Loop at 1.75 mile. Savanna Lake Trail and the Beaver Pond area offer two more areas to explore.

Northlake Nature Center is located on Highway 190 in Mandeville, Louisiana, situated along Bayou Castine, adjacent to Pelican Park Sports Complex and the 31 mile Tammany Trace Rails-to-Trails path. I highly recommend planning your next Nature experience there.

Linda Barber Auld, better known as the NOLA BugLady, owns and operates Barber Laboratories, a 3-generation family retail store where homeowners and business owners can buy and apply professional strength pest control products on their own properties. Linda has raised butterflies for over forty years and has self-published her first book, “BugLady’s Butterfly Summer”. She sells butterfly nectar and caterpillar host plants at her store located at 6444 Jefferson Highway in Harahan. Open Monday through Friday. You can reach Linda at nolabuglady@gmail.com. Also, check out her Facebook pages and her websites @ www.barberlaboratories.com and www.nolabuglady.com to see the upcoming scheduled events, list of available plants, and pictures of her butterfly projects.



Tiger Swallowtail



Common Buckeye



Goatweed



The new Louisiana Certified Habitat Program

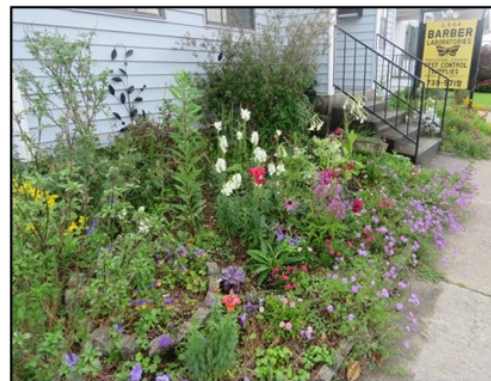
by Linda Barber Auld, NOLA Bug Lady

In January 2016, I purchased a new location for my three-generation old family business, Barber Laboratories, at 6444 Jefferson Highway in Harahan. At that time, the front garden consisted of St. Augustine grass, boxwood hedges and non-native azaleas. I knew that a big change must happen! In the last four years, I've planted with a purpose, transforming this space into a wildlife-friendly garden consisting of a combination of native and non-native annuals and perennials. Each side flower bed covers about 120 square feet and is packed with an assortment of caterpillar host plants and butterfly nectar plants mixed with some human eye-candy. This little oasis has attracted a wide variety of butterflies, moths, bees, and wasps. Since I began adding more native plants, I have noticed an influx of more native bees that I've never seen before!

"Plant it and they will come " really is true and really does work. The native plants are more disease resistant plus most have a deep tap root and are more drought tolerant. The annuals re-seed and the perennials sprout new leaves after a cold winter. Sometimes I plant native and non-native next to each other just as an experiment to see which plants the pollinators will choose. I also like to show folks that native plants can easily be added and blend-in well with non-natives in existing gardens. Through my last forty-three years of raising butterflies, my plant buying and usage has definitely changed, selecting more native than non-native simply because our native insects recognize these plants as "real food."

I display my live caterpillars and butterflies inside my store to show folks how bugs can be interesting and fun to study. Having the plants growing at the office helps provide flowers for the butterflies and host plant foods for the many caterpillars I tend every day. Folks enjoy looking at the colorful flowers and the array of insects visiting their fuel stop. Two-spotted long-horned bees and honey bees are regularly seen visiting the penstemon, purple coneflowers, stokesia, baptisia, blue lobelia, monarda, mistflower, ironweed, slender mountain mint, garden phlox, red lobelia, rudbeckia, and the big-leaf mountain mint. In the front gardens, partridge pea (for sulphur butterflies) plus both aquatic and swamp milkweeds (for monarchs) are the caterpillar host plants available for the little munchkins.

"Before: grass, boxwood and azaleas"... and "After: four years of planting the garden invitation!"



Create the oasis in the sea of St. Augustine grass and concrete"

The backyard was all concreted with a spirea and a lantana at the base of a huge pecan tree. My son constructed a raised bed frame so that I could create the backyard butterfly haven. I used an assortment of trees in pots leftover from previous caterpillar rearing that I wanted to finally get into the ground. Many folks don't know that many types of moth and butterfly caterpillars eat specific tree leaves as their diets. Cooking bay (for Palamedes swallowtail), camphor (for spicebush swallowtail), cherry laurel (for cecropia silk moth), cottonwood (for viceroy), elm (for question mark), hackberry (for 4 butterflies: question mark, hackberry emperor, tawny emperor, and snout), maple (for rosy maple moth), pawpaw (for zebra swallowtail), sassafras (for spicebush swallowtail), tulip poplar (for tiger swallowtail), and willow (for viceroy) are all growing together in harmony. Red lobelia, buttonbush, ironweed, garden phlox, and bee balm make a good nectar smorgasbord alongside the coral honeysuckle curling its way up the back corner fence.



I have enjoyed watching ruby-throated hummingbirds nectaring on penstemon flowers, honey bees gathering pollen from hop tree flowers and giant swallowtail caterpillars eating the leaves. A female great southern white butterfly stopped by to lay a clutch of eggs on the cleome. Painted lady, monarch, gulf fritillary, cloudless sulphur, long-tailed skipper, along with many of the swallowtails--black, giant, spicebush, and tiger--have all found refuge in the BugLady's garden oasis.

Last year I promoted the use of native plants with my "Geaux Grow Natives" project. You can view the list of plants on my website and buy these plants at my store. The announcement of the new Louisiana Certified Habitat Program piqued my curiosity to know just how many native plants are growing here. I checked out the list and am happy to report that my garden has 94 species and is level GOLD!

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Senseless shootings of a National Treasure

By 1950, the last of Louisiana's native population of whooping cranes had disappeared, due primarily to hunting, loss of habitat, adverse weather events and predators. Fortunately, they're back as a result of another of Louisiana's success stories like the reintroduction of the brown pelican, the State bird, and the recovery of the native alligator population. This time, the Louisiana Department of Wildlife and Fisheries ("LDWF") has worked with numerous partners across the country to reintroduce the critically endangered whooping crane at the White Lake Wetlands Conservation Area near Gueydan, in southwest Louisiana. Since 2011, when the program began, 159 have been released and 76 are known to have survived. Sadly, the species' recovery has been seriously jeopardized by illegal, indiscriminate shooting. This article presents the latest developments associated with these pointless shootings.



Louisiana Whooping Crane program showing typical color coded identification banding on left leg and transmitter on right leg.

History

Until now, the history of whooping cranes presents a tale of neglect, indifference and near extinction for these magnificent birds. From a population of some 10,000 whooping cranes in North America when the first European settlers arrived, by 1941 the world population of whooping cranes was reduced to just 21 wild and two captive birds due primarily to overhunting, habitat destruction and adverse weather events. As public awareness increased, a slow recovery began. This process received some assistance when in 1966, Congress passed the Endangered Species Preservation Act, the predecessor to the current Endangered Species Act ("ESA") which offers greater protection for endangered and threatened species than under the original Act. Whooping cranes were one of the original 75 species listed as "endangered" as concerns about whooping cranes had actually led to the creation of the original Act.



One of the Louisiana flock forages on the White Lake Wetland Conservation Area

Appearance

Whooping cranes are distinctive and easily identifiable by their 5 ft. height (the tallest in North America); their 7 ½ ft. wingspan; their black tipped wings; and, a red patch on the top of the head. There are some similar large birds in Louisiana which might possibly be confused: the great egret has all white plumage, and the white ibis, wood stork, white pelican and snow goose have white and black plumages. The smaller, but similarly shaped, gray sandhill crane might also be confused for the whooping crane. However, of these species, only the snow goose, which is substantially smaller, is legal to hunt in Louisiana, and only during the legal hunting season. Therefore, no hunter can plausibly claim that he or she accidentally shot a whooping crane in Louisiana.

Louisiana Population

At present, Louisiana's population remains small, as they require significant care and oversight in making the transition to the wild. In fact, in order to approach them for feeding and training, it is necessary for LDWF personnel to wear whooping crane "costumes" to keep the cranes from "imprinting" on their human caretakers. This would cause them to think they are humans and not whooping cranes.

¹ 16 U.S.C. §1531 et seq. (1973)



LDWF caretaker in whooping crane "costume."



Adult whooping crane with chicks

The first 10 whooping cranes were released at White Lake in 2011, and in subsequent years, up to 27 cranes have been released annually. The first wild-reared chick in Louisiana fledged in 2016, and in 2018, five chicks joined the population. By March of this year, the population stood at just 76 birds. LDWF's partners in this restoration effort estimate the cost to hatch, raise, and release an individual bird is \$85,000. Louisiana's annual, overall cost for whooping crane restoration is estimated at over \$450,000. The program has seen significant progress as the whooping crane parents are now beginning to fulfill a more active role in rearing their chicks:



"View of L5-15 (female, second from the left) and L3-15 (male, third from the left) at just over 1 year old, taken about a week before they were shot on 20 May 2016.

In order to keep track of each individual, all the Louisiana birds are banded and equipped with an Argos GPS-satellite transmitter which is attached to the right leg. This transmitter records GPS coordinates (3 locations per day) and transmits the data to satellites every two days, allowing LDWF to monitor the exact location of each bird and track its movements. The combination of colors on the two legs – both the bands and the colors on the transmitter, assist LDWF in identifying each individual from a distance without disturbing them. Individuals are given a "name" as noted in the caption above L5-15. The L stands for Louisiana and 15 indicates that they were hatched in 2015. The 5 roughly indicates the sequential order in which they were hatched or that LDWF received them.

Public Awareness

Although Louisiana's whooping crane population generally does not migrate, some have wandered away from White Lake at times, including across state borders, where they can be mistaken for a game bird in states that allow for more species to be hunted. As a result, education programs have been launched by governmental agencies, non-profits and hunting organizations to prevent such accidental shootings. LDWF developed an in depth informational outreach program that includes talks and presentations to school groups and civic organizations, as well as workshops for teachers and Master Naturalist courses.

To further LDWF's public awareness campaign, billboards, radio, television, and various print advertisements are regularly run throughout the state. Yet none of these programs will prevent the intentional, indiscriminate and illegal shooting of birds. The only way to deter these senseless killings that are prosecuted is through harsher sentences in the court system. Otherwise, the shootings will continue. And so they do.

Recent Shootings

On November 2, 2018, a whooping crane was found in Acadia Parish with a broken wing, shot by a poacher, and had to be euthanized. A reward has been posted but still there are no suspects. On November 1, 2019, Gilvin P. Aucoin Jr., 53, who had shot and killed another Louisiana whooping crane in July, 2018, because it was eating a crawfish, pled guilty to charges under the Migratory Bird Treaty Act (“MBTA”). He was sentenced to two years of probation as well as 120 hours of community service, and his hunting and fishing privileges were also suspended. This was essentially a slap on the wrist and obviously not a deterrent or warning to would-be poachers. Indeed, just two weeks later on November 15, 2019, another dead Louisiana whooping crane was found in Elton, Louisiana. It too had been shot, and there are no suspects.

All told, Louisiana now holds the dubious distinction of leading the nation with fourteen (14) of its flock of endangered whooping cranes killed by shooting since 2011, with twelve (12) of those shootings having occurred in Louisiana. Each indiscriminate killing of a whooping crane results in a significant, direct, practical and financial loss to the reintroduction program. There are also additional costs for actual posted and claimed rewards, as well as the government’s accumulating costs in investigating these killings, finding the culprits, and prosecuting them, all of which have yet to be tabulated.

Most recently, on July 30, 2020, Kaedon Constantin (28) pled guilty to shooting not just one but two whooping cranes. The evidence is disturbing on multiple levels as Constantin and his young nephew (a juvenile) shot the two whooping cranes for no apparent reason. There is no hunting season in Louisiana for any bird the size of a whooping crane so Constantin, an experienced hunter, knew they were committing a crime. Afterward, when they examined the carcass of one crane they noticed its GPS transmitter, and concluded the crane was “something important.” This was confirmed when they contemporaneously sent a cell phone photo to an acquaintance who identified the crane. At that point, to hide their crime, they cut the legs off that crane, discarded its legs, the transmitter and the knife they had used as well as the carcass, transporting the carcass in the process. The other crane was left where it had fallen. They then fled the scene.



Dead whooping crane shot by Kaedon Constantin identified as “L3-15”.

After these obvious acts of obstruction of justice, they lied about the killings to investigating LDWF agents, and presented false alibis. As a result, it would then take nearly two years of investigative work by LDWF agents assisted by U.S. Fish & Wildlife Service (“USFWS”) agents to determine that Constantin and his nephew were the guilty parties. The agents then obtained their confessions.

² *United States v. Gilvin Aucoin*, 6:19-Cr-00254 (11/1/19)

³ 16 USC 703 et seq.

⁴ There were no charges for obstruction of justice despite these circumstances.

Legal Protections

At the present time the Louisiana whooping crane population is protected by law with a final “special rule” issued by the USFWS in 2001, which reads in pertinent part as follows:

§ 17.84 Special rules—vertebrates.

(h) Whooping crane (*Grus americana*).

(1) The whooping crane populations identified in paragraphs (h)(9)(i) through (iii) of this section are nonessential experimental populations.

(2) No person may take this species in the wild in the experimental population areas except when such take is accidental and incidental to an otherwise lawful activity, or as provided in paragraphs (h)(3) and (4) of this section. Examples of otherwise lawful activities include, but are not limited to, agricultural practices, pesticide application, water management, construction, recreation, trapping, or hunting, when such activities are in full compliance with all applicable laws and regulations.

This special rule governs, “The Establishment of a Nonessential Experimental Population (NEP) of Whooping Cranes in the Eastern United States” and the enforcement of penalties under the ESA related to same. In essence, an experimental population designation allows USFWS to customize protective regulations under the ESA. This regulatory flexibility and discretion can make reintroduction more palatable to stakeholders who are concerned about the potential impacts, including economic, of reintroducing a threatened or endangered species.

At the same time, NEP designation has resulted in diminished protection for whooping cranes for several reasons. They are treated as “threatened” rather than “endangered” under the ESA, which lessens the severity and likelihood of penalties. Further, the ESA bars designation of critical habitat for nonessential experimental populations (critical habitat may be designated for essential populations). Next, the special rule authorizes incidental “take” (killing) of the whooping crane in the NEP area when the take is accidental and incidental to an otherwise lawful activity. Finally, certain requirements for agency “consultation” under the ESA on agency actions or policies affecting endangered species are eliminated.

Nevertheless, the official comments for the special rule still clearly indicate that ESA penalties may still apply. In its initial comments, USFWS makes clear that the ESA will not apply where a whooper from this population is accidentally killed in a legal hunting season although the lesser MBTA penalties and state penalties are still in play. As the comment states:

Accidental shooting of a whooping crane in this experimental population occurring in the course of otherwise lawful hunting activity is exempt from take restrictions under the Act in this special regulation. ***Applicable Federal penalties under the Migratory Bird Treaty Act and/or State penalties, however, may still apply.***

⁵ 50 CFR Part 17.84(h)

⁶ 66 FR 33903 et seq. (6/26/01)

⁷ 66 FR 33910 (6/26/01) (emphasis added)

More importantly, and directly relevant to the captioned proceeding, the agency comments to the special rule make clear that the ESA penalties *shall* apply when a whooping crane is taken outside of hunting season:

In the event a whooping crane is shot intentionally, (for example, if shot deliberately when no hunting season was open), the penalties of the Act would still apply.

Consequently, the greater ESA penalties should apply rather than just the lesser MBTA penalties. But generally, in past prosecutions, this is not what happens. This is because the DOJ applies its inexplicable “McKittrick Policy” which bars prosecution under the ESA unless “specific intent,” i.e., the perpetrator specifically intended to kill the particular endangered species at the time of the act or shooting, can be proven. In contrast, the ESA’s language requires only “general intent” such that it is akin to strict liability—if one “knowingly” shoots an endangered animal, the requisite burden of proof has been met. The McKittrick directive issued without explanation as a result of a concession by the U.S. Solicitor General in 1998 in a brief filed in the U.S. Supreme Court following a successful prosecution using general intent jury instructions in *United States v. McKittrick*. It remains in effect to this day and for whatever reason, this remains the current DOJ policy.

Justice for L3-15 and L5-15

Despite these usual barriers to prosecution, there was justice for Whooping Cranes L3-15 and L5-15, who were shot by Constantin in Louisiana in May 2016. The fact that representatives of *Orleans Audubon Society*, the Louisiana Audubon Society, the Louisiana Wildlife Federation, the International Crane Foundation, and other non-governmental organizations, appeared at the hearing and wrote letters arguing for stiff sentencing may have made a difference. In any event, because Constantin had transported one of the cranes after he killed it, this triggered the Lacey Act and its more severe penalties.

In his ruling, U.S. Magistrate Judge Patrick Hanna of federal court in Lafayette said under normal circumstances he would have given jail time, but due to the pandemic and its huge impact on the prison population, he did not want to do it for this case. Still, he administered a rigorous sentence for Constantin, including:

- a \$10,000 fine and-\$75,000 in restitution, both to be paid to LDWF;**
- 360 hours of community service with LDWF;**
- revocation of his hunting license until he completes his community service; and,**
- five years unsupervised probation.**

⁸ 66 FR 33913 (6/26/01)

⁹ 142 F.3d 1170 (9th Cir. 1998)

¹⁰ 16 USC

This was a considerable victory for the whooping crane program. Normally, absent the applicability of the Lacey Act, the reckless and indiscriminate shooting of whooping cranes in Louisiana will not be subject to the more severe penalties associated with prosecution under the ESA because of the McKittrick policy. As a result, any such prosecutions are limited to the MBTA with its lesser penalties, although in one outrageous case involving the indiscriminate shooting of multiple birds, including one whooping crane, a forty-five (45) day jail sentence was imposed as well as fines. It should also be noted that there is an impediment to state prosecutions where the DOJ has asserted its authority. Thus a federal prosecution, regardless of the outcome, generally displaces duplicative penalties for killing the same bird under state law such as the maximum civil restitution of just \$4,351.49 for endangered species if LDWF chooses to pursue that remedy. It is unclear why the State has such a meager ceiling on restitution when it costs over \$85,000 to raise each whooping crane.

Conclusion

So unless the maximum penalties under the MBTA, (or the Lacey Act if applicable), are enforced, and knowledge of potential incarceration or hefty fines spreads among would-be shooters, there will likely be no deterrent from prosecution of the ongoing shootings. This means the LDWF personnel administering reintroduction of the whooping cranes in White Lake will essentially be cast with the Sisyphean task of trying to grow a small flock of endangered, helpless birds who are forever subject to being shot at any time. This is why it is so important not only for the Orleans Audubon Society, the Louisiana Audubon Society, the Louisiana Wildlife Federation, the International Crane Foundation, and other non-governmental organizations, but for private citizens as well, to express their concerns over the shooting issue in court, with agencies or wherever the message can be heard.

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OAS Conservation Committee Chair

¹¹ *United States v. Thibodeaux*, 6:17-cr-00144-CBW (WDLA 6/12/17)(The Honorable Mag. Judge Carol B. Whitehurst, presiding)

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