



Newsletter of the Orleans Audubon Society.

A Chapter of the National Audubon Society.

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March/April 2022

ZOOM Presentations

Searching for Black Rails in Louisiana – a Race against Extinction

Presented by Dr. Erik Johnson, , Director of Conservation Science, Audubon Delta

Tuesday, March 15, 7:00 PM

The Black Rail is one of the hardest birds to find in North America, and Louisiana had only 13 documented records prior to 2017. Meanwhile, the species has been disappearing from its Atlantic Coast range, by up to 90% over the last 25 years, and the U.S. Fish and Wildlife Service began a process to consider adding the Black Rail to the Endangered Species Act. Audubon researchers with support from the USFWS and LA Department of Wildlife and Fisheries in 2017-2019 conducted the first focused search for Black Rails in Louisiana, which resulted in 83 detections, and a first glimpse of the species' habitat preferences. In a new research collaborative across the Gulf of Mexico, research and conservation organizations are working to understand how to preserve and restore Black Rail habitat before the threats of coastal development and sea level rise drive the species to extinction, which has been predicted to occur by 2068 without immediate action. Join Dr. Erik Johnson, Director of Conservation Science with Audubon Delta, to learn about these secretive and amazing birds, and how you can help ensure their survival.

Free. Participants must register in advance.

To register, send an email request to: OrleansAudubon@aol.com with **“Black Rail”** as the subject line and include your full name in the body of the email message. If participating by phone, also include your phone number. Please register as soon as possible and at least two hours prior to the start of the meeting.



Birding Colombia's Southern Frontier—Putumayo

Presented by Joelle Finley and Ken Harris

Tuesday, April 19, 7:00 PM

The small Department of Putumayo lies along the southern border of Colombia, adjacent to the northern border of Ecuador. Within Putumayo lies the main Andean massif, the eastern slope, the Andean foothills and the beginnings of the Amazonian basin. This wide array of habitats leads to a huge variety of birds. In addition, just to the north lies the Department of Huila which is home to the UNESCO Archeological Site San Augustin. San Augustin is a collection of ancient ceremonial and burial sites dating back to 3300 BC. The burial sites were accompanied by stone statues. Very little is known about the people who created these magnificent carved stones.

Join Ken and Joelle as they bird from 10,000 ft in the paramo of the high Andes down to 800 ft on the edge of the Amazon Basin.



Free. Participants must register in advance. To register, send an email request to: OrleansAudubon@aol.com with “Colombia” as the subject line and include your full name in the body of the email message. If participating by phone, also include your phone number. Please register as soon as possible and at least two hours prior to the start of the meeting.

RECORDED Zoom Presentations

Watch them anytime on the OAS YouTube channel:

Reestablishing Louisiana's Whooping Cranes - *Presented by* Irvin Louque, Whooping Crane Outreach Coordinator, International Crane Foundation

Antarctica and Adelie Penguins - *Presented by* Dr. Peter Kappes, Researcher, Mississippi State University's Coastal Research and Extension Center

National Audubon Society's Approach to Offshore Wind - *Presented by* Dr. Shilo Felton, Field Manager for National Audubon Society's Clean Energy Initiative

LSU Museum of Natural Science Ornithology Program - *Presented by* Dr. Nick Mason, Curator of Birds, LSU Museum of Natural Science

Links to recordings can be found at jjaudubon.net under “Events”

A win for conservation: Woodlands Conservancy land trust acquires 649-acre forested wetland



By Katie Brasted, Executive Director, Woodlands Conservancy

On January 18, 2022, Woodlands Conservancy closed on a 649.11-acre forested wetland property known as Woodlands Preserve. Located in Belle Chasse, Louisiana just a 20-minute drive from New Orleans CBD, the property features 10 miles of hiking and equestrian trails that lead to a grouping of ten WWII Ammunition Magazines nestled in the forest among over 200-year-old Bald Cypress.

Woodlands Conservancy protected the property via a land purchase from the Plaquemines Parish Government with funds provided as partial remediation for a 2008 oil spill in the Mississippi River. Twenty years ago, this undeveloped piece of forested habitat had an uncertain future, until Woodlands Conservancy was formed as a nonprofit land trust with the goal of preserving forested greenspace. Until now, the property has been managed by Woodlands Conservancy and owned by the Parish. Over the years, Woodlands Conservancy performed regular restoration activities to enhance the value of the land to wildlife and they initiated a bird banding program to track the significance of their restoration activities to resident and migratory birds.

“Louisiana is losing land faster than just about anywhere else in the world. Over the past century nearly 2,000 square miles of coastal marshes and 80% of our forested wetlands have been lost,” says Katie Brasted, Executive Director of Woodlands Conservancy. “This property has particular conservation significance due to its unique location situated between the New Orleans Metropolitan Area and the Gulf of Mexico,” Brasted adds. The property will have double protection for future generations as the Woodlands Conservancy land trust also placed a conservation servitude on the property to be held by the Land Trust for Louisiana.

The newly acquired property is considered to likely be one of the largest forested landmasses between open water and the city of New Orleans in the next 30 to 45 years. Woodlands Conservancy also owns 190 acres of forested wetlands in the Lower Coast Algiers portion of the Peninsula formed by Orleans and Plaquemines Parish. This new land acquisition creates a large contiguous greenway of public and quasi-public greenspace.

Radar data provided by the National Wetlands Research Center and data resulting from the ongoing monthly bird banding conducted at Woodlands Trail and Delacroix Preserve show the importance of this Orleans/Plaquemines Parish peninsula for resident and Neotropical migratory birds. This forested wetland provides habitat for 141 species of resident and migratory birds that have been documented by either banding or censusing. Of those documented species, 9 are considered Species of Continental Importance per Partners in Flight (PIF) and 17 are considered Species of Conservation Concern (CC) per Louisiana’s comprehensive Wildlife Conservation Strategy – Wildlife Action Plan. Banded birds that are on the PIF list include: Common Grackle, Prothonotary Warbler, Wood Thrush, Worm Eating Warbler and Yellow-Billed Cuckoo.

“The acquisition of this precious piece of Gulf Coast habitat will ensure this land is permanently protected for the enjoyment of the community and the wildlife that depend on it,” adds Amy Barton, Woodlands Conservancy’s Board President. “This property is located on the Mississippi Flyway, a passage that migratory birds take during spring and fall migration. This space is a critical resting and refueling area for songbirds as they recover from and prepare for their long and tiring journey.”

While the property is of considerable value to wildlife, it also offers economic worth to nearby homes and businesses in the form of storm protection. Affectionately referred to as “the Sponge,” the property’s forests are capable of absorbing 32 million gallons of water annually, water that would otherwise overburden our storm water collection system. Its storm water value alone is worth 15 million to the local economy.

Woodlands Conservancy was organized as a nonprofit land trust organization in 2001 to preserve and restore remaining forested wetlands and other ecologically or historically significant lands in Louisiana. For more information visit www.woodlandsconservancy.org



The Early Bird Gets the Worm!

Give NOLA DAY – May 3, 2022

GiveNOLA Day returns on Tuesday, May 3, 2022. Last year, OAS won an additional \$500.00 in prize money because of the early morning donations received! Here's how it works: any hour that OAS received a GiveNOLA donation qualifies OAS for the "Rock-Around-the-Clock" drawing for a \$500.00 hourly prize.

Birders and outdoor enthusiasts tend to be early risers (and donors, apparently). OAS probably won that prize last year due to the smaller pool of early morning donors. Please remember OAS on GiveNOLA Day, and if you are an early riser, it may pay off big dividends to OAS if you make your donation in the wee hours. You may even wish to donate smaller amounts each hour, to make sure that OAS is entered into the drawing each time. Maybe do a little backyard owling while you are at it! (Note: Only real-time donations qualify for Rock-Around-the-Clock.)

Now in its 9th year, GiveNOLA Day is a 24-hour event hosted by the Greater New Orleans Foundation. In addition to drawings for prizes, GiveNOLA also provides lagniappe, partial matching funds, which at the very least cover transaction fees, but often contribute more to your cause. Your donation to OAS will help birds and the environment. Together we can make our region stronger and create a thriving community for all. Visit Orleans Audubon Society's profile at: <https://www.givenola.org/orleansaudubon>

In Memoriam

Joan Arthur Ward Heslin, 92, passed from this earth on Monday, December 20, 2021, in Branchville, NJ. She was born to Mildred Arthur Ward and Charles Everett Ward on May 10, 1929 and raised in Ridgewood, NJ, in a beloved family home that embraced four generations. She graduated from Ridgewood High School in 1947 and from Berkeley Secretarial School (Ridgewood). Joan retired from Ciba-Geigy Corporation, Suffern, NY, in 1994.

She married Robert (Bob) Fahey Heslin in the family home in 1952, where they raised five children: Susan Adams (Randy), Nancy Wolfe, Barbara Pontier (Bruce), Elizabeth Yaden (David), and Robert Ward Heslin (Kathleen).

Time spent with Joan was time spent in laughter and love, even a trip to the grocery store could leave you dissolved in laughter, with tears running down your face. She was always ready for an adventure, whether it was ziplining at age 88, or wrangling geese at the Ridgewood Duck Pond.

Joan was ahead of her time in so many ways. She raised her children on wheat germ and yogurt, and believed time spent outside was the best time of all. She was a passionate environmentalist and joyfully supported many nature-based organizations. She loved the ocean and the beach, particularly the Jersey Shore at Long Beach Island, but it was all wonderful. She loved her summers and friends in Branchville, NJ where she could watch for eagles and bears, and dip her toes in the Delaware River.

Joan's time in Louisiana was spent surrounded with love, living on the bayou watching her wood duck boxes, her chickens, and her little dog Kelly. She loved being in the boat on Lake Pontchartrain, and everything about Mardi Gras, especially the Krewe of Iris parades with daughters, granddaughters, and girlfriends. Memorial donations to the Orleans Audubon Society (64340 Fogg Lane, Pearl River, LA 70452) would be welcomed.

Cecil Carl Kersting, age 92, passed away Saturday, July 31, 2021. He was born in Muskegon, Michigan, on January 2, 1929, and served his country in the US Army. He married the former Laura Holthe on April 24, 1954. Cecil worked for Mobil Oil as a petroleum geologist for 30 years and lived in various places around the world. He enjoyed his bird watching trips that took him to seven continents, building one of the largest world lists among ABA listers. He also was proud of reaching the ABA listing threshold in all of the lower 48 states and Alaska.

While living in Louisiana, Cecil often birded with Curt Sorrells and Phillip Wallace, and sometimes also with Al and Gwen Smalley, David Muth, Mac Myers, Dan Purrington, and others. He documented many rare birds in Louisiana, including Black-legged Kittiwake (1991), Glaucous Gull (1993), Broad-billed Hummingbird (1991), Ash-throated Flycatcher (1991), Mountain Bluebird (1991), and the state's first Shiny Cowbird (1989). He submitted reports and photographs to the Louisiana Bird Records Committee, *American Birds*, and the Louisiana Ornithological Society. Cecil was a member of LOS and the Crescent Bird Club.

Sue Ann Harris Outlaw passed away peacefully on Thursday, December 16, 2021 at the age of 81. Sue was born in New Orleans, LA on December 10, 1940. She is survived by her loving husband of 58 years, Curtis Outlaw; daughter, Jennifer Coulson (Tom); son, David Outlaw (Nehal); grandchildren, Liam Outlaw and Milan Outlaw; sister, Barbara Ganci; and brother, Rick Harris.

A native of New Orleans, LA, Sue spent her final years in Covington, LA. Sue met and married Curtis while attending the University of North Carolina at Chapel Hill. After having children, Sue attended the University of New Orleans where she received a Bachelor's degree in Math and English and a Master of Arts in English. An instructor by profession, Sue taught math and English at the University of New Orleans, Nunez Community College in Chalmette, and Clifton L. Ganus School in New Orleans. She was a member of the Orleans Audubon Society and the UNO Women's Club. Sue volunteered for OAS's Swallow-tailed Kite Project and edited articles for *The Ibis*.

Sue will be missed for her generosity, wit, dedication to teaching and family, extraordinary cooking and radiant smile. She loved spending time with her grandchildren and cooking for family. She enjoyed trees, flowers and birds, especially hummingbirds. One of her most exciting birding moments was the day that her grandchildren got to see the Buff-bellied Hummingbird in her yard. Donations in her memory may be made to her favorite charity, the Second Harvest Food Bank in New Orleans.

John David Owens, Sr., 82, of Covington, Louisiana, went to heaven on February 11, 2022, after suffering complications due to Covid-19. John is survived by his beloved wife of 35 years, Margaret Mayrer Owens; his sister, Vicki Aries (Roger); and his five beloved children, Jonna Greenwood (Mark), Terry Owens, John David Owens, Jr. (Robin), Carolyn Hall Parr (Jim), and Jenny Shows (Alex). He is also survived by 11 grandchildren, two great-granddaughters, and another one on the way.

John was born on June 4, 1939, in Saint Louis, Missouri. His family moved to New Orleans where John spent his childhood and graduated from John McDonogh High School in 1957. He then attended LSU and followed in his brother Bob's footsteps becoming a fighter pilot in the LA Air National Guard. His training was in Lubbock, Texas, where he married Betty Henry, and they had a daughter, Jonna. Sadly, Betty passed away in February 1962 during surgery. John then married Laura Sanders, and they had three children together: Terry, John David, Jr., and Carolyn. In 1966 they moved from New Orleans to Covington, Tchefuncte Estates, and remained married until 1983. In October of 1986, John married Margaret Mayrer, who also worked at Delta, and they had a daughter, Jenny.

John and family resided at his Tchefuncta home until the time of his death. His commercial pilot career began in April of 1963 when John was hired by Delta Air Lines. Captain Owens was well known for his professionalism and regard for safety. John retired in 1996. He found great joy in his son and grandson of his namesake, becoming major airline pilots as well. This family tradition is far from over as his grandsons Maverick, Patton, and Indy await their turn in the not-too-distant future!

John's interests were many and varied. In the 1970s, he built the family's stereo and TV. He played tennis and golf and loved to go boating and fishing, meanwhile with the #400 Apple computer he created commercial software. His photographs have been published and won awards. He traveled America in a large motor home, while also doing what he did best, which was to educate his and everyone else's kids. John volunteered for OAS's Swallow-tailed Kite project helping to find and monitor nests. Most excitingly, he rigged a miniature video camera at a nest in Slidell! John also captured wonderful still images of Swallow-tailed Kites, and coached Jennifer Coulson through some research-related computer processor issues.

He and his wife Margaret, with a joint love of birds, built an amazing back yard that is home to migratory hummingbirds and has been visited by National Geographic. Nancy Newfield and her team of volunteers regularly banded hummingbirds there for many years. John loved life and the people in it. John made many friends along the way and cherished those relationships. He was the kind of person who drew people in.

The Endangered Species Act:

A Primer for Louisiana

By Andrew Wilson, Conservation Chair



According to a recently released report from the United Nations, an estimated 1,000,000 plant and animal species throughout the world are on the brink of extinction and may not survive our lifetime. Compounding this situation is the fact that we are living in what scientists refer to as “the sixth extinction”, i.e., the sixth time in the Earth’s history that wildlife and plant species may disappear at an extremely rapid rate as a result of “catastrophic alterations” to the environment. It is also known as the “anthropocene extinction” as these alterations are attributed in large part to human activity.

The Endangered Species Act: An Overview

The Endangered Species Act (the “ESA”) has been the U.S.’s primary, ongoing response to this global catastrophe. It has been said that it is “the most comprehensive legislation for the preservation of endangered species ever enacted by any nation.” The ESA “lists” certain imperiled species of plants and animals for their risk of extinction as either “threatened”, or if in greater danger, as “endangered”, and attempts to prevent their extinction by protecting them from being killed or “taken” by human activity. This human activity can be “direct” such as shooting or trapping, or “indirect” through “incidental takes” as a result of untargeted killing or destruction of habitat as part of construction projects, development, pollution, oil spills, accidents, etc. The ESA can also protect imperiled species’ “critical habitat”.

Many critics suggest that the ESA is a failure because only approximately 3% of originally listed species have “recovered” to the point where they have been removed from the endangered list (think America’s precious symbol, the Bald Eagle). In reality, the ESA has been a major success because it has prevented the actual extinction of many listed species. An exception is the Ivory-Billed Woodpecker which used to thrive in Louisiana forests. That species was recently removed from the List because scientific evidence suggests it is extinct and maintaining protections to its habitat would now be too little, too late.

The ESA’s restrictions and regulations on hunting, development or on human activity generally, which may adversely affect critical habitat often provoke resentment which results in “shoot, shovel and shut up” responses: the would-be protected species are deliberately killed, the evidence hidden and the crimes kept secret. With none of the targeted species left alive there is then nothing to regulate and delisting occurs. Problem solved?

The Endangered Species Act: How it works.

Under the ESA, the U. S. Department of the Interior and the U.S. Fish and Wildlife Service (the “Service”) must identify and list species that are “endangered” or “threatened.” A threatened species is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range,” while an endangered species is “in danger of extinction throughout all or a significant portion of its range.”

The Service must make listing and delisting determinations according to a five-factor analysis of potential threats, considering:

- (A) the present or threatened destruction, modification, or curtailment of [a species'] habitat or range;
- (B) overutilization for commercial, recreational, scientific, or educational purposes;
- (C) disease or predation;
- (D) the inadequacy of existing regulatory mechanism; or
- (E) other natural or man-made factors affecting its continued existence.

The agency must make any determination “solely on the basis of the best scientific and commercial data available.” The U.S. Secretary of the Interior has delegated the authority to determine whether a species is endangered or threatened to the Service. National Marine Fisheries Service provides guidance related to aquatic species. These determinations are made through the federal Administrative Procedure Act and made law through “rule-making” which results in the promulgation of regulations.

Louisiana's Listed Species

There are some 2,360 total species on the protected list, several of which are in Louisiana. It should be noted that without protections, species can indeed disappear. One tragic example was the near loss of Louisiana's own State bird, the Brown Pelican, which was nearly wiped out by pollution and deliberate killing by those who thought the pelicans were eating too much fish. Fortunately, in 1970, the Brown Pelican was



listed as endangered under a predecessor to the Endangered Species Act. Two years later, the Environmental Protection Agency banned the use of the pesticide DDT in the U.S. All uses of the pesticides endrin and diel-drin wouldn't be banned until the 1980s. Fortunately, in 1973 when the current ESA was passed, the Brown Pelican was one of the first endangered species to be listed.

In Louisiana at present, there are 14 threatened species, including three birds the Eastern Black Rail, the Red Knot and the Piping Plover, and ten endangered species, including two birds. The first endangered bird, the Red-Cockaded Woodpecker, requires mature longleaf pines for nesting, preferring 80 to 100-year-old pines infected with red heart fungus. This species cannot persist in the long-term without suitable cavity trees and adequate foraging habitat which is often destroyed by development.

The second bird, the Whooping Crane, the tallest bird in North America, originally thrived as a non-migratory flock numbering in the thousands in Louisiana's wetlands. But by 1950, Louisiana's historical population of Whooping Cranes was wiped out by shooting and habitat destruction, with the last remaining bird being captured and sent to join an existing Texas flock. The good news is that in 2011, the Louisiana Department of Wildlife and Fisheries began a reintroduction program in the White Lake Wetlands Conservation Area in southwest Louisiana. That non-migratory population hovers around 75 individuals, but indiscriminate shootings continue to hamper the reintroduction program.

ESA's Challenges

Given the scope of what ESA attempts to accomplish, there has been considerable opposition at various points in time. Three key issues continue to arise: (1) delisting; (2) the *McKittrick* policy regarding enforcement; and, (3) revisionist rule-making. There are efforts underway to address all of these challenges.

Delisting

One of the most insidious ways to challenge the ESA is to “delist” a species which effectively ends protection for that species. This is often done quietly by reassessing and determining the critical habitat for a particular species or by determining that a species has “recovered” through a particular area of critical habitat such that the ESA’s protections are no longer needed. At present, the Biden administration is contemplating rule-making to delist the endangered Florida Panther as well as the endangered Florida Key Deer, the smallest subspecies of white-tailed deer. The initial notices of intent do not indicate the rationale behind such an effort which environmentalists assume is associated with pressure from developers. This process is currently underway and legal challenges are expected.

Another delisting occurred during the Obama administration which resulted in the delisting of the endangered Gray Wolf. Because the Gray Wolf currently exists in spatially separated metapopulations in various areas of the country, the Service used what appears to be a form of wildlife “gerrymandering” to establish that the Gray Wolf has recovered in certain areas which means the species has recovered as a whole. The Service also based its decision on a finding that the Gray Wolf did not constitute a true “species” in the United States because they “are widely distributed across the globe.”

As a result of this Rule, a lawsuit was filed by various environmental, non-governmental organizations (“NGO’s”). The NGO’s argued that the Service had failed to adequately consider the threats to wolves outside of the core populations; that delisting by a determination that there is no “species” involved was a “backdoor route to the *de facto* delisting of an already-listed species;” and its decision was not “the result of a thoughtful and comprehensive evaluation of the best available science about the genetic relationships between the wolf populations.” In a recent decision issued by a Northern California U. S. District Court, on February 10, 2022, the delisting was vacated for these and other reasons.

Perhaps most disturbing is the Service’s announcement that it may delist the Whooping Crane, perhaps the primary species which formed the basis for the ESA. Here is the Service’s announcement in the Fall of 2021:

Title: •Endangered and Threatened Wildlife and Plants; Reclassification of Whooping Crane

Abstract:

This rule reassesses the listing status of the whooping crane (*Grus americana*), which is currently listed as endangered under the Endangered Species Act. The FWS's revised proposed determination will be based on the best available information as of the time of publication. Based on the reassessment, the FWS may propose to downlist or delist the species, unless the FWS determines no change in its status is warranted. The whooping crane is found in Texas.

This was and is shocking on so many levels. No mention is made of any other locations of Whooping Crane populations including Louisiana. Any action in this direction by the Service will hopefully trigger major pushback from environmental NGO’s, state agencies and the public at large.

The *McKittrick* Policy

In 1995, Chad McKittrick knowingly shot and killed an ESA covered Gray Wolf equipped with a radio transmitter collar and was convicted under the ESA for “knowingly” shooting a threatened species and the related Lacey Act for transporting the wolf after it was killed. The Court had given an instruction to the jury that addressed the word “knowingly” used describe the ESA crime as the “general intent” to kill an animal consistent with the 1978 amendments and legislative history of the ESA rather than the more difficult burden of proof associated with “specific intent” to “knowingly” kill an ESA covered species. The conviction was upheld by the U. S. Ninth Circuit Court of Appeals, so McKittrick petitioned for Certiorari with the United States Supreme Court. In the government’s Opposition Brief, the Solicitor General acting on behalf of the Department of Justice (“DOJ”) appointed by the Clinton Administration inexplicably stated that, “Department of Justice does not intend in the future to request the use of this [general intent] instruction, because it does not adequately explicate the meaning of the term ‘knowingly’....” To this day, no one knows why the Solicitor did this. In any event, the Petition was denied and the conviction remained in place.

Subsequently, the DOJ issued internal memoranda now referred to as the *McKittrick* Policy which require DOJ prosecutors to use only specific intent jury instructions in all ESA cases. Just as with the statement in the government’s Brief, no one knows why this Policy issued but the DOJ will not discontinue the Policy. The end result is that unless the government can establish that a particular individual had specific intent (*mens rea* in legal parlance) to “knowingly” kill what the shooter knew to be a threatened or endangered species, the prosecuting attorney could not obtain a conviction under the ESA. Consequently, there is a “loophole” in the ESA enforcement provisions which prevents the assessment of stiffer penalties and jail time for individuals who kill or “take” species covered by the ESA, penalties which are not available under other environmental crime statutes such as the Migratory Bird Treaties Act (“MBTA”).

For years, countless individuals escaped the higher penalties under the ESA due to the *McKittrick* Policy. This is of particular significance in Louisiana where Whooping Cranes are still being indiscriminately shot for no reason. In other words, these are not mistakes made during hunting season. Without the more severe penalties, the ESA simply “has no teeth.”

In 2017, some environmental NGO’s successfully challenged the DOJ’s use of the Policy in a U. S. District Court in Arizona, arguing that the ESA did not require specific intent. On appeal, the same Ninth Circuit which had upheld McKittrick’s conviction ruled that the NGO’s lacked “standing” to bring the challenge since they could not prove that greater enforcement capabilities through stiffer penalties and jail time would actually deter the killing. This was and remains a nearly impossible burden of proof which means that there is no effective way to get rid of the Policy available in the federal court system.

Since the McKittrick Policy is not a formal Rule, the President may order the DOJ to abandon the Policy with a mere Executive Order. Accordingly, the Louisiana Wildlife Federation (“LWF”) recently passed a Resolution in favor of having the Biden administration issue an Executive Order rescinding the Policy. OAS has likewise ratified the Resolution. At the present time, LWF is seeking the assistance of the National Wildlife Federation (“NWF”) to pursue a similar Resolution as well as related relief on a national level with the Biden administration and OAS will continue to support NWF towards this end.

Revisionist Rule-making

One of the most difficult problems the ESA faces is with rule-making where the regulations which define the scope of ESA jurisdiction are revised and/or new regulations are implemented. As can be seen above, there are already problems with Rules which delist species. Other Rules are often equally problematic as they limit the scope and jurisdiction of the ESA which, in turn, allows for reduction in critical habitat, greater freedom to “take” covered species, and for revisions to ESA listings based upon considerations outside of those in the language of the statute itself.

For example, in 2019 through as late as December 2020, the Trump administration pursued major changes to ESA regulations prompted by industry pressures and promulgated several rules which are presently in effect. As the Center for Biological Diversity explains, the first Rule severely limits the government’s ability to protect habitat that imperiled animals and plants need to survive and recover. Under this Rule protections are limited to areas that could currently support the species, but not areas that were previously occupied and could be restored, or that will provide additional habitat for future recovery as climate change shifts the areas where species can live.

A second rule allows for the exclusion of habitat from protection based upon questionable economic considerations. More specifically, the Service must “assign weight” to industry claims of economic impacts, which can be highly speculative. This Rule also required the Service to consider excluding an area upon request and to open federal lands to exclusion to benefit special interests.

A third Rule removed automatic protections for wildlife newly designated as threatened under the ESA. Finally, a fourth Rule weakened the consultation process required under the ESA which is designed to prevent harm to endangered animals and their habitats from federal agency activities. All of these Rules remain in effect. The Biden administration recently announced that it will rescind all of these Rules.

The ESA is still alive and well!

At this point in time, as can be seen from the efforts above to restrict the scope of the ESA and the countervailing effect of the responses by the environmental community, it appears that the ESA remains one of the best available safeguards for threatened and endangered species. If, at the same time, humankind can somehow manage to come up with ways to slow or stop the adverse effects from human activity and climate change, perhaps the process of extinction might be more effectively slowed or stopped.

Please select Orleans Audubon Society when Shopping with AmazonSmile

Please select Orleans Audubon Society as your designated charity when shopping with AmazonSmile. The AmazonSmile Foundation will donate 0.5% of eligible purchases to OAS. You can also sign in using OAS’s direct charity link: <https://smile.amazon.com/ch/23-7169988>.

Thank you for supporting OAS!

Audubon Delta's Native Plant Sale!

Why native plants? Audubon is committed to improving the sustainability of our urban, suburban and rural places. By simply choosing native plants for our yards and public spaces, we can restore vital habitat for birds and help them adapt and survive to an ever changing world. Audubon's Plants for Birds program is designed to enable anyone to have a positive conservation impact!

Order Online & Curbside Pickup

Step 1: The online shopping cart will be live and accept orders from March 24 through April 4. Browse the selection of native plants online and add to your shopping cart at <https://gonative.company.site/>

Step 2: Select your pickup location. Curbside pickup available on April 8 in New Orleans and April 9 in Baton Rouge.

Step 3: When you arrive in the parking lot, your order will be ready to be loaded into your vehicle.



When and where to pick up plants:

New Orleans - Friday April 8, 2:00-7:00 PM, Faubourg Brewery 3501 Jourdan Rd., New Orleans

Baton Rouge - Saturday April 9, 9:00-2:00 PM, Independence Community Park, Main Library 7711 Goodwood Blvd., Baton Rouge

Volunteers are needed! OAS is partnering with Audubon Delta on the New Orleans plant sale. OAS needs volunteers on Saturday, April 8th to help with the plant curbside pickup. Contact OAS Education Chair, Wendy Rihner, to participate: wrihner@gmail.com, (330) 348-3810.

Request for Sightings

- Sent to agencies and NGOs in GOM and birding and ecotour agencies in US, Caribbean, and Central America
- Only one response to date



Photo by Atlee Hargis taken at Audubon Park, New Orleans

Banded Bird Sightings Needed!



Tricolored Heron
(blue, A30)



White Ibis
(red, A32)

We have been banding* adult and juvenile tricolored herons and white ibis on their breeding colonies in Mobile Bay, Alabama and would like to learn more about their wintering areas and migration routes. Many of these birds are spending time in Alabama, Mississippi, Louisiana, and Florida.

If you have a sighting, please send as much detail as possible (species, band color and code, date, time, location, flock size/composition) to: abbypowell@ufl.edu

Color bands are blue or red, with white lettering. The lettering should include a letter followed by two digits (see photos above).

Photographs are also welcomed!

 Florida Cooperative Fish and Wildlife Research Unit
2295 Mowry Rd.
Gainesville, FL 32611-0485

* all banding is conducted under the appropriate federal and state permits

The SE Louisiana Chapter of the

National Audubon Society

Orleans Audubon Society

3623 Nashville Avenue

New Orleans, LA 70125

Non-Profit Org.

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New Orleans, LA

Permit No. 1435

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Join or Renew with the National Audubon Society and OAS: Type into your browser bar or click on the National Audubon Society link below to join or renew your membership with National Audubon Society and Orleans Audubon Society. You will receive the award-winning Audubon Magazine and support Audubon's nation-wide bird conservation efforts. If you live within Orleans Audubon's service area (Washington, St. Tammany, Tangipahoa, St. John the Baptist, Orleans, Terrebonne, Jefferson, St. Charles, St. Bernard, Plaquemines, and Lafourche Parishes), you will automatically join/renew with OAS when doing so with NAS. The minimum donation is \$20.00.

<https://action.audubon.org/donate/chapter-membership?chapter=K00>

Join or Renew with Orleans Audubon Society only:

OAS-only memberships expired on December 31. If you want all of your dues to support local conversation and education, you may select an "Orleans Audubon Society" *only* membership. In this case you will not receive *Audubon Magazine* and you will not become a member of the National Audubon Society. You will receive our newsletter *The Ibis* and may also opt to receive it electronically instead of by mail. In addition, we are currently offering a \$100 OAS-only membership and a \$300 OAS-only lifetime membership. With the \$100 option, you will receive a signed and numbered limited edition fine art giclée of a watercolor painting "Pelican in Couturie Forest" by Joan Garvey (11" x 14" with a 1" border). With the \$300 lifetime membership option, you will receive a signed and numbered limited edition fine art giclée of a watercolor painting "Reddish Egret" by Joan Garvey (18" x 24" with a 1" border). To join or renew, clip the form below and mail it with your check, payable to "Orleans Audubon Society" to: Mary Joe Krieger, OAS Treasurer, 3623 Nashville Ave., New Orleans, LA 70125.

Name _____

Address _____

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☐

\$20 OAS-only membership

☐

\$100 membership + pelican print

☐

\$300 lifetime membership + egret print

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electronic version of newsletter only