

Newsletter of the Orleans Audubon Society.

A Chapter of the National Audubon Society.

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February/March 2024

## **OAS PROGRAMS**

### **Urban Conservation: Protecting NOLA's Rooftop-nesting Birds**

Speaker: Chloe St. Germain-Vermillion, Coastal Field Technician, Audubon Delta

Tuesday, February 20

6:30 p.m. social, 7:00 p.m. program

Community Church Unitarian Universalist, 6690 Fleur de Lis (Lakeview).

Normally, coastal species favor sandy or shelly beaches to breed, nest, and raise their young. Unfortunately, with sea-level rise, habitat degradation, and increased human encroachment on the Gulf Coast, suitable beachfronts for these birds become scarcer every year. To adapt to diminishing resources, some birds have grown accustomed to nesting on gravel rooftops, which provide an adequate substitute. This presentation will be discussing a new stewardship program by Orleans Audubon Society and Audubon Delta, which seeks to identify, monitor, and protect rooftop-nesting birds in the New Orleans area. The presentation will review the program's goals, the ecology of the program's focal species (Least Tern, Gull-billed Tern, Black Skimmer, and Common Nighthawk), findings from the program's 2023 pilot year, and monitoring protocol for the 2024 breeding season. If you'd like to learn more about how you can have a direct impact on the conservation of these sensitive species, we will also provide information on how to become a volunteer surveyor for this exciting project!

Working primarily in Southeastern Louisiana, Chloe has been monitoring coastal populations of breeding Least Terns, Common Nighthawks, and Wilson's Plovers for the past two years. She is also responsible for coordination of the Audubon Coastal Bird Survey in Grand Isle, as well as banding Grand Isle State Park's winter mega-roost of Black Skimmers. When she's not shorebirding on the beach, she enjoys assisting with Audubon's other avian research across the state, especially at banding stations.



Photos by Katie Barnes/Audubon Delta

## Nocturnal flight calls: an introduction to identification, recording, and monitoring

Speaker: Robert Dobbs, Nongame Avian Ecologist, LDWF

Tuesday, March 19

6:30 p.m. social, 7:00 p.m. program

Community Church Unitarian Universalist, 6690 Fleur de Lis (Lakeview).

Most species of migratory birds make long, uninterrupted flights at night, and many of these migrants give species-specific vocalizations while in flight. Recording and identifying these nocturnal flight calls is an esoteric birding niche that also has many potential conservation and monitoring applications. This talk will provide an introduction to the methods and challenges involved in nocturnal flight call monitoring and a window into the always fascinating results.

Robert Dobbs is the nongame avian ecologist for the Wildlife Diversity Program, Louisiana Department of Wildlife and Fisheries, where he works to identify the status and distributions, habitat associations, and factors limiting populations of bird species of greatest conservation need, and to facilitate management actions and research and monitoring programs for their benefit. Rob is an avid birder in his free time, is active in the birding community, particularly through the Louisiana Ornithological Society, and is involved in numerous outreach efforts to engage the public in birding and the value of Louisiana's avifauna. Rob lives in Lafayette with his wife Meribeth, their two boys Gabriel and Benjamin, and their dog Blaze.



## OAS Birding Trips

Bring binoculars, field guides, bug spray, rain gear, sunscreen and refreshments. Boots and cell phones may be useful. Snacks and drinks are recommended. Contact the trip leader if you have questions. Any last minute changes will be posted on OAS's website, so check the events page for updates: <https://jjaudubon.net/events/>

At the discretion of the leader(s) trips will be divided into groups if the number of attendees becomes too large. eBird users: Please share your eBird account email address with the trip leader and the trip leader or designee will keep the trip list to share with participants.

### Bayou Sauvage National Wildlife Refuge – half-day trip

Saturday, January 27, 8:00 a.m.

Location: Meet at the Bayou Ridge Trail entrance located on the left side of U.S. 90 (Chef Menteur Highway). Take the I-510 Exit off of I-10, turn left on Chef Hwy and proceed about 4 miles.

[Leader: Peter Yaukey, \(504\) 400-3286, pyaukey@uhcno.edu](mailto:pyaukey@uhcno.edu)

### **Joe Brown Park** – half-day trip

Saturday, February 3, 8:00 a.m.

Location: Meet just inside Joe Brown Park. Exit I-10 at Read Blvd. and turn right on Read. Joe Brown Park will be on the left about ½ mile down Read.

Leaders: Joelle Finley and Ken Harris, (504) 715-2647, [jjf1946@gmail.com](mailto:jjf1946@gmail.com)

### **Audubon Park and the Fly** – half-day trip

Saturday, February 24, 8:00 a.m.

Location: Meet in the parking lot off Magazine St. (St. Charles side of Magazine) near the golf club house.

Leader: Peter Yaukey (504) 400-3286, [pyaukey@uhcno.edu](mailto:pyaukey@uhcno.edu)

### **City Park: Couturie Forest** – half-day trip

Saturday, March 9

**Time: 7:00 a.m.**

Meet in the Couturie shell parking lot on Harrison Ave. between Marconi and the traffic circle in the park.

Leaders: John Keegan (504) 296-9486 [keeganjohnadam@gmail.com](mailto:keeganjohnadam@gmail.com) and Marcie Blanchard [marcieblanchard@yahoo.com](mailto:marcieblanchard@yahoo.com)

### **Bayou Sauvage National Wildlife Refuge** – half-day trip

Saturday, March 30, 8:00 a.m.

Meet at the Bayou Ridge Trail entrance located on the left side of U.S. 90 (Chef Menteur Highway). Take the I-510 Exit off of I-10, turn left on Chef Hwy and proceed about 4 miles.

Leader: Peter Yaukey, (504) 400-3286, [pyaukey@uhcno.edu](mailto:pyaukey@uhcno.edu)

### **Grand Isle** – all-day trip

Saturday, April 13, 8:00 a.m.

Meet at defunct Moran's grocery/gas station on the corner of Hwy. 1 and Hwy 3090 (Fourchon Rd.) right where you come off of the new bridge. Note: The new bridge across the Intracoastal Waterway is a toll bridge.

Leaders: Ken Harris and Joelle Finley, (504) 715-2647, [jjf1946@gmail.com](mailto:jjf1946@gmail.com)

### **Bayou Sauvage National Wildlife Refuge** – half-day trip

Saturday, April 20, 8:00 a.m.

Meet at the Bayou Ridge Trail entrance located on the left side of U.S. 90 (Chef Menteur Highway). Take the I-510 Exit off of I-10, turn left on Chef Hwy and proceed about 4 miles.

Leader: Peter Yaukey, (504) 400-3286, [pyaukey@uhcno.edu](mailto:pyaukey@uhcno.edu)

## **Grand Isle Migratory Bird Festival**

April 19-20

<https://www.townofgrandisle.com/events/grand-isle-migratory-bird-festival/>

## **St. Bernard Birding Festival**

Friday, May 3rd and Saturday, May 4<sup>th</sup>

Los Islenos Museum Complex

# Great Backyard Bird Count

February 16–19, 2024

Birds are everywhere, all the time, doing fascinating things. Participate in the Great Backyard Bird Count February 16 to 19, when the world comes together for the love of birds.

Participating is easy, fun to do alone or with others, and **can be done anywhere** you find birds. Decide where you will watch birds. Watch birds for **15 minutes or more, at least once over the four days**, February 16–19, 2024. Identify all the birds you see or hear within your planned time/location and use the best tool for sharing your bird sightings:

If you are new to bird identification, try using the [Merlin Bird ID app](#) to tell us what birds you are seeing or hearing.

If you have participated in the count before and want to record numbers of birds, try the [eBird Mobile app](#) or enter your bird list on the [eBird website](#) (desktop/laptop).

If you already contribute to Merlin or eBird, continue what you are doing! All entries over the 4-days count towards GBBC. For more information visit: <https://www.birdcount.org/participate/>

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## New OAS-Only Membership Level with *Louisiana Heron* Print

Join or renew with Orleans Audubon Society only: OAS-only memberships expire 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, OAS is currently offering three levels of OAS-only membership that all come with a fine art bird print: \$100, \$200, and a \$300 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 \$200 option, you will receive a signed and numbered limited edition fine art giclée of a watercolor painting “Louisiana Heron” by Joan Garvey (16” x 24” 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.

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Name \_\_\_\_\_

Address: \_\_\_\_\_

electronic version of newsletter only Email \_\_\_\_\_

\$20 OAS-only membership \_\_\_\_\_

\$100 membership + pelican print \_\_\_\_\_

\$200 membership + heron print \_\_\_\_\_

\$300 lifetime membership + egret print \_\_\_\_\_



# Intermediate Birding Course

## *Improve Your Birding Skills!*

Orleans Audubon Society is offering its rarely taught course *Intermediate Birding* in partnership with the University of New Orleans.

*When:* Thursday evening lectures, March 14, 21 & 28 from 7:00 to 8:30 PM

*Where:* Lectures are in a classroom at the Science Building, UNO's Lakefront Campus

*When:* Saturday morning birding walks: March 16, 23 & April 6 from 8:00 to 10:00 AM

*Where:* Birding field trip destinations:

**Sankofa Wetland Park/Chalmette**

**Lake Pontchartrain and New Orleans East**

**Audubon Park/The Fly**

*Course Instructor:* Dr. Peter Yaukey

*Tuition:* \$100.00. Enrolment is limited, so early registration is

recommended to secure a spot.



Are you interested in improving your bird identification skills? In becoming a more knowledgeable birder, and moving beyond the basics? Getting more out of your birding equipment and electronics? Seeing some new species, and getting more enjoyment out of the familiar ones? If so, then the *Intermediate Birding Course* is right for you!

This course is designed for folks who have completed the Beginning Birding Course or who have been birding on their own for at least a short period, and want to go to the next level. The instructor, Dr. Peter Yaukey, is a professor and ornithologist, and a birder of 50 years.

The course consists of three classroom lectures on Thursday evenings, each paired with a birding field trip on the following Saturday morning, except that for the last field trip, where we will skip the Saturday before Easter, holding the field trip on Saturday, April 6th. Each lecture will be divided into four sections: bird appearance, bird behavior and distribution, birding tips, and a preview of the species likely to be encountered on the field outing. We will take advantage of the fact that it will be March and early April, which will allow us to see wintering species (include waterfowl) before they depart, learn the songs of residents and early returning migrants, and see the nesting cycle getting underway.

The class meets on three Thursdays and Saturdays from March 14th through April 6th. The three lectures will be held at the University of New Orleans Lakefront Campus in a classroom on the second floor of the Science Building. We have made parking arrangements with UNO. Saturday birding field trip destinations will include the Sankofa Wetland Park and St. Bernard Parish, Lake Pontchartrain and New Orleans East, and Audubon Park and the adjacent Mississippi River.

Sign up for *Intermediate Birding* today! The course fee is **\$100.00**. To register, mail a check payable to "Orleans Audubon Society" c/o: Mary Joe Krieger, OAS Treasurer, 3623 Nashville Avenue, New Orleans, LA 70125-4341. Include your name, mailing address, email address, and phone number.

For more information, contact: Dr. Peter Yaukey, [pyaukey@uhcno.edu](mailto:pyaukey@uhcno.edu), (504) 400-3286.

Orleans Audubon Society thanks **UNO Birding** for hosting the classroom meetings and for logistical support.

# Pearl River Flood Control Plan Destructive to 32 Million Birds

By Jill Mastrototaro, Mississippi Policy Director, Audubon Delta

Recently Audubon Delta and partners released important findings by the U.S. Army Corps of Engineers (Corps) that make clear the ineffective, environmentally destructive One Lake plan should not—and legally, cannot—move forward.

Widely promoted as a real estate development scheme masquerading as flood control, the “One Lake” plan to dam and dredge the Pearl River near Jackson, MS, poses devastating impacts to wildlife and frontline communities, including at least 32 million birds depend on the central-lower Pearl River Basin for nesting and migration (per 2023 Audubon science migration analyses).

The Corps’ important findings were provided in an internal PowerPoint presentation, which was shared with the groups through a Freedom of Information Act (FOIA) request. In the presentation, the Corps evaluates a final set of Pearl River Flood Risk Management Alternatives A1 (elevate/floodproof structures) and C (“One Lake”).

The Corps’ presentation concludes that:

The One Lake plan would induce flooding on 230 structures in the study area, and likely many more structures downstream.

The One Lake plan would cost between \$1.4 and \$2.2 billion. Cleanup of the multiple hazardous toxic waste sites (HTRW) that it would impact will add an additional \$492 million to \$1.5 billion to these costs.

The One Lake plan will have a benefit-cost ratio of just 0.2 to 0.3. This means that, as a matter of law, the Corps cannot recommend the plan for construction because the plan cannot be economically justified (i.e., the benefits of the project do not exceed the costs).

It is not possible to replace the extensive wetland and riverine habitat acreage that would be destroyed by One Lake. The Corps acknowledges that “experts agree” that it is “impossible” to restore or compensate for large-scale ecosystem losses like those that would be caused by One Lake. As such, the Corps cannot fulfill its legal obligation to mitigate the harm from its own projects to natural systems and fish and wildlife.

As a result, the August 2023 presentation indicates support for a fundamentally different plan, referred to as Alternative A1 (Alt A1), which:

Would elevate or floodproof approximately 600 structures in the 100 year floodplain—residential structures would be elevated and non-residential structures would be floodproofed. Participation in Alt A1 would be entirely voluntary.

Would not induce flooding on any structures.

Would not require any mitigation.

Would cost \$199 million and have a benefit cost ratio of 2.7.

Could be executed immediately under the current project authority once the EIS is finalized. Notably the Corps has already set aside enough funding to fully cover the federal costs of this alternative (i.e., appropriated \$221 million through the Bipartisan Infrastructure Law in October 2022).

This information supports Audubon’s position that this illegitimate, destructive proposal should not move forward, and demonstrates that instead, the Corps can promptly implement effective, environmentally sensitive flood relief solutions that benefit local and downstream communities and birds. These approaches include not only elevating homes and roads and flood-proofing buildings but restoring river floodplains and adding setbacks to the existing levee system.

The Corps’ twice delayed Draft Environmental Impact Statement is expected to be released in early 2024, so be sure to stay tuned for updates on how Audubon members can help.

# Our grasslands need your help!

By Wendy Rihner

Still this great solitude is quick with life.  
Myriads of insects, gaudy as the flowers  
They flutter over, gentle quadrupeds,  
And birds, that scarce have learned the fear of man.

(William Cullen Bryant "The Prairies," 1832)

Sitting atop a horse, the speaker in the poem "The Prairies" surveys the vast, undulating prairie, the "unshorn fields, boundless and beautiful/For which the speech of England has no name." "The Prairies" is the creative outpouring of William Cullen Bryant's sensory overload after visiting his homesteading brothers in Illinois in the 1820s. Only decades later, did the "boundless and beautiful" grasslands succumb to their destruction.

Once covering nearly 170 million acres in North America, tallgrass prairie has been mowed, plowed, and tilled down to a mere 4%, most of which is in the Flint Hills of Kansas. Only 1% of the western shortgrass prairie, known also as the Great Plains, is protected. According to the National Wildlife Federation, "More than 70 percent of America's tallgrass, mixed grass, and shortgrass prairies have vanished." These are grim statistics. Bringing back our grasslands to their original pristine state is impossible, but senators, Ron Wyden (OR), Michael Bennett (CO), and Amy Klobuchar (MN) hope to save and restore what is left with the North American Grasslands Conservation Act.

This is not government-driven, top-down legislation. This act provides a "voluntary, incentive-based grant program" that will create a partnership with private landowners to help them restore and preserve the grasslands they own, thereby also helping to fight wildfires and drought, removing invasive plant species, recovering watersheds, conserving endangered species, and ultimately, improving the health of their lands.

Why do grasslands matter? Prairie soils help sequester carbon. The lengthy, extensive root systems of native grasses help fight erosion, and these grasslands provide vital habitat for countless species of plants, birds, and animals. According to the American Bird Conservancy, grassland bird species alone have declined nearly 53%. Perhaps often overlooked is the cultural significance this ecosystem has held for Native Americans. The bison, a keystone species of native prairies, is slowly making a comeback, thanks to efforts of many groups, such as the Blackfeet National Buffalo program which introduced bison to tribally-controlled grasslands near Glacier National Park for the first time in 150 years.

We will never witness the virginal splendor of our prairies as did Bryant, but we can help get this act through Congress by logging onto: <https://actforgrasslands.org/> and adding our support. To learn more, log onto: <https://www.nwf.org/Outdoors/Blog/02-09-2023-Grasslands>



# OFFSHORE WIND HITS LOUISIANA

By Andrew C. Wilson, OAS Conservation Chair/Environmental Attorney



Typical Offshore Wind Farm (Block Island, RI) - Photo by Michael Dwyer, AP

## Louisiana's New Offshore Wind Energy Program

Governor John Bel Edwards and Louisiana Department of Natural Resources (DNR) Secretary Tom Harris announced on December 13, 2023 that the State Mineral and Energy Board (LMEB) has approved the state's first-ever wind operating agreements in state territorial, offshore waters (within 3 miles) at its December meeting. This deep venture into Clean Energy presents a significant development in the effort to address Louisiana's energy needs. In addition, once implemented this new industry may produce a substantial boost for the State's economy as wind energy projects are built.

The LMEB approved a 6,162-acre property agreement for Diamond Offshore Wind La (DOW Wind), a venture operated by the Japanese entity, Mitsubishi corporation, somewhere off the coast of Terrebonne and Lafourche parishes. Mitsubishi has more than 40 years of experience in wind turbine manufacturing, construction, Maintenance service, and troubleshooting. In addition, Mitsubishi has accumulated extensive expertise in offshore wind energy through more than 10 years' experience of developing, constructing, and operating offshore wind power projects in Europe by Mitsubishi Corporation and its group companies.

The LMEB also approved a 59,653-acre agreement for Cajun Wind, LLC operated by the Danish entity, Vestas, through its North American arm Steelhead Americas. That project is proposed for one or more sites somewhere off the coast of Cameron Parish. Vestas has over 25 years of experience in constructing and operating fixed turbine, wind energy projects in offshore areas which supply energy to the UK, Netherlands, Belgium, Sweden, Denmark, and Germany - and has floating experiences in markets like Portugal and Scotland.

But neither the State nor the wind energy developers have revealed exactly where these projects will be sited. All they have done was designate massive areas within three coastal parishes using State Mineral Lease Block descriptions. That's it. So the public has no idea where the projects will be sited.

## Wind Energy in Federal Waters

Louisiana's approach represents a significant departure from the approach used in the federal wind energy programs implemented by the Bureau of Ocean Energy Management ("BOEM") and the National Oceanic and Atmospheric Administration ("NOAA") which have progressed cautiously along the nation's coasts and the Great Lakes in federal waters offshore of State territorial waters. This has allowed for governmental agencies and wind energy developers to take into account potential environmental impacts from both the construction and operation of the turbines, as well as from the deployment of cables on the sea bottom which transmit the generated power to offshore substations and then to shore based transmission facilities.

Because this federal program constitutes a "major federal action" under the National Environmental Policy Act ("NEPA"), a comprehensive Environmental Impact Statement ("EIS") was generated which resulted in many scientific studies on impacts to marine mammals, fisheries and avian species including both seabirds and migratory birds in many areas along the Atlantic Coast and the Great Lakes as well as the Gulf Coast. This was and is the approach being used by BOEM/NOAA which recently awarded a wind energy lease to RWE Offshore US Gulf LLC, a subsidiary of RWE AG, a German multinational energy company, in the August 19, 2023. federal auction for sites in the Gulf of Mexico. Over the past 20 years, RWE has built and now operates 19 offshore wind farms globally and is also considered one of the pioneers in floating wind turbine technology. RWE's offshore lease encompasses 102,480 acres in federal waters 44 miles south of Lake Charles, Louisiana.

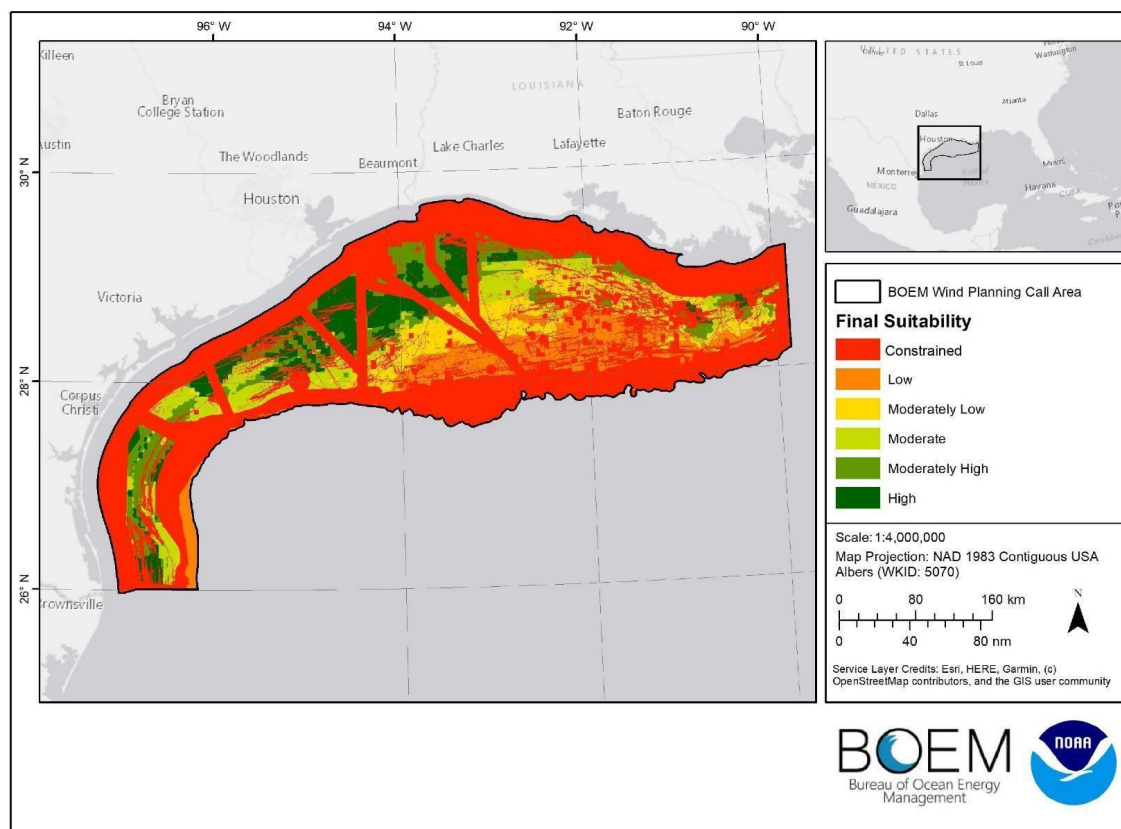
As a result of BOEM's environmental studies and the preventative measures taken to reduce adverse impacts, it takes an average of seven (7) years from the initial wind energy lease to the Record of Decision from BOEM allowing the project to proceed. As of summer 2023, there are only two operating turbines in federal waters off Virginia, and those are merely experimental in nature. Many other federal offshore wind energy projects are in various planning or approval phases along the coasts of New York, New Jersey, Massachusetts, Maryland and elsewhere. On October 27, 2023, BOEM also announced four finalized Wind Energy Areas in the Gulf of Mexico for future auctions.



## Impacts on Birds

Reducing wind energy's impact to birds is mostly about proper siting, and selecting nearshore sites which are bird-friendly poses real challenges. Notably, NOAA's and BOEM's (2023) extensive modeling, which produced a comprehensive site map to guide site selection, recommends avoidance of coastal and near shore sitings (**Figure 1**). In fact, BOEM's spatial modeling analysis for Wind Energy Areas (WEAs) to identify potential WEAs in the Gulf of Mexico specifically recommended complete avoidance for a 20 nm buffer from the coastline, in large part because this area was identified as an important area for a number of coastal bird species. As the map shows, near shore areas in territorial areas along the coasts of both Texas and Louisiana indicate few areas where wind energy projects could be located in near shore waters without major environmental impacts. This is particularly so in near waters where migratory birds begin their ascents or descents at lower altitudes before beginning their long journeys across the Gulf of Mexico.

**Figure 1.** NOAA's and BOEM's Final Suitability modeling results for the Auction Area. Red color indicates those areas where layers with a score of 0 occurred due to conflict with ocean activity. Green color indicates areas of highest suitability.

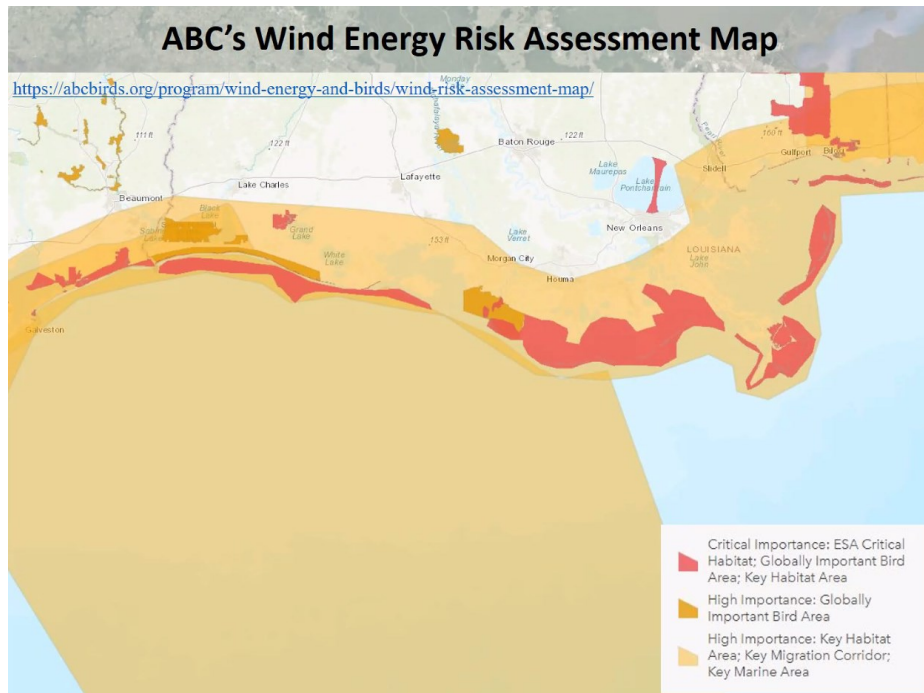


As with the federal agencies, when many other coastal States have implemented their own wind energy projects, all of those States performed extensive studies on environmental impacts to determine the likely impacts on marine mammals, fish and birds *before* choosing offshore sites for such projects. This approach has allowed for cooperative efforts between governmental agencies and wind energy developers to choose sites with the least likely environmental impacts. In contrast, Louisiana's approach allows wind energy developers to choose sites based upon their own purely economic considerations. They would then simply hope to minimize environmental impacts *afterwards*. This approach raises all sorts of alarms with regard to impacts on fish and wildlife, particularly with regard to birds.

Birds can be adversely affected by wind turbines due to: (1) displacement or loss of habitat; (2) barrier effects which can have energetic costs if birds reroute daily movements to foraging grounds or seasonal migratory movements to avoid wind turbines; and, (3) direct injury leading to sublethal impairment or mortality, such as through collision with the turbines. In Louisiana, the birds affected include shorebirds as they fly parallel to the coast, seabirds which stay primarily offshore but may pass through proposed wind farms to nest on islands, as well as migratory landbird species which cross the Gulf of Mexico once or twice a year. Many species of birds migrating across the Gulf of Mexico launch off from Louisiana coastal areas in the fall when flying to their wintering grounds in Central and South America, and then they return each spring to make landfall in Louisiana coastal areas on their way to breeding grounds in North America.

Certainly, OAS appreciates the State's eagerness to lead the nation in developing wind energy in nearshore waters, but cutting corners, as is currently proposed, will lead to an environmental catastrophe of significant scale to potentially stall or halt the project. This is best shown by a resource developed for the wind energy sector by the American Bird Conservancy (ABC 2023, Figure 2). The ABC created a "Wind Risk Assessment Map" which takes into account avian hot spots and areas considered to be important to birds. The map is specifically designed to guide wind farm siting decisions. When one zooms in to Louisiana's coastline, it's clear that *most of the near shore waters are red*, denoting "Critically Important" areas. According to the ABC, "Red areas on the map are crucial breeding and wintering habitat, parks, and other public lands important to birds. These should be avoided as sites for wind project development, or approached with extreme caution." The State's current approach will result in just the opposite.

**Figure 2.** American Bird Conservancy's Wind Risk Assessment Map for Louisiana's coastline.



## Operating Agreements Over Leases

A significant question triggered by the State's approach is why the State has chosen to simply forego the entire leasing program established by the complex statutory framework recently established by the legislature as well as the detailed regulations recently promulgated by LDNR based upon those new laws. More specifically, in the Regular Session of 2022, the Louisiana Legislature passed Act 443 sponsored by Representative Jerome Zeringue, which amended and reenacted La. R.S. 41:1732 *et seq.* to implement a formal state wind leasing program. But the Act also amended La. R.S. 30:209 to allow the State to enter into "operating agreements" with private entities for wind projects. Other than that wording, La. R.S. 30:209 contains little else related to wind energy and certainly no protections related to environmental impacts. LDNR/LMEB attempted to address this oversight by posting a Notice on its website indicating that would-be developers must comply with some of the offshore wind energy lease regulations, but this requirement will have little significance and afford little protection for wildlife, particularly birds.

## Quis Custodet Custodes?

—(Ancient Roman phrase meaning, "Who guards the guards?")

The State's current wind energy approach using Operating Agreements also raises significant questions regarding governmental oversight or the lack thereof. It is difficult to imagine how the State can possibly act objectively and in the best interests of its natural resources, including fish, marine mammals, and wildlife, particularly birds, as well as the public interest generally under the current circumstances. Indeed, under the Operating Agreement arrangement, LDNR will be administering itself: LDNR will act as landowner and joint venturer; LDNR's Office of Mineral Resources will be the regulator; and LDNR's Office of Coastal Management will issue the CUP Permits to the State itself and the developer. It is difficult to see how this incestuous situation does not constitute a gross conflict of interest and also suggests a likely environmental disaster if allowed to proceed in this fashion.

## Conclusion

To summarize, here in Louisiana, developers are choosing project sites with no indication of any consideration of environmental impacts beforehand rather than the reverse. Wind energy in Louisiana is being implemented in reverse order to the process used to date by all other States and federal agencies to implement wind energy projects. In essence, Louisiana has it "backwards." Further, if this approach is left unchecked, Louisiana's use of Operating Agreements in lieu of the formal leasing program for wind energy projects established by new statutes and regulations, will allow for the State and developers to bypass laws, regulations and procedures specifically intended to protect the State's fish, marine mammals and other wildlife, particularly birds. Finally, a program that allows for the State to act as co-venturer, administrative oversight, regulator and issuer of permits is rife with conflicts of interest. Nothing good can come of that.

OAS believes Louisiana and the Nation certainly need renewable energy including wind energy, but such projects must be implemented responsibly. Louisiana's responsibility to the environment here is of paramount importance because its coastal zone and territorial waters harbor significant and substantial populations of species of birds, bats, marine mammals, and sea turtles, many of which are of regional, national and global conservation concern. Please let your State Senator and Representative know your thoughts on this.

## ***SAVING PURPLE MARTINS***

By Andrew C. Wilson, OAS Conservation Chair/Environmental Attorney

Every year during early January and February, Purple Martins complete their annual migration from thousands of miles away in South America to nest here in Louisiana and raise their young. These birds are one of America's favorite songbirds, as aside from their beautiful, iridescent purple color and cheerful chirping, they also delight onlookers with their aerial acrobatics. This is particularly so when their young hatch, and also when their fledglings take flight for the first time. During the latter event, their parents must teach them how to fly in the air, making for large flocks circling in the sky. These birds also provide a great service to Louisianans by eating millions of flying insects such as mating termites and fire ants, as well as mosquitoes and beetles and other insects that eat ornamental plants.



### **Male Purple Martins**

*-(National Audubon Society photo)*

Purple Martins are also unique as over hundreds of years they have become co-dependent upon humans to furnish homes for them. In fact, hundreds of years ago, indigenous tribes would hang hollow gourds in which the birds would nest. Since that time, people all over the country build elaborate purple martin houses with many "rooms" as the birds live and nest in colonies for protection from predators such as hawks, or invasive house sparrows which would otherwise force them from their nests. This co-dependency has become more intense as the tree hollows in which they formerly nested have all but disappeared due to rapid deforestation and habitat destruction. Purple Martin lovers have responded to this situation by building large metal towers in yards and parks that can support multiple plastic gourds designed just for nesting Purple Martins. This has occurred even at Walt Disney World/ Epcot:



### **Purple Martin towers and nesting gourds at Disney/Epcot**

*-Copyright Two Girls and a Mouse Tale: Our Year Working at Disney World. © 2014 Elly Collins and Caroline Collins*

Sadly, all is not well for Purple Martins here in Louisiana. In the City of Harahan, which is supposed to be a “Sanctuary City” for birds according to the City’s Code of Ordinances, a resident who recently moved into the Imperial Woods subdivision has filed a formal complaint with the City seeking the removal of three Purple Martin towers from his neighbors’ back yard. The neighbors, Andrew and Carol Stamm, have maintained these towers for 35 years without any complaints until the arrival of the Complainant. A major concern is that removal of one or all of the towers will render the reduced colony vulnerable to predators. In addition, since Purple Martins are “repeat nesters,” if there are no gourds to return to, they will have nowhere to go.



**The Stamms with one of their towers.**

-© The Advocate/Times Picayune STAFF PHOTO BY BRETT DUKE

Despite the fact that most of the Stamms’ neighbors love the birds, the Complainant and a handful of other residents complain that the birds are annoying and leave droppings on their cars, outdoor furniture, sidewalks and other locations. But the reality is that the birds only fly in great numbers for about six weeks in late May and early June when the fledglings are learning to fly with their parents. They also generally fly away from the neighborhood toward the Mississippi River levee. Moreover, the Stamms, who are at “ground zero” since the towers are in their yard, rarely note any significant droppings beyond what other bird species leave at other times of the year.

In response to the Complaint, the Stamms contacted Orleans Audubon Society (“OAS”) for assistance. OAS Board member and attorney, Andrew Wilson, agreed to defend the Purple Martins and the Stamms in an effort to prevent the birds’ eviction. He obtained Affidavits and letters from several experts. Delta Audubon ornithologist, Dr. Erik Johnson, established that the birds’ numbers have been drastically reduced in Louisiana and will be harmed by removal of the towers by making them vulnerable to predators. He also confirmed based upon his own personal experience that they are in no way a nuisance as the Complainant alleged.

Next, OAS President Dr. Jennifer Coulson established the benefits the birds provide by consuming massive amounts of insects. She also established that the droppings the Complainant photographed could have been left by any number of other species and that some clearly were *not* from Purple Martins. Indeed, the Stamms took photographs of fresh droppings long after the Purple Martins had left to confirm this. Then, avian veterinarian, Dr. Greg Rich, established that the Purple Martins posed no threat to humans unless they actually consumed the droppings.

OAS further bolstered the Stamms’ case with live testimony from Krista Adams, a Master Naturalist and head of the Purple Martin Conservation Initiative in Baton Rouge. She established the importance of maintaining the towers and nesting gourds around the State and the country. Without these, the birds will not survive. Along the same lines, Joe Siegrist, President of the national organization, the Purple Martin Conservation Association located in Pennsylvania, echoed Krista’s sentiments in his letter to the City Council. In another letter from Delaina Leblanc of the Terrebonne-Barataria National Estuary, Delaina made it clear that Purple Martins provide intangible benefits of entertainment and pure aesthetics for all the people who simply love to watch and listen to them, or for that matter, who used to gather to see them roost at the foot of the Causeway. Sadly, these birds have not returned due to a lack of nesting areas.



**Male and female Purple Martins guarding their nesting gourd.**

- Copyright *Two Girls and a Mouse Tale: Our Year Working at Disney World.* © 2014 Elly Collins and Caroline Collins

Despite all of this uncontroverted expert testimony, the City’s Regulatory judge concluded in his report to the Harahan City Council that the Stamms’ towers and the Purple Martins are a nuisance. But he also ruled that the City’s Ordinance could not be enforced legally by the Council and that the matter must be reheard in the Harahan Mayor’s Court. Under these circumstances, the Stamms offered to purchase monthly certificates for car washes for the Complainant and the residents who joined with him and to hire a professional pressure washer to clean their private property. But the Complainant rejected what would seem to be the Stamms’ gracious overture to save the birds. The case will now proceed before the Harahan Mayor’s Court sometime in the next few months. A dangerous precedent for Purple Martins around the country may now issue.

# How You Can Help Purple Martins

By Jennifer Coulson

The decline of the eastern Purple Martin is more severe in Louisiana than it is nationwide, according to a population trend analysis conducted by the Cornell Laboratory of Ornithology (Fink et al. 2023). Across the United States, the eastern subspecies has experienced a breeding population trend decline from 2012 through 2022 of -0.3% (cumulative change in estimated relative abundance), but the declines are more dramatic in Louisiana, estimated at an alarming -5.7% decline for this time period.

As OAS Conservation Chair, Andrew Wilson, explained in his article, the legal battle in Harahan over a Purple Martins being considered a “nuisance” is an important one. Not only is an established martin nesting colony in jeopardy, but the case, if lost, could set a dangerous precedent for anyone who feeds or provides shelter to wildlife within cities.

In response to the local population decline and the legal suit, OAS’s has launched a new grassroots campaign to help reverse the population decline occurring in Louisiana. OAS aims to: teach the public about the benefits of having Purple Martins as neighbors and explain the unique human-martin relationship. We also hope to foster human tolerance of martin gatherings, including breeding colonies and roosts, motivate people to install and maintain martin gourds houses in their yards and public spaces, and inspire people to be ambassadors for Purple Martins.

Together we can help reverse the population decline that’s occurring in Louisiana. Here are some ways that you can help Purple Martins:

**Provide housing.** Put your nest gourds and houses up before January 15th when the scouts return to southern Louisiana. Encourage the installation of gourds and martin houses in parks and other public spaces. Excellent online resources for attracting martins are provided by the Purple Martin Conservation Association (PMCA): <https://www.purplemartin.org/> and, locally, the Purple Martin Conservation Initiative: <https://pmcila.org/>

**Maintain housing.** Be a responsible landlord by following guidelines for housing placement, cleaning, installing predator guards, excluding House Sparrows, etc.

**Report scouts.** Participate in the nation-wide scout arrival study that the PMCA is conducting: <https://www.purplemartin.org/research/8/scout-arrival-study/>

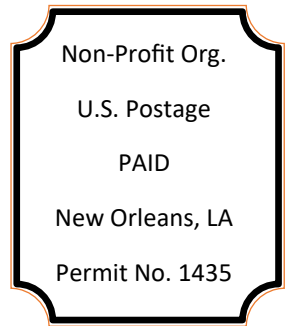
**Report Roosts.** Information roosts located in Louisiana can be emailed to [OrleansAudubon@aol.com](mailto:OrleansAudubon@aol.com) or texted to Jennifer Coulson at (504) 717-3544. Please include the dates when martins were observed using the roost, numbers of martins observed on each date, and the specific location of the roost, as well as your name and contact information.

**Be an ambassador.** Post your best Purple Martin photos to social media. Share the Purple Martin nest cam videos put out by the PMCA. Teach a school or scout group about Purple Martins. Visit the PMCA “student/teacher” webpage for fact sheets and ideas.

**Literature Cited:** Fink, D., T. Auer, A. Johnston, M. Strimas-Mackey, S. Ligocki, O. Robinson, W. Hochachka, L. Jaromczyk, C. Crowley, K. Dunham, A. Stillman, I. Davies, A. Rodewald, V. Ruiz-Gutierrez, C. Wood. 2023. eBird Status and Trends, Data Version: 2022; Released: 2023. Cornell Lab of Ornithology, Ithaca, New York. <https://doi.org/10.2173/ebirdst.2022>

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