

Newsletter of the Orleans Audubon Society Volume: XXXVIII Issue: 4 A Chapter of the National Audubon Society April/May 2025

April-May 2025 Programs

Wetlands in Relief

Speaker: Pippin Frisbie-Calder

Tuesday, April 15th

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

Community Church Unitarian Universalist, 6690 Fleur de Lis

(Lakeview)

Free, open to the public.

Pippin Frisbie-Calder will be talking about her work with ecologists, turning their research into installations, prints and paintings. She will end the talk with a printmaking demo where everyone will have the opportunity to create a hand-pulled print!



Artist's statement: My work seeks to investigate ecosystems and demystify scientific outcomes, while calling into question human culpability and responsibility. Working with Microbiologists, Ornithologists and Biologists I create large-scale installations and prints exploring issues of climate change, species extinction and environmental stewardship.

The materiality of printmaking reverses its subject and injects personality into every mark, transforming my drafting in different ways depending on the use of wood, collagraph or screen. The specificity of science requires reimagining my print practice and changes my methodology in service to ornithology, or ecology. The work I am happiest with always finds a balance between printmaking, science and draftsmanship, unifying to tell big picture stories about humanity's complicated relationship with nature.

Pippin's prints and installations have been shown widely around New Orleans, most prominently as a solo show at the New Orleans Contemporary Art Center. She has also exhibited at the Urban Institute for Contemporary Art in Michigan, Biennale Internationale d'estampe contemporaine, Canada, Indonesia, Denver, Maine, South Carolina and Rhode Island. She has held residencies at the Joan Mitchell Center, A Studio in the Woods, Big Cypress National Preserve, Jakmel Ekspresyon, Haiti and AS220. She received her MFA in printmaking from Tulane University in 2017 and her BFA with honors from the Rhode Island School of Design in 2008.

Birds Galore in the South of Ecuador!

Speaker: Jennifer Coulson and Friends

Tuesday, May 20th

6:30 p.m. cash bar, 7:00 p.m. dinner, 8:00 p.m. program

Porter and Luke's Restaurant

1517 Metairie Rd, Metairie, LA 70005

Reservations required: \$55.00 per person or \$60.00 if registering late (see banquet reservation form).

Nine friends traveled to the south of Ecuador for a whirlwind birding adventure, observing 409 species of birds in 11 days in August of 2023. Gary Rosenberg orchestrated an insane travel itinerary, which kept us constantly on the move. El Niño events ushered in a number of pelagic and Peruvian specialties from Peruvian Tern and Inca Tern to Guanay Cormorant (of guano fame). Jennifer discovered an exhausted Ringed Storm-Petrel resting on the sand at a dramatic, windswept outcrop along the Pacific Coast.



Long-wattled Bellbird in lek, photo courtesy of Mark Meunier

Our first birding hike in the Buenaventura Reserve included a steep, muddy trail to the Long-wattled Umbrellabird lek, where Tom Coulson put his new hip to the test. Sherry DeFrancesch, a big fan of corvids, got to see family groups of White-tailed Jays at the Jorupe Reserve. We birded the Reserva Tapichalaca in a heavy mist to light rain. A Jocotoco Antpitta, Chestnut-naped Antpitta and Barred Fruiteater showed up at the worm feeding station, and a bright rufous Equitorial Antpitta popped up along the trail. Up early with his trusty headlamp, Mark Meunier found a Collared Inca lying on its back and brought it to Jennifer to rehabilitate.

One of David Muth's favorite furnariid lifers, we saw three Mouse-colored Thistletails traveling in Cerro Acacana in Loja province. Joan Garvey captured spectacular images of Torrent Ducks swimming in the Rio Valladolid. And in a dwarf Polylepis forest, we all enjoyed great looks at the cobalt blue Tit-like Dacnis Many of our drives were too long and uncomfortable, but still produced great birds. From the back of the bus, John Nelson glimpsed a fast-flying Aplomado Falcon. Soon afterward, we stopped at rice fields near the Mangahurco turnoff to watch large flocks of Comb Ducks, 125 ducks in total, cutting across the sky. On the last day, Gary found a roadside flock of elegant Golden-plumed Parakeets, and Becky Lloyd spotted a group of four Mountain Caracaras, a raptor the Coulsons were really glad to see.

Audubon Abita Bird Club Events

Learning the Language of Birds: An introduction to birding by ear with Donata Henry.

Presenter: Dr. Donata Henry

Tuesday, April 29 6:00-7:30 p.m.

Location: Abita Springs Town Hall, 22161 Level St., Abita Springs, LA 70420

To sign up for Audubon Abita Bird Club email announcements, send a request to Donata Henry: droome@tulane.edu

OAS Birding Field 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 the
 events page of the Orleans Audubon Society website, so check https://jjaudubon.net/events/ for
 updates.
- 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.

City Park-Couturie Forest - Half Day Trip

Saturday April 5th, 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 <u>keeganjohnadam@gmail.com</u> and Marcie Blanchard <u>marcieblanchard@yahoo.com</u>

Grand Isle - All Day Trip

Saturday April 12th, 8:00 a.m.

Meet at 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. Moran's Marina, 27900 Highway 1, Golden Meadow, LA, located at the end of the Leeville Bridge.

Leader: John Nelson (504) 258-1009 johnnygnelsoniv@gmail.com

Big Branch National Wildlife Refuge - Half Day Trip

Saturday, May 10th, 8:00 a.m.

Meet at Boy Scout Road parking lot. Take Hwy 190 2.7 miles east of Lacombe to Transmitter Rd; turn toward Lake Pontchartrain and drive to T-junction; turn right and go to the second parking lot on the left. Leaders: Holly Morales (985) 264-4406, holly@moralesmusic.com and Glenn Ousset (985) 353-3412, gousset@bellsouth.net

Bogue Chitto National Wildlife Refuge & Honey Island-Half Day Trip

Saturday, May 24th, 7:30 a.m.

Meet at the entrance to Honey Island Wildlife Management Area, Exit 5b (Honey Island Swamp) off of I-59. Good chance to see Swallow-tailed Kite and 10 species of breeding warblers including Swainson's.

*Leader*s: Glenn Ousset-985-353-3412, <u>gousset@bellsouth.net</u> and Reneé Sawyer, <u>naynaysaw@yahoo.com</u>



Birding Festivals

Grand Isle Migratory Bird Celebration

Friday, April 25 and Saturday, April 26, 2025

For information, visit: https://www.townofgrandisle.com/events/grand-isle-migratory-bird-festival/

St. Bernard Bird Festival 2025

Friday, May 3rd, and Saturday, May 4th, 2025, from 9:00 a.m. to 4 p.m. Los Islenos Museum Complex at 1357 Bayou Road, St. Bernard, LA 70085 Celebrating its 10th Anniversary!

For information, visit: https://www.visitstbernard.com/events/st-bernard-bird-festival or contact Glenn Ousset-985-353-3412, qousset@bellsouth.net

GiveNOLA Day 2025: Tuesday May 6th

Please open your hearts and your wallets to support OAS projects and programs on GiveNOLA Day. Your GiveNOLA Day donation will help OAS to conserve the wildlife and wild places of the southeastern U.S. and to foster an appreciation of nature. In 2025, OAS is especially seeking donations for several of its conservation projects for which it has little or no funding. These include:

- Purple Martins are not a nuisance and need more humanprovided housing, legal case and grassroots advocacy campaign
- Wild Bird Rescue capture equipment, temporary housing, specialized diets, etc.
- · Native Plants for Birds planting tools and educational materials
- Bald Eagle Nest Monitoring in Louisiana and Mississippi
- New Orleans Rooftop Nesting Birds in partnership with Audubon Delta
- Audubon Coastal Bird Surveys in Louisiana in partnership with Audubon Delta

Please visit OAS's GiveNOLA Day profile on May 6 to learn more and to donate. https://www.givenola.org/organization/orleansaudubon



Nightjar Surveys in Louisiana

Bv Robert Dobbs



Photo of a Common Nighthawk, a nightjar species, by Chloe St. Germain-Vermilli

Nightjars are a family of poorly-known crepuscular and nocturnal birds whose populations, like those of other aerial insectivores, are declining rapidly. Nightjar monitoring efforts in Louisiana are currently inadequate, and the Louisiana Department of Wildlife and Fisheries' Wildlife Diversity Program seeks to expand nightjar surveys in May 2025, the success of which will hinge on volunteer participation. Contact Robert Dobbs at rdobbs@wlf.la.gov for more information on the surveys and requirements/expectations of volunteer surveyors.

New OAS YouTube Videos



To find the Orleans Audubon Society's YouTube channel, type
@orleansaudubonsociety2410 or "Orleans Audubon Society" into the search bar.
Please remember to subscribe to the OAS channel. It's free!

Bird Tour Asia's "Not-so-Diabolical" Trip to West Papua, Indonesia by Joelle Finley and Ken Harris – duration: ca. 1 hour

Searching for Birds of Paradise (BoP) led Joelle and Ken on their latest adventure to West Papua with a tour company that they had thought they had aged out of. Boy, were they right! Their advice is to watch YouTube videos of Sir David Attenborough's BoPs and only go to West Papua for one very remarkable thief of a Bowerbird.



Superb Bird of Paradise

How You Can Help Birds

by Jennifer Coulson - duration: 19 min, 42 sec

This talk provides ideas and guidance on how you can help wild birds. Let's all make a New Year's resolution to make a difference for birds and our natural world! Learn about landscaping tips and gardening, feeder placement, bird house installation, and how to make buildings safer for birds. Dr. Coulson discusses preventing wildlife entanglement and litter ingestion, and hunting and fishing practices that are bird-friendly. Lastly, she highlights community science projects you can volunteer for and suggests ways to speak up for birds.

Cooper's Hawk Trapped in Building

by Jennifer Coulson - duration: 3 min, 15 sec

In this raptor rescue adventure, learn how Orleans Audubon Society volunteers rescued a Cooper's Hawk trapped in the Total Wine building in Mandeville.

The Stamms' Last Stand

By Andrew Wilson, OAS Conservation Chair, (JD, LLM Env. Law, Tulane Law School)

"Almost every country tavern has a martin box on the upper part of its sign-board; and I have observed that the handsomer the box, the better does the inn generally prove to be."

-John James Audubon (1831)

Among Romans, swallows were linked with Aphrodite, the beautiful goddess of love. The ancient Greeks held a festival to honor the swallows' arrival in the springtime. Sailors saw them as good luck. Native Americans hollowed out and hung gourds to attract colonies of Purple Martins, North America's largest swallow. But not so the City of Harahan.

Every year in early spring, Purple Martins migrate from South America to the United States and Canada to nest and raise their young. They then leave by early July. In America, Purple Martins have enjoyed a close, symbiotic relationship with humans for centuries even before the European colonists arrived. The birds eat insect pests and entertain with their aerial acrobatics and songs. In return, humans provide hollow gourds for them to nest in, since the natural tree cavities they require are being cut down as human development spreads. It should be a "win-win."

As the Ibis has previously reported, a retired couple, Carol & Andrew Stamm, are attempting to save what appears to be the last remaining Purple Martin colony in the City of Harahan, a colony which they have maintained for 36 years. Oddly, although the City touts itself as a "Bird Sanctuary City" in its Code of Ordinances, for nearly two years the City has conducted a relentless legal campaign to remove the Stamms' Purple Martin structures from their backyard, all because of one disgruntled neighbor who recently moved in across the street from the Stamms.

Despite the fact that most of the Stamms' neighbors love the birds, Harahan officials, including the Mayor of said "Bird Sanctuary City", have made it clear in public meetings that they consider this protected native species a nuisance. They have even indicated they would personally kill the birds if they were one of the Stamms' neighbors (fortunately, they are not). Instead, they are prosecuting the Stamms for maintaining a nuisance.



Furthermore, to enhance the likelihood of the City's successful prosecution, City Officials have gone so far as to hire a "Special Prosecutor" to pursue the nuisance charges against the Stamms. The City also seeks to have their structures removed, which will destroy the Purple Martins' homes. Purple Martins have high nesting site fidelity, so if their gourds are removed the Stamm's martins will have nowhere to go. The City has also appointed a "Special Magistrate" to focus solely on these proceedings. If the Stamms lose, the City's Code requires that the Stamms "shall" pay the expenses and fees for the Special Prosecutor, the Special Magistrate, any experts called by the City as witnesses and all Court costs which, all together, could be in the thousands of dollars. If the City loses, the Stamms get nothing except the right to provide shelter for the birds. Although the Migratory Bird Treaty Act prevents the city from tearing down the Purple Martins' homes while they are in them, once the birds leave in early July, the City can then force the Stamms to take down their structures permanently. If so, this will be the end of the colony they have nurtured for decades.

All is not lost however. Orleans Audubon Society ("OAS") is defending the Stamms from the City with a pro bono legal defense. Because the City's Code was fraught with inconsistencies and contradictions when the Stamms were charged, which the City Council has tried to address only after the Stamms were charged, many constitutional defenses have arisen for the Stamms. This became apparent when the case was previously tried the first time before the regular Magistrate who normally presides over the Mayor's Regulatory Court. That Magistrate ruled that the Ordinance under which the Stamms were charged was unconstitutional because Article II, Section 1&2, of the 1974 Louisiana Constitution provides for separation of powers (executive, legislative & judicial), and also provides they are equal and that one branch may not invade the province of another. Accordingly, he found that a violation of the Louisiana Constitution had occurred because the original Ordinance required the City Council to take over the judicial function of deciding animal nuisance cases.

As a result, while the Stamms' case was pending and because the Council did not want to hear it, the Council passed an Ordinance moving animal nuisances to the regulatory area of the Code of Ordinances and the Mayor's Court, which would require a trial by Magistrate as well as allow for harsh penalties, such as having to pay the expenses of a "Special Counsel" and appointed special Magistrate, all courts costs and a fine. Again, the City's Ordinances don't allow for recovery of such fees incurred in defense if the Stamms prevail.

A hearing was then held before the Magistrate who ruled that the Purple Martins were a "nuisance" under the Code of Ordinances but that he had no jurisdiction because the law in effect when the Stamms were charged required the Council to decide the case not the Magistrate, which obviously didn't happen. But that even if the Council did so this would trigger a violation of the La. Constitution since the legislative branch (the Council) was invading the province of the judiciary branch (the Mayor's Court.) He also found that, for the same reasons, the prior Ordinance violated the Lawrason Act, (La. R.S. §33:321-463), which is the body of law that governs operations of most of the incorporated municipalities in this State, so the Ordinance was illegal and he therefore had no jurisdiction. So, the hearing was all a colossal waste of time.

Soon after, the case was then reset for a new trial before the newly appointed Special Magistrate and would be prosecuted by the "Special Prosecutor" who was a former Assist. DA. With the case in this posture, the Stamms filed 5 pre-trial "Motions in Limine" to get the case dismissed, covering various due process and unfair trial issues under the 5th & 14th Amendments to the U.S. Constitution as well as a challenge based upon the "excessive fines clause" of 8th Amendment challenge of the U.S. Constitution. The Special Prosecutor then attempted to wrongly suggest that a defendant cannot raise Constitutional issues in the Mayor's Court citing non-existent jurisprudence to that effect by misquoting certain decisions. The Magistrate still denied all the Stamms' Motions for the most part. The 8th amendment challenge was also denied because the Magistrate said he would not enforce any harsh penalties despite the fact that the Ordinance's "shall" language *required* him to do so.

But the Stamms' last Motion presented a problem if not a conundrum for the Magistrate and the Special Prosecutor. Because the Ordinance under which the Stamms were being prosecuted involved different procedures and penalties from the earlier illegal and unconstitutional Ordinance in effect when they were charged, the new Ordinance had to be construed as an "ex post facto law" prohibited under Article I, Section 10, Clause 1 of the U.S. Constitution, since the Council was changing the law after the Stamms had been charged. In addition, the Stamms also argued that the Magistrate had no jurisdiction since jurisdiction should have remained with the Council under the flawed older Ordinance which was found to be unconstitutional and violative of the Lawrason Act per the detailed ruling of the prior Magistrate, which the Stamms' last Motion made clear.

Because it appeared the Stamms presented a strong argument that neither the old or the new Ordinance provided a basis for jurisdiction, the Magistrate reserved his ruling on the last Motion to allow both sides to rebrief the issue as it could well have resulted in dismissal of the case. He said once the briefs were filed he would decide the Motion on March 10, 2025. If the Stamms lost, the case would go to trial two days later on March 12, 2025. At the hearing, it became apparent that the Stamms position was correct, and the court room went strangely quiet when the Magistrate realized this.

So, the Magistrate then gave the City and the Special Prosecutor yet one more time and another chance to address the Motion with another Memorandum. Another hearing will now take place on March 24, 2025. If the Stamms prevail, the case will be dismissed. But the Magistrate reminded the Special Prosecutor that the City could still file all new charges against the Stamms for the 2025 migration of Purple Martins. And so it goes....

Update On The Mid-Barataria Sediment Diversion Project

By Andrew Wilson, OAS Conservation Chair, (JD, LLM Env. Law, Tulane Law School)

There was once great hope for the \$2 billion Mid-Barataria Sediment Diversion (MBSD) Project, the single largest ecosystem restoration project in the history of the United States, which had been planned and developed by the State's Coastal Protection and Restoration Authority (CPRA) over many years. The MBSD Project has been viewed as a cornerstone restoration project in the State's Coastal Master Plan to help stop or at least slow the rapid erosion along the State's coast, where the State loses an area the size of a football field every 100 minutes. This Project was supposed to deposit enough sediment to build and maintain 27 square miles of land over 50 years. Sadly, the Project has now been caught up in Louisiana politics and the Landry administration.

So how did this happen? Recall the February of 2023 report in the Advocate of the meeting between then candidate for Governor and Attorney General, Jeff Landry, and Lt. Governor Billy Nungesser. Nungesser said the two discussed the MBSD Project which he maintains would devastate the fishing industry and decimate dolphin populations in the Plaquemines Parish area.

Later that year in August of 2023, ground-breaking for the project had begun at the Project site on the west bank of the Mississippi River near Myrtle Grove toward the end of the administration of Gov. John Bel Edwards, who was term-limited.

In the election that fall, Landry was elected Governor. Near to the time of the election in November, 2023, Plaquemines Parish Government (PPG) filed suit against CPRA in state court in Pointe-a-La Hache, seeking to halt the Project because the State had supposedly not obtained the proper permits from the Parish. CPRA then filed suit in Baton Rouge claiming that the State did not have to obtain any permits because state law preempted Parish law, and because the public trust doctrine and other laws allowed the State to take whatever steps were necessary to save the State's coast. Both of the Parties asserted venue exceptions with PPG claiming that suit could only be filed in Plaquemines Parish and CPRA claiming suit could only be filed in Baton Rouge.

When the Landry administration took office, CPRA inexplicably abandoned its improper venue position, dismissed its Baton Rouge suit, and the remaining case became stuck in Plaquemines Parish. At about the same time, CPRA Chairman Gordy Dove testified on several occasions before legislative committees that the project cannot go forward due to "litigation concerns." This is despite the fact that the State is immune from claims by oyster fishermen and other commercial fishermen under the existing jurisprudence of the Avenal and Louisiana Seafood cases. Finally, in another inexplicable move, CPRA eventually agreed with PPG to a stay of that state lawsuit indefinitely.

Meanwhile, in January of 2024, representatives of the oyster industry and an out-of-state environmental entity sued the federal agencies alleging that the agencies should never have permitted the Project because it would adversely affect federally protected bird and sea turtle species as well as dolphins. Some private citizens and environmental organizations, including Orleans Audubon Society, intervened (joined in) the federal suit to make sure the DOJ under the new Trump administration does not "take a dive" as they say in boxing, and give in to the Plaintiffs.

Outside of the lawsuit, based upon questions raised by the Plaintiffs, the federal agencies involved decided to reinstitute consultation related to the potential adverse effects on certain species set forth in the Plaintiffs' Complaint. The federal Plaintiffs then used that as a basis for asking for a stay until April 30, 2025, while the agencies issue new reports as to whether the Project permit was properly issued, given those potential adverse effects to marine life. The first report from National Marine Fisheries Service ("NMFS") which issued on February 10, 2025, indicates that there will be no appreciable adverse effects to marine life. In all likelihood, the report to be issued by the U. S. Fish & Wildlife Service ("FWS") will say the same.

When the Plaintiffs receive the reports from NMFS and FWS they will have until April 30, 2025 to amend their Complaint in anticipation of motions to be filed by the Defendants and Intervenors seeking the dismissal of the lawsuit. If the DOJ and/or the government Defendants decide, instead, to rethink the issuance of the permit, the delays inherent in that process will likely kill the Project. The State may well then lose millions in funding and may be liable to contractors if that happens.

In the state litigation, a group of individuals who believe their businesses and livelihoods will be adversely affected if the Project does not go forward, have now intervened in that suit and have moved to lift the stay which both CPRA and PPG jointly sought. If the stay is lifted, the suit can proceed. If the stay is not lifted in the state suit, the project will be delayed indefinitely, which could result in the same loss of funding, and, liability for the State to its contractors. In contrast, if the PPG suit is eventually dismissed, there will no longer be a basis for CPRA Chairman Gordy Dove to keep saying the Project cannot go forward due to "litigation concerns." The people of the State can only hope.

2025 Election of Officers

It is time to elect the Orleans Audubon Society's officers for the upcoming 2-year term. You must be a member of the National Audubon Society or the Orleans Audubon Society to vote. Please complete the ballot below and mail it to: Glenn Ousset, OAS Nominating Committee Chair, 71205 Barque Place, Abita Springs, LA 70420. You may also scan and email it to: gousset@bellsouth.net. Ballots must be emailed or mailed by April 30, 2025, to be counted. Call Glenn if you have questions regarding the election: (985) 353-3412.

OAS 2025 ELECTION BALLOT

Directions: Circle the candidate's name for each office.

OFFICE CANDIDATE
PRESIDENT Jennifer Coulson

VICE-PRESIDENT Joelle Finley

SECRETARY Sherry DeFrancesch
TREASURER Mary Joe Krieger

The SE Louisiana Chapter of the

National Audubon Society

Orleans Audubon Society
3623 Nashville Avenue

New Orleans, LA 70125

Non-Profit Org.

U.S. Postage
PAID

New Orleans, LA

Permit No. 1435

MAY 20TH BANQUET RESERVATION FORM MUST BE RECEIVED BY MAY 7th

Clip and mail with check payable to Orleans Audubon Society to Mary Joe Krieger: 3623 Nashville Ave., New Orleans, LA 70125 Phone: 504-258-3396, maryjkrieger@gmail.com

RESERVATIONS RECEIVED MAY 7-10 COST \$60/PERSON

NOTE: NO RESERVATIONS ACCEPTED AFTER MAY 10

Banquet:	persons @ \$55.00	\$	TOTAL \$	
	persons @ \$60.00	\$	TOTAL \$	
Names of Attended	es:			
Email Addresses: _				
For each person attending, choose one appetizer and one entrée:				
House Sa	lad or Gumbo	or Tu	or Turtle Soup	
Veal Parmesan Pecan Catfish Vegan Panne Chicken with Pasta Alfredo				
	Dessert:	Bread Pudding		

IF PAYING BY PAYPAL: PLEASE ADD THE TRANSACTION FEE. \$55 BECOMES \$56.60; \$60 becomes \$61.75. Thank you.