

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA

ATCHAFALAYA BASINKEEPER, et al.

*Plaintiffs,*

vs.

DEBRA HAALAND, et al.

*Defendants.*

Case No. 20-651-BAJ-EWD

**DECLARATION OF JODY MECHE**

I, JODY MECHE, hereby declare as follows:

1. I make this declaration on behalf of the Louisiana Crawfish Producers Association-West. I have personal knowledge of each of the facts stated herein, and if called as a witness, would and could competently testify thereto.
2. I make this declaration in accordance with 28 U.S.C. § 1746.
3. I am a resident of Henderson, Louisiana.
4. I have been an active member of the Louisiana Crawfish Producers Association-West, Inc. (LCPA) since 1995. I currently serve as the President of LCPA. My responsibilities are to act as a spokesperson on behalf of the organization. I also work to inform members of their rights to use navigable waters, and to help them advocate for those rights through legal means.
5. LCPA is a non-profit organization incorporated under the laws of Louisiana. LCPA's mission is to protect the economic, environmental, and cultural interests of the Atchafalaya Basin and its residents, and to promote a healthy habitat for crawfish, fish,

and other wildlife that the Basin supports. Additionally, LCPA works to protect public access to the waters of the United States within the Basin, and to ensure that the state and federal laws and regulations intended to preserve and enhance the Basin's natural resources and wildlife are followed.<sup>1</sup>

6. At the core of LCPA's mission is advocacy, outreach, and public education to keep local residents, agencies, and government officials informed of the goings-on in the Basin that affect our culture and livelihood, and ultimately the sustainability and health of the Atchafalaya Basin. We engage in advocacy ranging from public comments on proposed activities in the Basin to legal challenges to development or privatization that threaten not only the interests of our members, but the capacity of the Basin to withstand both natural and human-influenced modifications and developments into the future, and to support wildlife and the local inhabitants. We monitor activities, development, and occurrences, that impact the wetlands, wildlife habitats, ecosystems, navigable waterways, and public access. LCPA members are the eyes and ears of the Basin's wetlands. We regularly engage in public and legal advocacy to inform regulators, developers, and the public regarding our observations on the ground in the Basin and the impacts of both natural and human caused modifications to this complex system to enhance management and decision-making with respect to the Basin, and to prevent harmful development that impedes public access, disrupts water flow and health of our waterbodies, and impairs wildlife habitat, which impacts our members' ability to make a living fishing in the Basin, and our cultural connection with this treasured area.

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<sup>1</sup> <https://lcpawest.com/about-us/>.

7. LCPA has approximately 500 members, including recreational and commercial fishermen, hunters, and recreationists who live, work, and recreate in and around the Basin. These members, including myself, regularly use the Atchafalaya Basin in pursuit of these interests, including areas impacted by the 2016 delisting of the Louisiana black bear such as formerly designated critical habitat for the bear, and the Basin as a whole which forms part of the much larger historic habitat for this subspecies. Members of LCPA, including myself, also enjoy observing animals and wildlife in the Basin. The Atchafalaya Basin provides subsistence for the minority Cajun people that have lived in and relied upon the Basin for generations. We have made our living and ability to feed our families in the Basin for over a century, and we maintain a close connection with this wilderness.
8. The mission of LCPA is to protect wildlife and its natural habitat, irreplaceable wetlands and deep-water habitat, and to promote Cajun culture, public access, navigability, and legal enforcement. I became more active with the organization, and in this community, as I began to experience more and more the negative effects of unsustainable development and the failures to enforce environmental laws in the Basin on our culture, our way of life, and our ability to provide for our families as the Basin's productivity began to fall with the loss and degradation of these wetland ecosystems.
9. I, like many members of LCPA who were born and raised in the Basin, work and live in the geographic area of the Atchafalaya River Basin. This area constitutes what the U.S. Fish & Wildlife Service (FWS or Service) considers habitat for the Louisiana black bear, and was part of the critical habitat designated for the bear between 2009 and 2016 (Units 2 and 3). LCPA consists of members native to this area, much like the Louisiana black

bear. We have experienced many of the same trends that threatened both our survival and that of the Louisiana black bear in these areas of the Basin. We sympathize with its decline, as we have likewise experienced destruction of our native fishing grounds and reduction in the number of members in our community able to make a living in the Basin. Harm to the wildlife habitat in the Basin directly harms my personal and professional interests in enjoying, using, fishing, and protecting the Basin and its wildlife habitat.

10. LCPA's members, including me, fish, hunt, hike, and recreate all year in the native habitat of the Louisiana black bear, including the areas north in the Sherburne Wildlife Management Area, the Atchafalaya National Wildlife Refuge, the Bayou Des Ourses, and in the Whiskey Bay Pilot channel, and plan to continue to do so.
11. I am a third-generation, full-time, commercial Cajun crawfisherman. My father and grandfather made a living and supported their families fishing and hunting in the Atchafalaya Basin. I have been making a living in the Atchafalaya Basin my entire life, and I plan to continue to use the Basin in both my professional and recreational activities. I learned how to hunt, fish, trap, and provide an income in the Basin for my family from my father, and he from his father. I have worked as a crawfisherman in the Atchafalaya Basin for more than twenty-one (21) years.
12. The Basin provides much more to me than just a job and way to make my living. The Basin, its waters, and wildlife habitat allow for the continuing of tradition and our Cajun culture that has been handed down from generations of families living and working in the Basin. Most of our members are recreational or commercial fishermen whose trade has been passed down from a line of fisherfolk whose families have lived, worked, and recreated in the Basin for generations.

13. The Atchafalaya Basin is one of the most unique places in the world. It is home to hundreds of species of migratory birds, as well as alligators, fish, crawfish, and the state mammal of Louisiana - the black bear. The Basin is a complex, beautiful system of natural waterbodies, flooded forests, and interconnected deep-water and upland habitat for a variety of native and migratory wildlife. When I was younger, the Basin was wilder. Although at that time we had already seen and begun to experience the repercussions of the U.S. Army Corps of Engineers (Corps) manipulation of the natural Basin (including realignment of natural bayous and cutting off the historical size of the Basin to build levees and create the floodway to protect communities from Mississippi River floods), there were still more unadulterated areas of deep-water swamp, and healthy cypress-tupelo forests than we have today.
14. Over the years, I've seen more and more cutting of cypress forests in the Basin, and paving through the wetlands to install pipelines, where more often than not the installation left behind huge elevated piles of spoil that interrupt water flow, disrupting the flow of sediment-laden water on its way to the delta to build up our coastal areas. As more and more development is permitted or has escaped regulatory enforcement, we have lost more and more fisheries and habitat to the outgrowth of invasive species on elevated waterbottoms where the native cypress-tupelo and even bottomland hardwood species cannot compete. I have also observed, especially over the last five years, the disruption of the natural seasonal flood regime in the Basin, with elevated water levels during times of historical low water, and highwater season lasting longer and longer in some areas.
15. I grew up learning about the "Des Ourses bottom" or "the bear's bottom" in the Cajun fishing culture of the Atchafalaya Basin, an area north of where I was raised, near the

Sherburne Wildlife Management area. This area was historically known to have a lot of bears, and is still known for bear sightings. The Louisiana black bear has had a significant impact on the local culture of the Atchafalaya Basin.

16. Our members have long observed and captured on game cameras the presence of the black bear in the Basin. On average, I spend upwards of 200 days a year fishing and hunting in the Basin, including in areas west of the Atchafalaya River in former designated critical habitat for the bear. I have and will continue to seek to observe the Louisiana black bear in its native habitat in the Atchafalaya Basin.
17. The 2016 delisting decision injures my commercial, recreational, and conservation interest in the protection of the Louisiana black bear and its habitat in many ways. The delisting removed habitat protections in areas I use regularly, it has left the threatened coastal population of bears without either state or federal intervention to assure its long-term survival, since the delisting annual reported deaths of bears are on the rise while survival estimates from some populations are declining, and the delisting's removal of ESA protections prohibiting a bear hunt has led to the state agency taking steps to initiate hunting despite ongoing threats to the existing, small populations of Louisiana black bears that exist today.
18. As a result of the Louisiana black bear delisting decision, FWS removed significant protections afforded to the species, and to its habitat, particularly in areas designated as critical habitat for the Louisiana black bear. A majority of the area that was designated critical habitat for Units 2 and 3 lies within the Atchafalaya Basin, and includes many areas in which I work, recreate, and enjoy the Basin.

19. The entire Atchafalaya Basin constitutes historic habitat for the Louisiana black bear, which is reflected in the importance of the bear and its habitat in the Cajun culture of the communities that live and work in the Basin to this day. The entire Basin provides habitat for the bear in low-water areas, and along natural banks of rivers, sloughs, and streams, with large cypress and tupelo trees offering protected shelter and preferred denning for bears. I regularly fish and hunt for personal and commercial purposes in the below-listed areas in the Atchafalaya Basin. Most of these areas listed below that are on the west side of the Basin (west of the Atchafalaya River, between U.S. 90 and Interstate 10), were areas included in designated critical habitat for the Louisiana black bear.

- West of the east guide levee and east of the Whiskey Bay Pilot Channel, just south of Interstate 10, both myself and many members of LCPA regularly fish, frog, and hunt in the following areas that are all continually navigable by boat and connected by water, and navigable by foot in some of these areas when the water level is low:
  - Bayou de Glaisse
  - Des Ourses Bottom
  - Brown Bayou (just north of the interstate)
  - Bristow Bayou
  - Kings Ditch
  - Straight Bayou
  - Billy Little's Lake
  - Cow Bayou
  - Deer Lake
  - Tin Can Lake
  - Pats Throat Bayou
- West of the Whiskey Bay Pilot Channel, I grew up fishing and hunting in this area, fishing with catfish lines in the pilot channel, and still use these spots for crawfishing, frogging and fishing;
  - Lake Warner
  - Rycade Lake
- East of the west guide levee and west of the Atchafalaya River, I regularly fish in these waterbodies:
  - Indian Bayou area
  - Fordouche Lake
  - Lake Pelbay

- Bay Ha Ha
- In the Henderson Lake area of open water just inside the west guide levee, I frog, fish and duck hunt now and have since I was a child.
- Farther south on the west side of the Basin, I duck hunt, crawfish and frog in these areas (which were included in the bear's critical habitat):
  - Buffalo Cove area
    - Gays Slough
    - Red Eye Bay (north of Buffalo Cove)
    - Mud Cove (south of Buffalo Cove)
  - Beau Bayou area
    - Bayou Darby
    - Bayou Ella
  - Bayou Cocodrie
- East of the Atchafalaya River and west of the eastern guide levee, just south of Interstate 10, I have and continue to fish and frog in all of these navigable waterbodies:
  - Bayou Sorrel
  - Jakes Bayou
  - Bayou Tensas
  - Lake Murphy
  - Gilmore Swamp (south of Lake Murphy)
  - Catfish Bayou
  - Little Bayou Pigeon
  - Big Bayou Pigeon
  - Cross Bayou
  - Grand Lake
  - Schwing Schute (northern part of Grand Lake)
  - Keel Boat Pass
  - Hoop Hole Bayou
  - Blue Point Schute
  - Thibodeaux Schute
  - Bayou Long (in between Bayou Pigeon and Belle River)
  - East Fork Bayou
  - West Fork Bayou
  - Bayou Mallet
  - Bayou Postillion (in between Grand Lake and the east guide levee, north of Belle River)
  - Old River (south of Postillion)
- On the east side of the Basin, more south of Interstate 10 towards, I have and continue to fish in the following waterbodies:
  - Bayou Bouttie
  - Bayou Mystic Crew (or "Crow")

- Bayou April
- Bayou May
- Duck Lake
- Bayou Sorrel (near Duck Lake, distinct from the same named bayou to the north)

20. The premature delisting and removal of critical habitat designation for the Louisiana black bear injures my recreational and employment interests in protecting wetland habitat, and my conservation interest in protecting Louisiana wildlife. Prior to the delisting, the bear's critical habitat designation afforded additional, federal protection to areas within the Basin that were prone to severe degradation, harmful development (primarily through oil and gas exploration and pipelines), illegal logging, and failures to enforce by the U.S. Army Corps of Engineers (Corps). Before the Service designated critical habitat, many of my fishing grounds were harmed by unsustainable development, and often the Corps refused to enforce permit conditions or initiate action against illegal developers to protect these wetlands. In fact, after the Service failed to designate critical habitat for the bear for more than thirteen (13) years after listing the Louisiana black bear, LCPA and Mr. Harold Schoeffler filed suit against the Service seeking protection of these areas in the Basin that provide necessary habitat for the bear, and that were suffering at the hands of unsustainable development and failures to enforce.<sup>2</sup> Ultimately, as a result of our lawsuit, the Service designated critical habitat for the bear in 2009, including areas I regularly visit for work and personal recreation, south of Interstate 10 and west of the Atchafalaya River. Clearly, these areas were in need of protection, and the Service was obligated to fulfill its mandatory duty to protect necessary, critical bear habitat.

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<sup>2</sup> See *Schoeffler and Louisiana Crawfish Producers Association-West v. Kempthorne*, 493 F. Supp. 2d 804 (W.D. La. 2007).

21. After the Service designated critical habitat, I personally observed less harmful development and wetland degradation in these areas in the Basin.
22. However, since the delisting and removal of critical habitat, adverse impacts to the forested wetlands, wildlife habitat, and productive fisheries from development projects violating permit conditions have greatly increased. I continue to commercial fish and recreate in areas of former critical habitat, and I can personally say that I believe the ESA protections contributed to the less frequent and destructive development we observed during the critical habitat designation. I believe the ESA protections helped prevent adverse modification, and that since the delisting's removal of critical habitat, adverse modifications in these areas have increased.
23. Not only has the scale of development in these areas grown (particularly, the unprecedented major crude oil Bayou Bridge pipeline project), but I have lost my ability to raise ESA protections as a means to advocate for regulatory enforcement and compliance with environmental laws because the delisting removed all ESA protections for the bear and its habitat.
24. For example, in 2010, LCPA and Atchafalaya Basinkeeper filed suit against private developers for unpermitted violations of the Clean Water Act in Fisher Lake, an area contained within LBB critical habitat designation (Unit 2) in the Atchafalaya Basin. These violations included clearing cypress-tupelo trees in critical habitat, an important feature offering denning sites for black bears in the swamps and wetlands of the Basin. Unfortunately, the Corps gave the developers an after-the-fact permit, without consulting FWS, in violation of Section 7 consultation requirements under the Endangered Species Act. We then sued the Corps, challenging (among other things) the Corps failure to

consult with the Service under Section 7 to ensure that the conduct did not adversely modify bear habitat. The case moved slowly until, after the bear was delisted in 2016, the court granted the Corps' motion for partial dismissal on our ESA failure to consult claim, finding that, because the bear had been delisted and critical habitat designation removed, the claim was moot. The delisting impaired our ability to bring the Corps to justice for failing to comply with the Endangered Species Act in granting an after-the-fact permit for conduct that adversely modified critical habitat for the bear, and removed cypress-tupelo swamp to clear the area for a private duck hunting pond.

25. The federal listing and critical habitat designation provided opportunities for citizens and stakeholder groups, such as LCPA, to advocate for the protection native wildlife and its habitat from illegal and destructive development, and to promote effective enforcement through citizen suits, when our regulatory agencies failed to do so. But because of the delisting, we no longer have this opportunity to engage in wildlife habitat protection under the ESA, and to use these protections to fill in where our agencies fail.
26. The designation of critical habitat for the Louisiana black bear had a positive impact, and based on my personal and professional observations on the ground in the Basin, contributed to better protection of bear habitat in the Atchafalaya Basin than I saw before and since the delisting. But now, since the designation has been removed with the delisting of the bear, several projects have received permits without adequate consideration of whether the project will cause adverse modification to bear habitat. Construction of a few projects (namely Bayou Bridge and Enterprise pipelines) since the delisting have caused unprecedented destruction and modification of wildlife habitat and fisheries in the Basin in former critical habitat for the bear.

27. Since the delisting, two major new development projects approved by the Corps were constructed in the Basin, in areas of formerly designated critical habitat, which have both had extreme, adverse impacts in and beyond the immediate project areas. The level of harm we have seen as a result of these projects, particularly the Bayou Bridge Pipeline construction in the Basin, is unlike anything I have ever personally witnessed in the Basin.
28. On May 1, 2017, the Corps issued a permit to Enterprise Products Operating, LLC, authorizing construction of a propylene pipeline across Ascension, Iberville and St. Martin Parishes. The portion of the pipeline crossing through St. Martin Parish traverses an area on the west side of the Atchafalaya Basin that was included in designated critical habitat for the Louisiana black bear in Unit 2 (including in the Bayou L'Embarass areas where I frequently navigate for work and personal recreation).
29. Following construction of the pipeline, LCPA members identified a number of violations of the Corps' permit authorizing construction of the pipeline across the jurisdictional wetlands of the Basin. Members observed construction debris and blockages of navigability along a number of unnamed waterways along the pipeline right-of-way in St. Martin Parish, impeding navigation of LCPA members and the public, impairing water quality in the surrounding areas, and disrupting wildlife habitat. We reported these violations to the Corps, but when the agency failed to act we sent notices of intent to sue directly to the developer. Ultimately, we worked with Enterprise to fix as much as the identified issues as possible, but some of the harm could not be reversed. As a result of the pipeline construction, more than 165 acres of forested wetlands were impacted. Despite our efforts to seek permit enforcement, and to work with the pipeline company to

identify impacted areas for restoration, the project nevertheless adversely impacted the commercial and recreational interests of LCPA members, including in areas that were in former critical habitat for the bear in St. Martin Parish, to the west of the Atchafalaya River.

30. In January 2018, having received the necessary permits from the Corps, Bayou Bridge Pipeline, LLC began construction of a massive, crude oil pipeline across the Atchafalaya Basin. The approved pipeline traversed areas in the Basin that were included in the former critical habitat designation for the Louisiana black bear, and included areas with large cypress trees adjacent to waterways. However, as a result of the permitted pipeline construction, approximately 142 acres of jurisdictional wetlands were permanently destroyed, and approximately 455.5 acres of jurisdictional wetlands were “temporarily” impacted.<sup>3</sup> The Corps approved compensatory mitigation to offset permanent impacts and replace lost aquatic functions resulting from the permitted activity constructing and operating the pipeline in jurisdictional wetlands, but the approved compensatory mitigation was outside the Basin floodway, distant in both location and in the type of wetland function lost (meaning, they approved replacing cypress-tupelo swamp wetland losses with bottomland hardwoods 55 miles north of the impacted area, two types of

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<sup>3</sup> “Temporary” impacts authorized by the Corps in permitting development in the Basin has been a consistent source of debate and concern we have raised in comments and communications with the agency for years. These impacts are actually, in practice, often permanent as the conditions needed to allow wetland cypress-tupelo forests to regenerate are extremely sensitive, and especially unlikely to be met as the water levels continue to stay elevated for longer than we have historically experienced in the Basin. So-called “temporary” impacts do not require compensatory mitigation, and thus often result in significant permanent losses that are not accounted for by the regulatory agency (the Corps) or the permittee in making environmental assessments regarding project impacts and ultimate approvals. Dean Wilson raised this issue in the Comment Letter to the Proposed Delisting, which he sent on behalf of many organizations, including LCPA, and in which he discussed the unlikelihood of cypress-tupelo regeneration in the Basin. AR 584, at 019571. Despite our efforts to continually flag this issue for the agency’s consideration in permitting decisions, permit decision documents continue to discount the nature of these “temporary” impacts, and refuse to require replacement (mitigation) for these impacts, at a great loss to the wetlands and wildlife habitat in the project areas.

forested wetlands that perform different aquatic and ecosystem functions). Despite LCPA, with others including Basinkeeper and Healthy Gulf, initiating legal action in federal district court to challenge the validity of the Corps' permits authorizing construction of the crude oil pipeline, the pipeline was constructed. And despite submitting numerous reports to the Corps identifying specific locations where we identified what we perceived to be clear permit violations along the pipeline right-of-way throughout its construction and post-construction, the agency failed to act and construction of this pipeline resulted in unprecedented, massive degradation of water quality and wetland habitat in and around the pipeline channel and neighboring wetland forests, including areas in former critical habitat for the black bear in Unit 2 (St. Martin Parish, west of the Atchafalaya River).

31. The detrimental impacts caused by construction of the Bayou Bridge pipeline harm my recreational and commercial interests as this project has impaired wildlife habitat, navigability, water quality and flow along the route of the pipeline as it crosses the Basin. This impairs the productivity of these areas, impacting my ability to navigate through and fish, as well as recreate and enjoy these areas. Had the bear still been listed and the project still in critical habitat, I believe that the requirements of the ESA likely would have prevented or reduced these impacts. In fact, the Corps permit and environmental assessment authorizing construction in the Basin specifically cautioned against constructing in bear habitat during the bear's denning season (December – April), and provides that if construction were to occur during these months, the permittee would have to consult further with the Louisiana Department of Wildlife and Fisheries (LDWF).<sup>4</sup>

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<sup>4</sup> USACE Bayou Bridge Pipeline (MVN 2015-02295-WII) Permit Special Conditions, No. 45 at p. 9.

Members of LCPA and Basinkeeper observed construction of the pipeline beginning in the Basin in January 2018. However, when we requested public records from LDWF regarding consultation with LDWF on the bear or its habitat with respect to this project, we received no records suggesting that any further consultation occurred regarding the impacts of pipeline construction in the Basin, during denning season.

32. During construction of the Bayou Bridge Pipeline in the Atchafalaya Basin, we observed blocked waterways, felled cypress/tupelo trees – some of substantial size and diameter, and increased sediment distribution in adjacent deep-water swamp areas, resulting in impaired water quality and wildlife habitat.
33. For decades I have seen how, on a much smaller scale but over time, these types of impacts lead to reduced quality and quantity wildlife habitat as areas that are filled in with sediment at an unsustainable rate and locations are taken over by invasive plant species that outcompete the native trees (including Chinese tallow and invasive vines that choke out bottomland hardwood and cypress-tupelo species). Additional projects like this being authorized, in part due to the lack of ESA protections, exacerbates these trends.
34. These development projects not only impact habitat critical for the Louisiana black bear, but also impair water quality, and other wildlife habitat in the Atchafalaya Basin, which affects the health of our fisheries and the accessibility and productivity of our fishing grounds, as well as the long-term sustainability of these areas.
35. As more development is authorized in areas previously designated as critical habitat, without ESA consultation or consideration of the health and quality of habitat for the Louisiana black bear, my ability to make a living in areas with exacerbated sedimentation, impaired wildlife habitat and water quality, obstructions to navigability,

and privatization, is greatly diminished. These projects not only impact our commercial and recreational interests in accessing and enjoying the quality of water and wildlife habitat in the Basin, including areas formerly included in designated LBB habitat, but also our cultural interests in protecting these sacred spaces from continued destruction and fragmentation.

36. The removal of ESA protections for the Louisiana black bear harms my cultural interests in the preservation of the bear, and as a member of the native minority Cajun fishing community of the Basin. Like many LCPA members, I have a historical and cultural connection with the bear, with its symbolic and ecological importance to our community, and especially with its habitat. I make my living in the wetlands, bayous, lakes, and swamps in the areas surrounding historic native bear habitat which spanned the entire Atchafalaya Basin and beyond. But increased negative modifications to bear habitat and harms to bear populations and survival traceable to the removal of ESA protections, and that has occurred since the delisting, injures my personal, cultural, and conservation interests.

37. The delisting removed ESA protections for the bear and its habitat. Without the protections that accompany listing of a threatened or endangered species, the viability of the Louisiana black bear, and the LARB population in particular, remains threatened. Since the delisting, annual reported deaths in bears has risen, while survival estimates for the Tensas River and Upper Atchafalaya River Basin populations have declined.<sup>5</sup> These negative trends offend my conservation interests and may impact opportunities to observe the bear in its native habitat.

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<sup>5</sup> See published (1st – 4th) Post-Delisting Monitoring Annual Reports.

38. The delisting decision foreclosed federal protection and cooperative efforts with the state agency to promote recovery and survival of all Louisiana black bear populations, including the Lower Atchafalaya River Basin (LARB) population, or coastal population of bears. The delisting dismissed current and foreseeable threats to the coastal population, and failed to assess the long-term viability for this threatened population. The state agency that oversees the management of Louisiana black bears in Louisiana, the LDWF, does not assess the long-term viability of this coastal population. The delisting and post-delisting's dismissal of this population leaves the coastal bear at risk of extinction. The alleged habitat trends in the Basin the Service relied on to support its allegation that this population is not threatened – i.e., that the Basin is filling with sediments which will provide more suitable bear habitat in the Basin – offends my efforts to protect these wetland ecosystems, and fails to account for the harms such hydrologic trends have on wildlife habitat in the Basin, including the destruction of fisheries I rely on for my business and to support my family.
39. As a result of the delisting decision, the LARB, or coastal, population of Louisiana black bear that resides in our area is particularly vulnerable. The Basin provides needed habitat expansion and connectivity potential for this vulnerable coastal population to other populations of native Louisiana black bear to the north (the Tensas River Basin population). The delisting not only leaves the coastal bear without means to defend against current and foreseeable threats, but its impact on wetland habitat in the Basin in removing critical habitat protections likewise impacts its ability to expand into the area because the quality and quantity of habitat is being degraded at an alarming rate.

40. Threats facing the LARB population impact the environment of the Atchafalaya Basin as well, as the coastal and inland wetlands systems are interconnected, and harms that befall the present habitat of the LARB will have an impact on the wetland systems within the Atchafalaya Basin just to its north. The significantly reduced protection of the LARB population of Louisiana black bear, including those areas in the Atchafalaya Basin that provide this population's only opportunity to connect to the other native population, that of the TRB to the north, harms our interests in the protection, preservation and enhancement of wildlife habitat in the Basin. The Basin's forested wetlands, and the adjacent coastal wetlands to the south, provide a complex, interconnected habitat matrix for a number of important wildlife species, including the Louisiana black bear. Climate change and coastal land loss, and the impacts such known present and future threats have on both human and wildlife populations, have impacted and will continue to impact the health and sustainability of these complex wetland systems. Loss of coastal marshes has left wetland forests in the Basin more susceptible to impacts from extreme weather events. The loss of protection for the bear and its critical habitat exacerbates these threats and removes mechanisms we have, and could have continued to, use to address these harms.

41. FWS's dismissal of the threats and uncertain viability of the LARB population impairs the cultural, conservation, recreational and aesthetic interests of LCPA and its members, including me. The Service's delisting decision oversimplifies the complex and interrelated nature of wildlife habitat in dismissing ongoing and imminent threats to the coastal bear population, which in turn affect the health and sustainability of the Basin, and LCPA members such as myself.

42. The 2016 delisting decision results in removal of federal protections and placement of wildlife management in the hands of the underfunded state management agency, the Louisiana Department of Wildlife and Fisheries. Unfortunately, since the delisting removed ESA protections that prohibit hunting of black bears, we have discovered through records produced by the LDWF in response to requests for public records that the agency wants to – and appears to be working towards – opening a bear hunt in Louisiana. I am a longtime hunter, and do not oppose ethical hunting of wildlife that has population figures in sufficient numbers to allow for safe and sustainable hunting. However, the Louisiana black bear's estimated population (allegedly between 500 and 700 bears) is not very large. If the LDWF moves forward to open a bear hunt in Louisiana, which is now made possible because of the delisting, my interests in protection of the bear will suffer injury, and I fear the bear itself may never reach adequate population figures to support a sustainable hunt. This not only injures my conservation interests, but my interests as a hunter and ethical sportsman.
43. I intend to continue using the Basin to advance my economic, recreational, cultural, and aesthetic interests, including bear sightings in the Basin and protection of areas formerly designated as critical habitat for the Louisiana black bear. The above articulated injuries are fairly traceable to the delisting decision as shown by my personal observations of increased adverse modification to areas of former critical habitat for the bear since the delisting, the increase in annual reported mortality and decreased survival estimates reported since the delisting, and the delisting's opening the door to the LDWF's desire to open a bear hunt and to preclude viability analysis for the LARB post-delisting.

44. The Services' 2016 delisting decision conflicts with my personal and professional interests in protecting and promoting the health and sustainability of wildlife habitat in and around the Atchafalaya Basin. As a result of the delisting, the removal of critical habitat for the Louisiana black bear leaves many irreplaceable, productive wildlife habitat areas vulnerable to unsustainable development projects and activities that undermine LCPA's advocacy efforts to promote and protect public access and ecological health in these areas.
45. The interests of LCPA's members in having a thriving ecosystem, healthy waters, and productive fisheries to support our commercial, recreational, and cultural interests are consistent with the mission of LCPA to protect and promote wildlife habitat, public access, and legal enforcement in the Basin. The 2016 delisting of the Louisiana black bear harms the commercial, recreational, conservation, cultural, and aesthetic interests of our members, including myself, engaged in ecotourism, wetlands protection, and recreational, commercial, and subsistence fishing.
46. Potential conservation measures that would result from returning the Louisiana black bear to the U.S. List of Endangered and Threatened Wildlife, and re-designating its critical habitat, will protect existing populations and habitat, and would redress my personal injuries by reinstating habitat protections to ensure the reduction in adverse modification to bear habitat (including areas I regularly use and enjoy), which will provide ESA protection for existing native Louisiana black bear populations from further harm and thus enhancing and protecting my commercial, recreational, conservation, cultural, and aesthetic interests.

47. If the Louisiana black bear is returned to the U.S. List of Endangered and Threatened Wildlife, the Service would have the opportunity to revisit its Recovery Plan for the species, and reevaluate the significance and threats facing the LARB population of coastal bears, and its habitat needs to provide an opportunity for more adequate recovery of this threatened population, and appropriate responses to the many threats it faces. The Service would also be able to redesignate critical habitat for the Louisiana black bear, including in areas in the Basin to ensure adequate connectivity of the LARB with the native population of bears in the Tensas River Basin.

48. Unless these injuries are redressed through relisting and re-designation of critical habitat, LCPA, our members and I personally will continue to suffer harm traceable to the premature delisting of this unique subspecies.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 18 day of July, 2021, in Henderson, Louisiana.

  
Jody Meche