



Guadalupe-Blanco River Authority
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Experts Refute Alleged 23 Whooping Crane Deaths

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HOUSTON — Expert witness reports filed this week in U.S. District Court in Corpus Christi cast significant doubt on allegations made by The Aransas Project (TAP) in a lawsuit that 23 whooping cranes died during the 2008-09 drought, and countered that in fact, the flock is thriving. Deposition of a TAP witness is scheduled for Wednesday, Aug. 3, in Houston.

TAP initially filed the lawsuit Mar. 10, 2010, against Bryan Shaw, Buddy Garcia, Carlos Rubinstein (commissioners), and Mark Vickery (executive director) and Al Segovia (South Texas watermaster) — all officials of the Texas Commission on Environmental Quality (TCEQ). TAP alleged that the defendants' failure to adequately manage the flow of freshwater into the San Antonio Bay ecosystem during the 2008-2009 winter resulted in a "taking" of whooping cranes, an endangered species, in violation of Section 9 of the Endangered Species Act. The Guadalupe-Blanco River Authority (GBRA) filed a motion to intervene as a defendant on April 21, 2010. The motion was granted by U.S. District Court Judge Janis Graham Jack.

On Monday, Aug. 1, GBRA submitted reports from experts from all over the country establishing that there were not 23 whooping crane mortalities in the winter of 2008-09 as a result of water rights management in Texas, as alleged in the pending litigation. Rebuttal reports are due to the Court from all parties on Monday, Aug. 22, 2011.

Among the expert reports submitted was that of Dr. Richard Stroud, a veterinary pathologist of more than 40 years' experience who retired in 2009 after 19 years as the Veterinary Medical Examiner at the U.S. Fish and Wildlife Service's National Wildlife Forensic Laboratory in Oregon. He performed the first two known necropsies (medical examination of animal carcasses to determine cause of death) of whooping cranes at the National Lab. Stroud concluded in his findings for the TAP case:

The analysis of the available physical evidence from 2008-09 — which is two intact whooping crane carcasses and fragments of two additional carcasses — does not support TAP's contention that the death or injury of any whooping crane in 2008-09 were caused by lack of adequate food or water.

Whooping cranes have well-developed salt glands located above their eyes which rid their bodies of excess salt, making them capable of surviving in a salt marsh environment like many other marine adapted species.

The most likely cause of death from the evidence is disease or predation or both. (A partial carcass was reported seen in the mouth of an alligator.) Trauma (shootings and collisions with structures like power wires), weather-related injuries, and exposure to toxins, infectious, bacterial, fungal, and viral disease, including from supplemental feeders providing corn, all are documented causes of crane deaths.

The cause of death of wildlife, including the whooping cranes, cannot be determined scientifically by merely observing animals or from aerial survey counts.

Additional evidence submitted and casting more doubt on TAP's allegations were the findings of Dr. Douglas Slack, a renowned avian ecologist who has studied cranes for more than 40 years and is the co-author of at least 70 journal and symposium articles in his field. He retired in May as Regents Professor, Department of Wildlife and Fisheries at Texas A&M University, and has had leadership roles in The Wildlife Society and Audubon Texas in his career. Slack's expert report revealed several key findings:

The whooping crane is an opportunist omnivore with a broad winter diet in the Aransas National Wildlife Refuge that includes a variety of foods like snails, insects, blue crabs, worms, clams, wolfberries, and acorns — adapting diet choices to the food available.

The high water content of cranes' foods may provide all the water cranes need to meet physiological needs, and it is not clear that cranes actually drink water at all.

None of the expected signs of a flock in poor body condition due to winter food or water shortages — such as delayed winter migration, increased mortalities in the non-winter months, reduced reproductive success — occurred in the months following the 2008-09 winter. To the contrary, the flock had an early spring departure, record low reported mortality in the months



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following the winter, and near-record nesting levels in 2009. The flock successfully migrated the approximately 2,500 miles to its summer location in Canada at the Wood-Buffalo National Park in Canada.

The flock has exhibited exponential growth over the last seven decades, from a low of 15 individuals in Texas in 1941 to record reported 283 this last winter of 2011. The population has grown more in the last decade than in any previous decade and is larger than any time in the past century. It clearly was not set back as claimed during the winter of 2008-09. Nineteen of the 23 reported mortalities of 2008-09 were simply undetected during aerial surveys due to frequent movements of the birds.

William "Bill" E. West, Jr., GBRA's general manager said that although it is still early in the litigation, the experts' reports are beginning to show the fallacy in the claims made by TAP, which he called a well-financed cover organization for select members of the D.M. O'Connor Family.

"Long before The Aransas Project came into existence, GBRA, on its own accord and through partnerships with organizations like the Guadalupe-Blanco River Trust and Ducks Unlimited, led efforts to protect and enhance the habitat of the whooping crane and a multitude of other waterfowl that depend on the San Antonio Bay and Estuary system," West said. "And, we're proud of our record."

In addition to the allegations made by TAP in the lawsuit, the organization proposed remedies that included federal intervention in the way Texas currently manages its water resources. "If successful in their claims, remedies sought by TAP could result in some drastic changes," West said, adding, "More than 100 years of precedent for how the rivers are managed could be completely unraveled, and the economic impact of those changes would be substantial to say the least."

An expert report also was submitted by Dr. David Sunding, the Thomas J. Graff Professor in the College of Natural Resources at the University of California at Berkeley, and co-director of the Berkeley Water Center. He also has served on the National Research Council and on the U.S. EPA's Science Advisory Board and has testified before the U.S. Congress and in litigation regarding the economics of natural resources and the environment. Dr. Sunding's findings indicate:

Instream flow requirements of the sort proposed by TAP would have significant negative economic impacts for the Guadalupe and San Antonio River basin.

The loss of water supply reliability resulting from the proposed instream flow requirements would cause more frequent water shortages and in the construction of expensive water supply projects that would not otherwise be needed.

Water shortages and extra water supply costs resulting from the proposed instream flow requirements would cost Texans an estimated \$6.7 billion between 2010 and 2060.

In the first three decades considered in the model (2010-2040), the largest losses occur in the electricity generating sector, and power generation would become less reliable as necessary supplies of cooling water also supplies become less reliable under TAP's proposed flow requirements.

The GBRA was established by the Texas Legislature in 1933 as a water conservation and reclamation district. GBRA provides stewardship for the water resources in its 10-county statutory district, which begins near the headwaters of the Guadalupe and Blanco rivers, ends at San Antonio Bay, and includes Kendall, Comal, Hays, Caldwell, Guadalupe, Gonzales, DeWitt, Victoria, Calhoun, and Refugio counties.