



THE UNISON CALL

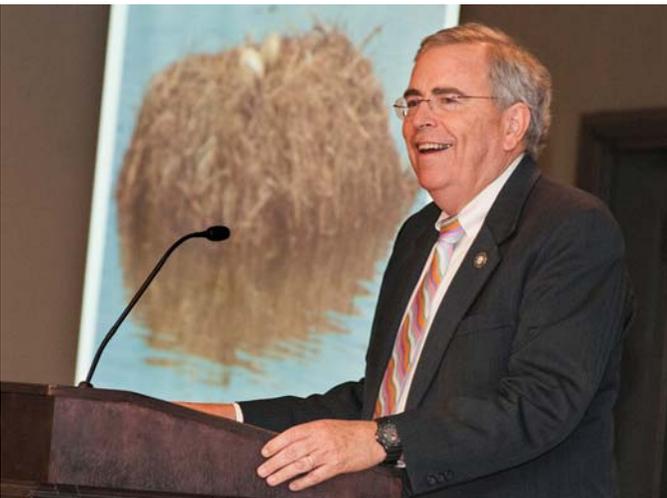
- Newsletter of the North American Crane Working Group -

Spring / Summer 2014

Vol. 25 No. 1

Editor's Note — August 2014

This is our first newsletter since the 13th North American Crane Workshop was held in Lafayette, Louisiana, April 14-17. The workshop was a resounding success, the southwest Louisiana landscape and bird-life spectacular, the locals warm and welcoming. President **Jane Austin** described the scientific program as perhaps the strongest at a workshop to date. And a pair of reintroduced young Whooping Cranes stole the headlines — they built a nest and laid and incubated eggs, the first produced in the state since 1939 (see **Sara Zimorski's** report, pages 6-8). A special thanks to **Sammy King** and his many colleagues for hosting this wonderful event.



Secretary of Wildlife and Fisheries Robert Barham at the workshop plenary (April 15) announcing news of a nest and eggs produced in Louisiana by a reintroduced Whooping Crane pair. Photo by Karen Doerr Latuso.



Gary Krapu received the L.H. Walkinshaw Crane Conservation Award on April 17, 2014 in Lafayette, LA in recognition of his career-long work in support of the mid-continental population of Sandhill Cranes.

Among its many purposes, the workshop is where we formally recognize and celebrate the achievements of individuals who have dedicated themselves to saving cranes and crane habitat.

Gary Krapu was presented the L. H. Walkinshaw Crane Conservation Award by **Jane Austin** on behalf of NACWG in recognition of his many years of work and advocacy in support of Sandhill Cranes. *The award recognizes Dr. Krapu's long-term commitment to better*

understand the needs of Sandhill Cranes in the Platte River ecosystem, for having initiated a comprehensive, long-term research program to guide conservation and management of the mid-continental population of Sandhill Cranes, and for collaborative research efforts with crane biologists from other nations to help guide crane conservation internationally. [USGS press release]

George Archibald and **Tom Stehn** were honored by the Whooping Crane Conservation Association, each receiving the Jerome J. Pratt Crane Conservation Award, the WCCA's highest honor, from WCCA Trustee **Walter Sturgeon**. The award is a lifetime achievement award given to an individual or organization who, through exceptional achievement and dedicated service, has contributed significantly to the conservation and/or collective knowledge of the Whooping Crane. [WCCA newsletter, vol. 53, no. 1, May 2014]

The acceptance speeches delivered with such passion by Gary, George and Tom encourage us all to continue their important work.

Eight board members were elected by voice vote at our general business meeting on the final day of the workshop. The first meeting of the new board was held May 16 (by conference call). **Felipe Chavez-Ramirez** agreed to serve as president; **Richard Urbanek** will continue as vice president; **Barry Hartup** is the new treasurer; **Daryl Henderson** is secretary; **David Aborn**, **Sammy King**, **Tommy Michot**, and **Glenn Olsen** are non-executive members of the board. Having stepped down as president after two full terms, **Jane Austin** will continue to represent NACWG in its role as a member of the Ornithological Council. We thank Jane for her strong leadership as president since 2008.

There was much lively discussion at the general meeting about what form the *Proceedings of the 13th North American Crane Workshop* (and those of future workshops) should take. The current book format is not only costly to typeset and print, but also involves expenditure of considerable effort in prodding authors and reviewers and in generating and proofreading the printer-ready copy, with most of the heavy pre-press workload falling on two or three volunteer editors, most recently **David Aborn**, **Barry Hartup** and **Richard**



Jane Austin, outgoing NACWG president, thanking Gary Ivey for his presentation on Pacific Flyway Lesser Sandhill Cranes on day 3 of the workshop. Photo by Karen Doerr Latuso.

Urbanek. Still, there seems to be good support among the membership for keeping the print format — and it does serve an important ancillary function in promoting NACWG identity — but another option is to publish the *Proceedings* as a special issue of an existing avian journal, for example *Waterbirds*, the journal of The Waterbird Society. Responding to concerns about lengthy publication delays, Richard Urbanek noted that the composing and printing is not the bottleneck, but rather it is the failure to receive timely author submissions and comments from peer-reviewers.

Richard recently polled persons who presented at the 13th Workshop on their intentions to submit a paper to the *Proceedings*. The results are as follows:

- Number responding = 31
- No response = 4
- No paper planned for submission = 18
- Planned submissions (may include multiple papers from the same author and new papers not presented at the workshop): full papers = 12; brief communications = 5

As Richard indicated, the potential 13th *Proceedings*, although small, would be larger than the 12th (7 full papers and 5 brief communications). A priority for the board at its next meeting will be a decision on how to proceed with the *Proceedings*.

Daryl Henderson

A Note About Membership Dues

Attendees of the Louisiana workshop are “captured” as NACWG members until the next workshop, which is scheduled for Chattanooga, Tennessee in January 2017. **NACWG members who did not attend the workshop should from now on send their annual dues to our new treasurer, Dr. Barry Hartup, International Crane Foundation, PO Box 447, Baraboo, WI 53913.** Checks should be made payable to ‘NACWG’; NACWG and ICF remain as separate organizations.

Student Awards at the 13th Workshop

Nicole Davis of Texas State University–San Marcos received the Best Student Presentation Award for her talk, *Movement Strategies of Subadult Individuals on Winter Habitat Influence Winter Range Expansion of a Migratory Bird*, a study of Whooping Crane movement behavior in relationship to site-fidelity and habitat quality on the Texas coast. The paper was co-authored by **Dr. Liz Smith** of the International Crane Foundation.

Student Travel Awards were given to **Inga Bysykatova** (Russia), **Brian Gerber** (Colorado), and **Hillary Thompson** (Wisconsin) in aid of their attendance at the 13th Workshop.

We congratulate the award recipients and thank all the student presenters for their participation. The quality of the presentations was very high.

Friends:

I am just responding to Daryl's invitation and wanted to say hello to so many of you in crane research and conservation. I've done some extensive travel in Colorado and Wyoming recently and find it heartening to see sandhill cranes, even in small habitat zones where they were so long absent. Those river corridors, so long important to me, are brought so much closer to their pristine state by the unison calls of the crane. Though it be a mile distant, it warms my heart to know they have returned.

Best wishes, David H. Ellis

The Unison Call is a forum to share updates, news and opinions. It is published twice yearly (spring/summer and fall/winter) by the **North American Crane Working Group**, a 501(c)(3) non-profit organization. Both print and electronic (PDF) versions are produced; PDFs of past issues of the newsletter can be downloaded free of charge from our website (www.nacwg.org). The views expressed in *The Unison Call* are those of the individual authors and do not necessarily represent the positions of NACWG. Comments and contributions are always welcome.

Daryl Henderson, Editor
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Regional Reports

Update on Eastern Migratory Whooping Crane Reintroduction



Wild-hatched chick W3-14 with parents 12-02 and 19-04. W3-14 was confirmed to have fledged on 12 August and joins two older surviving wild-hatched cranes currently in the population. Photo by Eva Szyszkoski/ICF

Winter 2013/2014 and Spring 2014 — Late wintering distribution, including 8 ultralight-led (UL) juveniles at a winter release site, was Florida (16), Kentucky (7), Tennessee (18), Indiana (18), Alabama (27), Georgia (2), and state undetermined (12; 3 of the latter had not been reported since the previous winter or spring). Winter mortalities included both members of a breeding pair in Kentucky, 1 adult female in Indiana, and 1 wild-hatched juvenile female and 3 direct autumn release juveniles (2 male, 1 female) in Illinois. An additional adult male disappeared on his wintering grounds in Illinois/Indiana and is considered dead. Spring mortalities consisted of 2 adult nesting females in Wisconsin and 2 UL juveniles (1 male, 1 female) in Kentucky.

Reproduction — Twenty-five pairs (18 on the Necedah National Wildlife Refuge, 4 on State Wildlife Areas, 2 on private cranberry reservoirs in Wood and Adams Counties and 1 on private land in Juneau County) produced 28 nests with eggs. Several other pairs were observed with nest platforms. Fifteen nests failed due to various reasons, including 2 to flooding and 2 due to the death of the females; 4 nests had eggs removed as part of a new three-year experiment on the Necedah NWR, and 1 nest went past full term with no evidence of a chick. A total of 13 chicks hatched from 8 nests. One chick still survives as of 14 August.

While small numbers of blackflies were detected on the landscape early, they were not observed in mass numbers until late in the nesting season, coinciding with late first nests and renests.

Male no. 16-11 apparently paired and nested with a sandhill crane female at the Horicon National Wildlife Refuge. He was observed sitting on a nest on 16 May and during subsequent observations. A sandhill crane was also observed sitting on the same nest. Failure of the nest was confirmed during a visit on 3 June, when only egg fragments were found. There was no evidence of a chick.

Current Population Size — As of 14 August 2014, the Eastern Migratory Population consisted of an estimated 96 birds (55 males, 40 females and 1 unknown) including 93 whooping cranes in Wisconsin, 1 in Illinois, 1 not recently reported, and 1 long term missing. This total includes one surviving wild-hatched chick.

**Eva Szyszkoski, WCEP Tracking Field Manager
International Crane Foundation
Baraboo, WI**

Update of the Florida Non-migratory Whooping Crane Flock

Although we have stopped regular monitoring of the Florida non-migratory flock, we discovered two nests this spring and both were successful. One chick survived to around three weeks old and the other recently fledged. Plans are in the works to band and tag this individual. In June our oldest wild-hatched chick passed a milestone of having survived on the Florida landscape for 10 years and still counting.

**Tim Dellinger
Avian Research
Florida Fish and Wildlife Conservation Commission**

Regional Reports *continued*

Louisiana Whooping Cranes – August 2014

2010 Cohort

As previously reported (*The Unison Call*, Vol. 24, No. 2), the sole survivor of this cohort, L3-10, had successfully undergone surgery to try and repair his wing which was broken when he and his mate were shot on 6 February. Though he was initially doing well following the surgery his condition began to deteriorate on 18 February and he was euthanized the following day. A \$20,000 reward was raised and offered for information leading to the arrest and conviction of the person or persons responsible for this crime but unfortunately the case remains open and unsolved.

2011 Cohort

With members of this cohort reaching breeding age and several pairs beginning to form we monitored them closely for signs of nesting this spring but didn't expect much since the birds were still young and the pairs were new. We were therefore pleasantly surprised when newly formed pair, L7 and 8-11, built a nest in a crawfish field and even more surprised when the farmer informed us they built a second nest and it contained an egg. The pair went on to lay a second egg and successfully incubate the nest full term but the eggs did not hatch and were later collected and determined to have been infertile. Even more surprising was the call we got from the farmer when the pair renested just two and a half weeks after we collected their first clutch of eggs. Once again the pair incubated full term but the eggs did not hatch and were again determined to have been infertile, which though disappointing, isn't surprising given the young age of the birds. These eggs were the first produced in the wild in Louisiana since 1939 and the first from the reintroduced birds.



We did not observe or document any nesting activity this spring from the other two pairs, but hope and expect to see some next year with a possibility of three to four pairs of four year-old birds and potentially two pairs of three year-olds.

Two members of this cohort who did not molt last year were documented molting this year, but unfortunately one of them was killed while his new feathers were growing in and he was unable to fly. Interestingly, a pair of birds from this cohort was not documented molting last year or this year which means they should molt next year as four year-olds.

2012 Cohort

This cohort remains quite interesting! As previously reported, last year seven of them, in two separate groups, spent about six months in areas around Dallas, TX before returning to LA in the fall. The birds settled in great locations over the winter and early spring and I was beginning to think they would remain in LA, but that did not prove to be the case. In early May, L5-12 left the White Lake (WL) marsh and returned to the same location north of Dallas where she spent last summer and fall. About a week after L5-12 headed back to Dallas, two other birds headed that way and ultimately settled on private property on the southeast side of Dallas, about eight miles northeast of where they spent last summer. And finally, at the end of May a fourth bird returned to the same private ranch where she had been last year. The final two birds did not return to TX this year, remaining instead at the WL marsh all spring. Though we don't really understand why the birds returned to TX again, having been through this before, we're all a little more confident that the birds will return to LA again this fall.

For the members of this cohort that remained in LA we documented two of them molting with both initially surviving. Unfortunately, several weeks after finishing his molt, L13-12 was found dead under a powerline, likely having collided with it and broken his neck. The other bird that molted had been part of a trio of females that had been together since dispersing away from the release pen in January 2013. Interestingly, the other two birds remained fully flighted and while L12-12 was unable to fly they left and moved to new areas.

2013 Cohort

After having been released in early January, this cohort was provided with food (intermittently during the last month) at the release pen until late March to accommodate one of the juveniles who needed time to recover from an eye injury discovered in late February. Water levels and habitat conditions in the WL marsh were excellent this spring and all birds remained in the marsh after food at the pen was discontinued. Interestingly, a number of older birds returned to and remained in the marsh all spring but for the most part did not appear to interact with the yearling birds. One bird, L2-13 was found dead, likely predated by coyotes, in early April and a second bird's (L5-13) transmitter stopped working in mid-June, though he was seen during an aerial survey on 27 June, but has not been detected since then. He remains counted in the population

Regional Reports *continued*

total for now, though he is missing and his current status is unknown. The remaining birds from this cohort began to split up into smaller groups and a group of three males left the marsh and moved north into an agriculture area in early June. The rest of the birds remained until late July when a lone female left and then two males left in mid-August currently leaving just two females in the WL marsh.

We will once again receive a cohort of juveniles to release later this year. The chicks are currently being reared and socialized into a group at Patuxent. This year's cohort will include birds hatched at Patuxent as well as some recently transferred there from the International Crane Foundation, after the number of birds for their DAR program dropped too low to form a suitable release cohort.

As of 15 August 2014, there are 28 whooping cranes (12 males, 16 females) in Louisiana (and Texas) though one of the yearling males (still included in population total) is currently missing and his status is not known for certain.

Sara Zimorski

Louisiana Department of Wildlife and Fisheries



Tallest goes first. Louisiana female 14-11 heads up a line of birds that includes Great and Snowy Egrets. What a wonderful photo that demonstrates the size differences among the various species. Photo by Dan Womack of Lafayette, LA. Reproduced from the LDWF newsletter *Friends of the Louisiana Whooping Cranes* (vol. 3, no. 3, July 2014). With thanks to Carrie Salyers and Bob Love.

Help Restore a Louisiana Treasure

Protect Whooping Cranes



Report Wildlife Violations to
1-800-442-2511



Louisiana Whooping Crane Public Awareness Efforts Having an Impact

The most visible whooping crane public awareness message can be seen daily by thousands of drivers and passengers traversing major Louisiana thoroughfares such as I-10, I-12, I-20, I-49 and US Hwy 90. Funded by a grant from Chevron and expanded by the generous support of Lamar Advertising, the “Protect Whooping Cranes” message is visible on billboards in Alexandria, Hammond, Houma, Lake Charles, Lafayette and Shreveport.

The signs range in size from 12 x 48 feet to 10 x 36 feet, and most are illuminated for nighttime visibility. Nine new vinyls were installed in July in the six markets mentioned above.

A recently completed hunter survey, conducted by LDWF’s Wildlife Division, indicates hunters are getting the message.

This news is very encouraging and underscores the value of getting the “Protect Whooping Cranes” message out to the public. We will continue to work with our corporate sponsors to spread this message and further enhance whooping crane survival rates, relative to human interaction, in the years ahead.

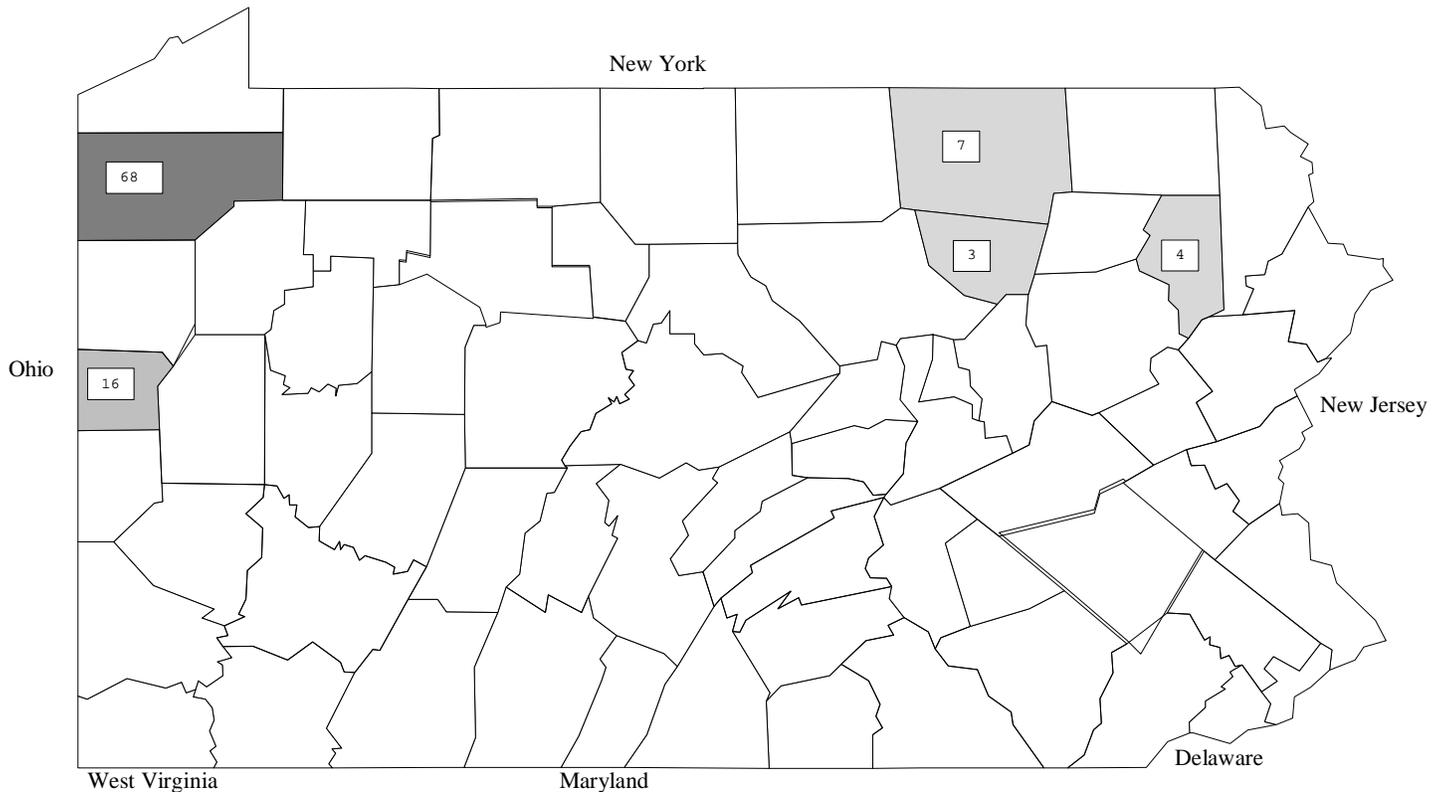
Excerpts from an article in the LDWF newsletter Friends of the Louisiana Whooping Cranes (vol. 3, no. 3, July 2014). Thank you to Carrie Salyers and Bob Love for permission to reproduce material here.

First Coordinated Sandhill Crane Fall Staging Survey Conducted in Pennsylvania

The Eastern Population of sandhill cranes has undergone rapid expansion into Pennsylvania in recent decades. Sporadic sightings began in the late 1980s in the northwest corner of the state. The earliest breeding record occurred in 1993 when a Lawrence county pair disappeared from view in March and re-appeared in August accompanied by a juvenile. The crane expansion into Pennsylvania is an exciting story that is still unfolding: The first photograph of a nest was not even accomplished until 2009. Since that time, cranes have been spotted in more than thirty counties.

In 2013, the USFWS requested PA participation in the EP Fall Crane Survey for the first time. Between October 27 and November 2 2013 twenty-seven observers (PGC personnel and citizen observers) spent 66.75 hours surveying known staging areas, locations with recent crane sightings, and areas of suitable crane habitat. Survey effort occurred in 22 counties, and cranes were observed in 5 counties (Bradford, Sullivan,

Regional Reports *continued*



EP Crane Fall Survey observations by county, October 27 through Nov 2, 2013, Pennsylvania. Crawford County (dark gray) accounted for 68 of 98 cranes observed during the period.

Lawrence, Crawford, and Lackawanna). A total of 98 cranes were sighted: 79 adults; 11 juveniles; 8 of unknown age. This was two to three times the number of birds we expected to find.

Observations of known age birds reflect an age ratio of 0.14 juveniles per adult. Total survey effort (including surveys with 0 cranes as well as replicate observations) resulted in an overall observation rate of 1.92 cranes per hour. While 98 cranes are not many compared with the more than 64,000 birds observed in the EP Fall Survey, the PA effort provided important baseline information that the Game Commission will use to track changes in staging populations over time. The Game Commission appreciates the effort of everyone who assisted in this effort.

Lisa Williams
PA Game Commission, Game Bird Section

Yampa Valley Crane Festival

Steamboat Springs & Hayden, Colorado, September 12-15

Cranes, cranes, cranes! There are cranes in Africa — how I'd love to see them in their native habitat! And there are cranes in Japan and Mongolia as well. I've read about the Common Cranes that live all across Europe and the ones that live in Australia.

Finally, I recognized reality: it was unlikely that I'd ever get to those places to see those birds. And so several years ago I made a trip to the International Crane Foundation in Wisconsin where I could meet all of the world's crane species. Memories that I'll cherish for the rest of my life!

There was the pair of African Crowned Cranes with their incredible crests of golden feathers and the plain plumaged Blue Crane whose defense is to puff its cheeks to mimic a cobra.

Karen (my dear friend and traveling companion) and I stood beside the chain-link fence to be scolded by the five-foot tall Wattled Crane from Africa. We saw the gorgeous Japanese or Red-crowned Crane (the most iconic of all the cranes). We saw the Brolga or Australian Crane, the all-white Siberian, and the White-naped and the Black-necked Cranes that live on the Tibetan Plateau. We saw the six-foot tall Sarus Crane.

Now I'm anxious to hear the keynote speaker at the Yampa Valley Crane Festival, Dr. Richard Beilfuss. He is the President and CEO of the International Crane Foundation, an organization dedicated to saving cranes worldwide! Once again, I think how fortunate we are here in western Colorado to have such a distinguished crane expert in our midst.

Dr. Beilfuss has been associated with ICF since 1988 when he was doing his graduate research on important crane sites in Vietnam and Mozambique. He developed and directed the ICF Africa Program with the goal of restoring the Zambezi river basin. From 2005 to 2009 he and his family lived in Mozambique where he served as director of scientific services for Gorongosa National Park. He and his family now live in Madison, Wisconsin.

He is a leader in the emerging studies of environmental flows focusing on managing water flows to sustain rivers, wetlands and all the life therein — including humans. He's the senior advisor to the World Wildlife Fund, and is affiliated with the Natural Heritage Institute. His keynote presentation is scheduled for Saturday, September 13 at 3 p.m. in Library Hall. Rich will also be a panelist in the roundtable discussion focusing on crane habitat and water usage at noon on Monday, September 15 in Library Hall.

And there's more, much more at the festival. Ted Floyd is the editor of *Birding*, the publication of the American Birding Association, and author of the recently published *ABA Field Guide to Birds of Colorado*. He has birded throughout the United States and is currently living in Colorado. We're fortunate to have him at our festival as an instructor, birding guide, and speaker.

On Sunday, September 14, "everything you ever wanted to know about Rocky Mountain Greater Sandhill Cranes" will be the subject of Van Graham's presentation. Graham is a wildlife biologist and environmental consultant. And there will be film screenings (*Raising Kid Colt* and *Cranes of the Rockies*), workshops, tours (including a pontoon boat at Stagecoach State Park), crane viewing, a gondola ride to the top of Thunderhead to see its flowers and birds, and a community barbecue at the Carpenter Ranch.

On our continent we have Sandhill Cranes (with six subspecies). We also have the tallest bird in North America: the Whooping Crane. It is the world's most endangered crane species and a major concern for the International Crane Foundation. Through their cooperation and that of many agencies and organizations, whooper fledglings are being led on their initial migration by ultralight planes (called "trikes"). On my trip to ICF, I was fortunate to visit the small community of Necedah, Wisconsin near the Necedah National Wildlife

Refuge, which was, at that time, the launching area for the whooper fledglings.

At 1:45 on Monday, September 15, I will share a video from Operation Migration depicting a trike-led migration of whooper fledglings. Nearly a decade ago, the idea of leading wild birds with a small plane was too crazy to even be considered! Currently there are about 100 whoopers in the Eastern Population. Obviously, I'm thrilled with this progress and I'll be most happy to share these grand adventures at the Yampa Valley Crane Festival.

For the complete festival schedule, please visit www.coloradocranes.org

Evelyn Horn
Eckert, CO

*The following are excerpts from the article **Sandhill Cranes Face Shut-off as Colorado Weighs Who Gets Scarce Water**, by Bruce Findley of the Denver Post, published online at DenverPost.com, 8 March 2014.*

Colorado's effort to replenish its aquifers by cracking down on pumping groundwater threatens to leave the thousands of sandhill cranes that arrive here each February without the water they need.

"This certainly has the potential for changing the dynamics of what we have witnessed for the last 50 years," said Michael Blenden, federal manager of the San Luis Valley complex of three national wildlife refuges and the Sangre de Cristo Conservation Area.

The cranes will be fine this year, but [state] rules are kicking in that would prevent federal wildlife managers from pumping the 2.67 billion gallons they typically draw to create artificial wetlands for migratory birds.

"Drying up cranes, I don't think that's a realistic outcome," Blenden said. "We certainly don't want to go there. Our responsibility is the perpetuation of the migratory bird resource."

[State officials] say the groundwater pumping must cease unless federal officials obtain rights to surface water and leave it in rivers to offset their tapping of aquifers.

"We don't want to put the state in a position of having some kind of confrontation with us. We are contributing to the groundwater problems, just as the agricultural community is," Blenden said.

"We're relying more and more on habitats that we know are artificially created and maintained. We cannot just turn our backs, because things get a little rough, and let the cranes figure it out."

The entire article can be found at http://www.denverpost.com/News/Local/ci_25300441/Sandhill-cranes-face-shutoff-as-Colorado

New Rowe Sanctuary Property

Audubon has expanded its protection of one of the most important habitat complexes for migrating sandhill and whooping cranes through the purchase of approximately 590 acres on the Platte River. Situated in the center of Rowe Sanctuary, the new property will bring the total acres protected at Rowe to just over 2,800 acres. Audubon plans to restore wetlands on the property and increase grassland diversity through prescribed grazing, burning, and other management techniques.

Director Bill Taddicken states, “The central location of this property near the middle of a critical habitat complex makes it a key component of Platte River conservation needs. Now, four and a half miles of contiguous habitat on both sides of the river will be protected.”

The entire article can be found at <http://rowe.audubon.org/new-rowe-sanctuary-property-0>

Dredging Project Will Separate San Jose and Matagorda Barrier Islands on Texas Coast

Reopening of Waterway Expected to Benefit Aransas Whooping Cranes

Tom Stehn writes:

I’ve always been a proponent of dredging Cedar Bayou to help bay productivity and thus produce more blue crabs for the cranes to eat at Aransas. Blue crabs will use Cedar Bayou to move from the bays to the Gulf of Mexico to spawn, and the larvae to move back into the bays and marshes.

In the article's photo, Cedar Bayou is the large channel in the center foreground, and the existing blocked cut into the crane marshes on San Jose through Vinson Slough is the narrow short channel between two areas of sand in the center background. These both were open a majority of the time I was at Aransas, but the Cedar Bayou portion had to be dredged once during my tenure. The biggest "negative" that many opponents talk about is that the channel will silt back in and close on its own eventually.



Recent aerial photo of Cedar Bayou prior to the dredging operation. Photo by Coastal Conservation Association Texas. From the article ‘Cedar Bayou Finally Set to Reopen’ by David Sikes, *Corpus Christi Caller Times*.

The following are excerpts from two articles by David Sikes of the *Corpus Christi Caller Times*: ‘Cedar Bayou Finally Set to Reopen’ (March 6, 2014) and ‘Latest Cedar Bayou Dredging Underway’ (June 4, 2014). — Editor

The project involves the creation of two cuts from Mesquite Bay, at least 6 feet deep and 100 feet wide. These would merge into a single channel and continue to the Gulf of Mexico at a southeast angle. This opened pass would create the only Gulf access between Pass Cavallo at Port O’Connor and Aransas Pass at Port Aransas, about a 70-mile stretch.

This merging of Cedar Bayou and Vinson Slough is based on historic evidence that shows the connection. Project engineers believe that together these two channels should produce enough flow through Cedar Bayou to keep it scoured without much maintenance dredging, which should reduce cost.

When complete, the total length of Cedar Bayou will be 8500 feet. Vinson Slough will measure 7700 feet. As of early June, the contractor had completed 1800 feet of Cedar Bayou and 600 feet of Vinson Slough.

Cedar Bayou is solely a fish pass...it will not be open for boats to navigate.

Biologists say the Bay-Gulf connection also will benefit birds, flounder and other recreational fishes, shrimp, crabs and all manner of marine life that require Gulf access for spawning. Proponents hope and scientific research suggests the result is a healthier estuary that will boost the engine of a coastal economy that relies on nature tourism and fishing.

The estimated cost of the project is \$9.7 million.

Powderhorn Ranch Becomes Largest Conservation Land Purchase in Texas History

HOUSTON (Aug. 21, 2014) — A multi-partner coalition including the Texas Parks and Wildlife (TPW) Foundation today announced the purchase of the 17,351-acre Powderhorn Ranch along the Texas coast in Calhoun County. The acquisition will conserve a spectacular piece of property that is one of the largest remaining tracts of unspoiled coastal prairie in the state. At \$37.7 million, it is the largest dollar amount ever raised for a conservation land purchase in the state and represents a new partnership model of achieving conservation goals in an era of rapidly rising land prices. In years to come, Powderhorn Ranch is expected to become a state park and wildlife management area.

Other partners include The Conservation Fund, The Nature Conservancy, the Texas Parks and Wildlife Department (TPWD), and the National Fish and Wildlife Foundation (NFWF).

A significant portion of the funding for the project is being provided by NFWF's Gulf Environmental Benefit Fund, which was created with dollars paid by BP and Transocean in the wake of the Deepwater Horizon oil spill. NFWF has committed \$34.5 million over the next three years, making this the biggest land acquisition in the nation so far using BP spill restoration dollars.

The TPW Foundation has raised \$43 million toward the \$50 million project so far, including the NFWF commitment. The \$50 million total includes funds for purchase of the property, habitat restoration and management, and establishment of a long-term endowment. Earlier this month, the Knobloch Family Foundation made a generous \$2 million contribution to support the acquisition.

The acquisition will protect in perpetuity unspoiled coastal land with forests of coastal live oak and intact wetlands.

The property also includes thousands of acres of freshwater wetlands and salt marshes that offer vital fish and wildlife habitat, provide natural filtering to improve water quality, and shield people and property from storm surges and sea level rise.

The ranch includes more than 11 miles of tidal bay front on Matagorda Bay and provides habitat for hundreds of species of birds and animals, including the endangered **Whooping Crane**. The Nature Conservancy will

hold a permanent conservation easement on the property and will provide habitat management for the first two years through a contract with the TPW Foundation.

Abridged and edited TPWD news release; see <http://tpwd.texas.gov/powderhornnews>

TAP v. Shaw: Water Management and Whooping Cranes on the Texas Coast

Our last article about this drama appeared two and a half years ago (vol. 22, no. 2, published February 2012). Below is a recap of significant events, culminating in the June 30th decision of the U.S. Court of Appeals for the Fifth Circuit and the response by The Aransas Project on July 28. Following that are three Op-Ed articles about the recent court decision, including ones by NACWG members Liz Smith and Tom Stehn. Thanks to Tom for submitting articles about the case.

- ◆ March 2010 – The Aransas Project (TAP) filed a lawsuit (commonly referred to as ‘TAP v. Shaw’) against several officials of the Texas Commission on Environmental Quality (TCEQ) for illegal harm and harassment of Whooping Cranes at and adjacent to Aransas National Wildlife Refuge in violation of the Endangered Species Act (ESA). [TAP members include Aransas County, Aransas County Navigation District, Town of Fulton, City of Rockport, International Crane Foundation, the Coastal Bend Guides Association, and others.]
- ◆ December 2011 – The case went to trial before the United States District Court for the Southern District of Texas, Corpus Christi.
- ◆ March 11, 2013 – U.S. District Judge Janis Graham Jack agreed with claims by TAP that TCEQ officials mismanaged water use on the Guadalupe River by not allowing sufficient freshwater flow into San Antonio Bay, which is critical to support healthy populations of blue crabs and wolfberries, sustenance for wintering Whooping Cranes. Her ruling prohibited TCEQ from issuing new water permits on the Guadalupe and San Antonio rivers and ordered the state to develop a plan to ensure freshwater flow into the Bay.
- ◆ March 15, 2013 – Texas Attorney General Greg Abbott and the Guadalupe-Blanco River Authority (GBRA; intervening as a defendant) moved that the federal district court stay its order. The motions were denied.
- ◆ March 26, 2013 – The U.S. Court of Appeals for the Fifth Circuit granted a stay on Judge Jack’s ruling after Abbott and the GBRA appealed on an emergency basis, and also ordered an expedited appeal.
- ◆ June 30, 2014 – A three-judge panel of the Fifth Circuit reversed the judgment of Judge Janis Graham Jack in TAP v. Shaw.
- ◆ July 28, 2014 – TAP asked the Fifth Circuit for a review of the decision, with all of the Fifth Circuit judges participating.

Texas water plans must consider endangered species

By Melinda Taylor and Jeremy Brown

SAN ANTONIO (July 7, 2014) — The 5th Circuit Court of Appeals ruled recently that Texas did not violate the Endangered Species Act, or ESA, through the operation of its surface water permitting program. The long-awaited opinion reverses a Corpus Christi district court decision holding that the Texas Commission on Environmental Quality caused the deaths of 23 endangered whooping cranes during the drought of 2008 and 2009.

The lower court had found the agency harmed the cranes indirectly by authorizing cities, farmers and river authorities to divert water from the San Antonio and Guadalupe river basins. The diversions reduced freshwater inflows into Aransas Bay, where the cranes spend their winters, increasing salinity levels and decreasing

the wolf berries and blue crabs the birds depend on for food.

A coalition of landowners and environmental groups known as the Aransas Project accused the state of violating the ESA. The trial court agreed and enjoined the TCEQ from approving additional water withdrawals until it obtained a permit from the federal agency charged with protecting endangered species.

Had the appellate court affirmed, TCEQ would have faced the challenge of maintaining flows into Aransas Bay while respecting existing rights to surface water and working within a statutory framework that regards environmental flows as a secondary priority. With the 5th Circuit opinion, the agency has dodged a bullet — but only on the narrow issue of proximate cause.

As anyone who has ever heard about a butterfly flapping its wings knows, many factors can set a causal sequence into motion. Proximate cause is a legal concept providing that a person should only be held liable for that sequence if the outcome would have been reasonably foreseeable.

The 5th Circuit found the causal link between the TCEQ's water permitting program and the cranes' deaths too attenuated to satisfy the proximate cause requirement. The court cited multiple factors that affect crane habitat, including tides, drought and overfishing. Still, it did not reach the question of whether the state could ever be held liable for licensing third parties who cause harm to an endangered species.

If another state agency such as the Texas Department of Transportation wanted to construct a highway that would destroy habitat for a listed species, that agency would have to obtain a federal permit. On that point, the law is settled. More controversial is the idea that the ESA imposes vicarious liability on state agencies that issue permits to third parties that, in turn, harm a protected species.

The few courts that have considered the question have found that certain situations can give rise to vicarious liability.

The federal government is considering whether more than 20 aquatic species in Texas qualify for protection under the ESA. Most of these species live in bodies of water far from proposed projects.

The sharpnose and smallmouth shiners are exceptions, however. They occur in the upper Brazos River basin and, according to the U.S. Fish and Wildlife Service, the “primary” threat the species face is habitat loss and modification “resulting mainly from reservoir impoundments.” The shiners were proposed for listing last summer, with a final decision slated for this month. If an environmental group wished to challenge one of the proposed reservoirs under the ESA, proving proximate cause would not be difficult.

In its opinion, the 5th Circuit observed that “though the state interest is strong in terms of managing water use, so is the federal interest” in endangered species. Even though it won the case, the TCEQ will need to develop strategies that balance the needs of humans and the natural environment if it is to avoid future conflicts with the ESA and the rare species the law is intended to protect.

Melinda Taylor is executive director and Jeremy Brown is a research fellow at the Center for Global Energy, International Arbitration and Environmental Law at the University of Texas School of Law.

<http://www.mysanantonio.com/opinion/commentary/article/Texas-must-manage-water-with-Endangered-Species-5604921.php>

We should be saving coastal treasure

By Elizabeth H. Smith

VICTORIA, Texas (July 27, 2014) — The recent ruling by the Fifth Circuit Court of Appeals does not hold the state of Texas responsible for the fate of whooping cranes in the San Antonio Bay system. The court ruled the state could not have foreseen that by not releasing sufficient freshwater to the bays, whooping cranes would be negatively impacted and die. But if the state of Texas was not aware that severely reducing the amount of freshwater to the bays would harm whooping cranes and degrade the estuary system, it should be aware of it now. As Texans, we should insist the state take that responsibility seriously moving forward.

The future of our bays and estuaries hinges on responsible water management that values life and all water users throughout the river basin. The whooping crane is a flagship for how we manage our waters. Whooping cranes number only about 300 on its wintering grounds in Texas, and after 70 years of recovery from very near extinction, their future remains completely dependent on the future of our coasts.

Historically, this species wintered along a broader stretch of the Gulf of Mexico, southeastern U.S. coast and interior of Mexico. Now, only one wild population breeds in a remote location in Canada and winters only in the coastal waters of the Guadalupe and San Antonio river basin. The health of our San Antonio Bay system is intricately tied to both the return of Gulf waters through Cedar Bayou and the predictability of freshwater inflows from the Guadalupe and San Antonio river basin. Further misappropriations of flows, which resulted in the death of 8.5 percent of the crane's population in 2008-09, could result in the extinction of this last remaining wild flock. This places a huge responsibility on maintaining that estuarine system not only for whooping cranes but also for the bounty of recreational fisheries, tourism and coastal enterprise it sustains. If the state does not take responsibility for the responsible management of Texas waters, who will? Do we honestly believe that individual permittees will "foresee" the impacts of withdrawing or diverting freshwater from the Guadalupe-San Antonio Basin on a case-by-case basis?

The International Crane Foundation is one of the many organizations seriously concerned about the mismanagement of freshwater flowing into our coastal systems. We continue to work with all interested partners to find alternatives and viable solutions in our world of finite water availability, especially during drought conditions. Our efforts will not save our bays and estuaries, however, unless the state of Texas recognizes that the ultimate leadership on water management must come from the state.

As a coastal scientist working with other professionals to deliver scientifically sound information to guide environmental decisions, I will continue to increase awareness that our system is at a tipping point. It is up to the citizens of Texas to ensure we don't lose this coastal treasure. Please let your representatives know that we need a change of attitude about water. Let's keep this initiative at the forefront of our efforts to save our beautiful Texas coast for future Texans.

Dr. Liz Smith is a native Texan and resides in Refugio County between the Aransas and Mission rivers and Copano Bay. She is the whooping crane conservation biologist for the International Crane Foundation, and also a member of the graduate faculty at Texas A&M University-Corpus Christi and Texas State University.

http://www.victoriaadvocate.com/news/2014/jul/27/vp_col_smith_072814_245156/?print

Whooper deaths are, indeed, foreseeable

By Tom Stehn

The recent Fifth Circuit Court of Appeals ruling that the State was not liable for the whooping crane deaths in the 2008-09 winter is a blow to whooping crane recovery, but also has wider impacts. The ruling potentially impacts the health of the Guadalupe River and the bays that rely on river inflows to be productive.

In my opinion, the court's reasoning was at least partially flawed. The court concluded that the death of the 23 whooping cranes (8.5% of the flock) in the 2008-09 winter was a rare convergence of unforeseeable, unique events, a perfect storm scenario, that is unlikely to imminently happen again. Data that I collected in my 29 years at the Aransas National Wildlife Refuge indicated that whooping crane die-offs have happened before. For example, 11 whooping cranes (7.5% of the flock) had died in the 1990-91 winter when marsh salinities had been extremely high. Back then, we didn't know enough to make the connection between river inflows, blue crabs, and whooping crane health. That connection was fully demonstrated in the recent court case, and the court ruling did not throw out that linkage. More recently, I believe crane mortality was also unusually high in the 2011-12 winter, but that data was not collected after my retirement due to a change in the aerial method of counting the cranes where only a portion of the flock is surveyed and mortality is not documented. Future crane die-offs related to drought and insufficient inflows are foreseeable and will continue to occur.

The need to provide sufficient river inflows to keep our bays productive is just one of the issues facing the whooping crane population. With the ongoing sea level rise forecast to reach more than 3 feet by the end of the century, all of the current whooping crane marshes will become too deep for the whooping cranes to use. Also, as the climate warms and we no longer get sustained hard freezes, black mangrove normally killed by cold weather is moving north and will likely become the dominant plant over the entire Texas coast, replacing plants such as Carolina wolfberry that whoopers feed upon heavily every fall. A species that loses its habitat is in for hard times. The picture is also alarming in the crane's migration corridor, where decreased rainfall amounts are expected to dry up stopover wetlands, and thousands of wind turbines and associated power lines are being built right next to whooping crane wetlands. And illegal shootings of Aransas whooping cranes is still occurring; note the two instances of radio-tagged birds found dead in the last few winters. Now is not the time for the Court to negate measures that would help the whooping crane.

For the whooping crane to survive, people need to remain vigilant and continue working to help the species. Yes, providing the needed inflows to keep our bays healthy and provide the crabs and wolfberries that the whooping cranes need to survive may very well mean people will have to become better water conservationists, but South Texans should be willing to support that choice. Just observe the stream of cars late Friday afternoons pouring into the Coastal Bend for a weekend of fishing and nature appreciation. If you want to see lots of birds and like to catch fish in San Antonio and Aransas Bays that both rely on river inflows, you should be disturbed by the court ruling.

As stated perfectly in the Caller-Times editorial of July 2nd, I totally agree that the state of Texas "needs to develop a management plan in the birds' best interest and enforce it". So far, Texas water managers and legislators have failed to provide minimum conservation flows essential for our priceless Texas rivers and bays. To comply with the Endangered Species Act, the Guadalupe-Blanco River Authority should voluntarily write a Habitat Conservation Plan for the whooping crane to provide the necessary inflows. If the GBRA had been willing to do this, litigation would not have been needed in the first place since that had been the main judgment The Aransas Project had asked for in the litigation. In summary, without a change of direction, how can we expect our bays and whooping cranes to remain healthy when new water rights continue to be granted from the Guadalupe River that many conservationists feel is already over-appropriated?

Thomas J. (Tom) Hess, Jr. 1950-2014



A native of Delaware, Tom Hess first encountered southwest Louisiana's marshes as a student at Rockefeller State Wildlife Refuge in Grand Chenier, Louisiana. Realizing he had found the place of his dreams, Tom, an avid waterfowl hunter and fisherman, vowed to return to the region. In 1972 he began work as a biologist assistant for the Louisiana Department of Wildlife and Fisheries (LDWF) at Rockefeller Refuge. He held a B.S. in Wildlife Management from Louisiana Technical University and later earned an M.S. in Wildlife Management from Louisiana State University.

Except for several years as general manager and wetland manager of Little Pecan Island hunting lodge, Tom spent his career as a biologist at Rockefeller Refuge, rising to the position of refuge manager, which he held until his death in March 2014. During his long career with LDWF, Tom worked with wetland management and endangered species. He contributed to the recovery of the state's Brown Pelicans and Bald Eagles and was an ardent supporter of the Louisiana Whooping Crane reintroduction. His enthusiasm for Louisiana's wetlands, waterfowl, and other wildlife was infectious; he worked well with landowners and other stakeholders and mentored many students and young staff members with his own inimitable blend of leadership, optimism, experience, and humor. Indicative of Tom's passion for the Louisiana Whooping Cranes is his request that memorial donations be made to the Louisiana Wildlife

and Fisheries Foundation, specifically to support the reintroduction project.

Photo courtesy of Gay Gomez (Feb. 16, 2011)

Scott M. Melvin 1953-2014



Scott Melvin passed away peacefully in the company of loving family on July 11, 2014. Scott was born in Bangor, Maine. He graduated from Bangor High School in 1971, then earned a B.S. degree in Wildlife Management at the

University of Maine in 1975. He went on to the University of Wisconsin where he did both his masters and doctoral research on the migration ecology of Sandhill Cranes. He returned to New England to work with two state agencies, the Maine Department of Inland Fisheries and Wildlife, where he was Assistant Leader of the Endangered and Nongame Wildlife Project, and the Massachusetts Division of Fisheries and Wildlife, where he worked for almost 30 years. As Senior Zoologist for MassWildlife's Natural Heritage and Endangered Species Program, Scott oversaw research and conservation efforts for a variety of species ranging from turtles to grassland birds, but he is best known for his leadership in the recovery of the Piping Plover. Through conservation partnerships forged under Scott's tenure, the Piping Plover has had a fourfold increase in numbers, with over 660 estimated nesting pairs in Massachusetts. While most of his time was spent as an agency biologist, he also enjoyed teaching over the years at UMaine, Harvard University, and the University of Massachusetts where he also was advisor to many graduate students. He enjoyed birding, hiking, camping, and paddling with his family. He is survived by his wife Alison Whitlock of Petersham, Massachusetts. Donations may be made in Scott's name to the International Crane Foundation.

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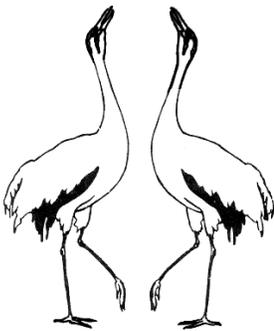
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