



October 2013 Volume 52, No. 2

\*\*\*\*\* News Highlights \*\*\*\*\*

**WCCA Continues to Partner in Conservation Efforts  
Whooping Crane Stamp Shared**

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See article inside about this attractive and historic stamp.

## Whooping Crane Conservation Association... Working to Conserve Whooping Cranes

The WCCA recently partnered with other conservation groups in *An Information Campaign Designed to Decrease Whooping Crane Mortality through Public Awareness*. WCCA contributed \$500 toward the creation and posting of signage. Read on below for the details of this project...

The endangered status of the whooping crane (*Grus americana*) has been attributed primarily to loss of habitat and historic overharvest. Although hunting of whooping cranes is now prohibited, shootings still sometimes occur. Since 1968, ten deaths of whooping cranes in the Central Flyway have been attributed to shooting. Six of those shootings occurred in Texas, including four during migratory bird hunting seasons on the Texas coast. Two of these shootings occurred during the last two years.

Population models for the whooping crane show that deaths of individual animals can be significant for this long-lived endangered species with low reproductive rates and can significantly affect recovery potential. Therefore, over the years, Texas Parks and Wildlife Department (TPWD) has adopted a variety of strategies to ensure whooping crane conservation while continuing to allow hunting of sandhill cranes (*Grus canadensis*) and waterfowl. TPWD publishes side-by-side illustrations of whooping cranes, snow geese, and sandhill cranes in its annual waterfowl and crane regulations digest, and sandhill crane hunting seasons are timed to avoid overlap with average whooping crane migration dates to the extent possible. A coastal zone surrounding Aransas National Wildlife Refuge is not open to sandhill crane hunting at all, and the Light Goose (*Chen caerulescens* and *C. rossii*) Conservation Order hunt closes early in this area. In addition, in 2005 TPWD produced a hunter education video entitled *Be Sure Before You Shoot*. Over 2000 copies of this video have been distributed to hunter education instructors around the state.

In recent years whooping crane protection has become more complex in Texas, as increasing numbers of whooping cranes are wintering away from traditional wintering grounds on and near Aransas National Wildlife Refuge. Coastal expansion areas include Jackson, Matagorda, Wharton, Refugio, and even Williamson counties. Attempting to better track these whoopers, TPWD launched a citizen science program called Texas Whooper Watch in 2012, designed to recruit and train volunteers to locate and monitor whooping cranes, especially in expansion areas. However, there is still concern about the most effective way to advise waterfowl and/or sandhill crane hunters about the presence of whooping cranes. These concerns escalated with the two shootings occurring on the coast during the last two years.

### Proposed Project

TPWD has invited a consortium of partners to explore new initiatives that may help to reduce the chance of shooting mortalities at whooping crane wintering sites in Texas. Discussions between TPWD field and program staff, the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers, the International Crane Foundation, Audubon Texas, and the San Antonio Bay Partnership (SABP) are proposing to post permanent signage (see figure on facing page) and provide information packages to enhance the public's ability to identify whooping cranes.

*Grus Americana* is a biannual newsletter for members of the Whooping Crane Conservation Association, a nonprofit tax exempt organization dedicated to the conservation of whooping cranes.

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## Game Bird or Nongame Bird? Maybe an Endangered Species...

In the 1940s there were only 16 Whooping Cranes left in the wild. Today, they are making a comeback right here in the Lone Star State, but they need your help. The tall, majestic birds depend on habitats in this area, as do many other game and non-game birds.

### Whooping Cranes:

- Are white with black wingtips; juveniles have rusty feathers.
- Are large – 5 feet tall with a wingspan over 7 feet.
- Fly with their long neck and legs extended.
- Have a red crown and black feathers on the face.
- Usually occur in groups of 1-3 and very rarely in groups larger than 8-10.
- Are normally in this area between October and April.

### You can help:

- Give them plenty of room. If you see Whooping Cranes, do not try to approach them or get closer.
- Hunters, be careful if a large bird with slow wingbeats approaches your spread. Study the drawings on this sign. "Be sure before you shoot!"



Whooping Crane  
Endangered Species



White Pelican  
Nongame Species



Sandhill Crane  
Game Species



Wood Stork  
Nongame Species



Great Egret  
Nongame Species



Snow Goose  
Game species

Report observations to Texas Whooper Watch  
at 512-389-TXWW (8999).

Report violations to Operation Game Thief  
at 800-792-GAME (4263).



Important Notice: Whooping Cranes are protected under state and federal laws, including the Endangered Species Act. Harm or harassment can result in stiff penalties, including heavy fines and/or prison time.

## Projected Benefit

This proposed project has the potential to greatly increase awareness of and appreciation for the whooping crane throughout its traditional and expanded wintering areas for years to come. By reaching hunters at boat ramps, at public hunting sites, and through guides and lodges, we anticipate that hunters will be much better informed about whooping crane identification, hunting laws regarding cranes in general, and reasons for conservation of the whooping crane—resulting in fewer instances of accidental shootings and better recovery outcomes for the whooping crane. An ancillary benefit may be an increase in the number of whooping crane sightings reported to Texas Whooper Watch. The Texas Conservation License Plate Program will benefit, as it will be featured on permanent signs and on all brochures and posters produced as a part of the program.

\*\*\*\**Excerpts from a proposal by the San Antonio Bay Partnership*\*\*\*\*

## **Cornerstone of Species Protection or “For the Birds?”: Application of the ESA Take Prohibition in *The Aransas Project v. Shaw***

*By: Molly Masterton, Notes Editor: The George Washington Journal of Energy and Environmental Law*

Any day now, the Fifth Circuit may issue a ruling with immense implications for wildlife and natural resources management efforts in Texas and across the nation. The case is *The Aransas Project v. Shaw*, and it is one of only a handful of cases in which the federal Endangered Species Act (“ESA”) has been enforced against a state agency. The district court found state officials from the Texas Commission on Environmental Quality (“TCEQ”) vicariously liable through their state water permitting program for the take of endangered whooping cranes in the Aransas National Wildlife Refuge.

The legal issues addressed on appeal to the Fifth Circuit have the potential to impact a number of stakeholders, with private holders of water rights perhaps being the most immediately affected. The focus of the appeal, however, has turned to broader issues regarding the scope of the ESA’s reach. Although the merits ruling and accompanying remedy were controversial, a reversal on either constitutional or causation grounds could undercut the ESA’s ability to address species loss as a comprehensive statutory scheme in the future.

Between 2008 and 2009 a record number of dead whooping cranes were discovered in the Aransas refuge, where many of the rare bird’s only self-sustaining population spend their winters. During that year, the U.S. Fish and Wildlife Service recorded 23 whooping crane deaths in the refuge, a colossal number compared to an estimated overall flock size of 270. The Aransas Project filed an ESA citizen suit in 2011 alleging that TCEQ’s mismanagement of freshwater inflows to the San Antonio and Guadalupe bays caused increased salinity in the watershed, thus compromising whooping crane habitat and leading to at least twenty-three prohibited takes. The district court granted leave to the local water conservation and reclamation district, the Guadalupe-Blanco River Authority (“GBRA”), to intervene in the case. At trial, the district court was swayed by expert testimony for the plaintiffs linking the lack of freshwater inflows to changes in the river basin ecology, and the opinion by Judge Janis Jack found that TCEQ’s “actions and inactions” had harmed the species within the meaning of a Section 9 “take.”

The ESA’s Section 9 prohibition on takes of listed species, by plain language of the statute, may be applied to actions by all “persons,” including any “officer, employee, agent, department, or instrumentality of...any State.” A number of federal courts have held federal agency officials liable under the provision for management practices that harm endangered species. Similar application of Section 9 to state officials has been less frequent. In *Strahan v. Coxe*, the First Circuit enforced Section 9 against Massachusetts state officials who licensed commercial fishing operations using gillnets and lobster pots that were likely to lead to takes of the endangered northern right whale.

In *Aransas*, the State has relied in part on the anti-commandeering doctrine, extending from the Tenth Amendment, to assert generally that a federal statutory scheme such as the ESA cannot require states to impose prohibitions on private conduct. The State and GBRA have also both keyed in on causation concerns, arguing that certain intervening factors—including impacts on food sources, such as blue crab, and a flood year in 2008—render the chain of causation too attenuated. Although there is no way to tell what will be the deciding factor in the Fifth Circuit, the three-judge panel presiding over the appeal seemingly focused more on causation than constitutional concerns.

Regardless of the outcome, the *Aransas* decision will be big news in the realms of wildlife and water resource management. A reversal could open the floodgates to an overhaul of the ESA, a statute that was enacted “to halt and reverse the trend toward species extinction, whatever the cost.” Should Judge Jack’s cutting-edge decision and remedy be affirmed, TCEQ would have to initiate an incidental take permit (“ITP”) and habitat conservation plan in coordination with the Service under ESA Section 10. As the District Judge accurately gleaned from the record before her, “the ITP process is designed to provide some balance between the often conflicting interests of property owners, developers, and conservationists. This result, described by Judge Jack as a flexible and cooperative process, would arguably fall squarely within the scheme of “cooperative federalism” contemplated by the Endangered Species Act. *\*\*\*\*Thanks to Tom Stehn for pointing out this article\*\*\*\**

## **Whooping Crane Update: November 8, 2013**

Whooping crane migration is well underway, with reports of birds still in Canada and a few arrivals here at Aransas. Overall, it appears migration may be a bit delayed this year. Mark Bidwell, whooping crane coordinator for the Canadian Wildlife Service, reported seeing whooping cranes still at Wood Buffalo National Park the last week in October with some snow already accumulating. Quivira National Wildlife Refuge in Kansas, a traditional migration stopover location, reported their first whooping crane arrival on October 24. We had our first confirmed arrival at Aransas on October 16.

### Whooping Cranes on the Refuge

Whooping crane tour boats and refuge staff have been reporting sightings of up to 25 whooping cranes this past week along the marshes of the Blackjack Peninsula. We expect that we will have quite a few more arrivals as frontal passages become more frequent. No reports have been received of whooping cranes from the observation tower at the refuge yet, but it shouldn’t be long before visitors can expect to see whooping cranes there.

### Texas Whooper Watch

Texas Whooper Watch is up and running and has done a great job in getting the word out on whooping migration to the public this year. Take some time to [check out their website](#). Be sure to report any Texas sightings beyond the known Aransas/Lamar area via email: [whoopingcranes@tpwd.state.tx.us](mailto:whoopingcranes@tpwd.state.tx.us) or by phone at (512)389-TXWWW(8999).

### New Signs at Area Boat Ramps

Thanks to a partnership with Texas Parks & Wildlife, U.S. Army Corp of Engineers, local navigation districts, International Crane Foundation, San Antonio Bay Partnership, Whooping Crane Conservation Association, Friends of the Wild Whoopers and Friends of Aransas and Matagorda Island Refuge, whooping crane informational signage has been installed at area boat ramps. This signage is intended to increase public awareness of whooping crane presence in the winter, explains how to identify whooping cranes and most importantly provides information on how to avoid disturbing them. Part of this project also involved directed outreach to local hunting lodges, providing them pamphlets and DVDs to help minimize the potential for



accidental shootings. Next time you are out on the water, look for the new whooping crane signs at area boat ramps!

#### Tracking Efforts

The first marked whooping crane arrived on the Texas coast on October 16, a juvenile that was marked as a chick in Canada the summer of 2012. That bird has mostly been using the Lamar area so far, with a couple of forays onto the refuge. As of November 6, we have eight marked whooping cranes in Texas, with seven of those around the Aransas area. Based on this information and other observations, it is likely that around 1/3 of the Aransas/Wood Buffalo have arrived on the wintering grounds here in Texas. We expect that most of the rest of the population will arrive by early December. We have one more field season left to complete for the GPS tracking study and plan to mark 10 additional whooping cranes this January at Aransas.

#### Winter 2013-2014 Whooping Crane Research & Monitoring Initiatives

In addition to our annual winter whooping crane population survey, which will begin in early December, we have started two new winter research projects with the help of two refuge interns.

The first project will be evaluating freshwater use by whooping cranes on the refuge. We have 40 remote cameras deployed at freshwater ponds and dugouts on the Blackjack Peninsula and Matagorda Island and will be documenting timing, frequency and distribution of whooping crane use of freshwater sites. This will help us focus our efforts on continuing to enhance freshwater resources for whooping cranes on the refuge.

The second project we will be focused on this winter is evaluating habitat use by migrating and wintering whooping cranes throughout the state of Texas. Our interns will be collecting a wide variety of habitat parameters at sites that whooping cranes have recently used either during migration (i.e. stopover sites) or wintering. This project is an extension of a larger project that is occurring throughout the migration corridor in the U.S. from North Dakota to Texas. Our hope is that more detailed information about whooping crane habitat use will guide future conservation efforts, ensuring that whooping cranes have a place to call home as the population continues to expand.

#### Food Abundance:

Reports by area guides and refuge staff indicate that blue crabs and other whooping crane food items are a bit more abundant this year than in the past few years. Freshwater ponds on the refuge, while still not at the “normal” level, have at least some water available as compared to last year. We were able to rehabilitate two freshwater wells on Matagorda Island this past summer and have funds to complete several more thanks to financial assistance from several partner organizations. Our fire staff is currently gearing up to provide freshly burned areas throughout the winter for whooping cranes.

#### Precipitation/Salinity:

The refuge received 14.33” of rain from July-October 2013. While this is near-normal precipitation levels, we still haven’t fully caught up from the ongoing drought. A large rainfall event would help to fill and maintain our freshwater wetlands and freshen up the marshes used by whooping cranes. Salinity levels in San Antonio Bay are currently around 28 ppt. We do expect to see a dip in salinities in the next few days as flooding from the San Marcos/Guadalupe Rivers reaches the bay.\*\*\*\*Wade Harrell, U.S. Whooping Crane Recovery Coordinator\*\*\*\* See article on-line at: <http://www.fws.gov/nwrs/threecolumn.aspx?id=2147534323>

### **Historic Stamp shared**

Harold Wilkinson from Saskatchewan shared an historic stamp (see front page). His letter (facing page) describes the attractive stamp. Thanks to Harold for sharing this neat bit of history!

Whooping Crane Conservation Ass  
 1475 Regal Cres.  
 Kissimmee Florida 34744

I have some interest in stamp collecting.  
 One stamp in my collection is Scott 54-353  
 April 4th 1955 with 50950000 printed  
 I consider this the first major publicity of  
 the whooping cranes survival story?  
 I am enclosing one canceled stamp of this  
 issue with the hope that it maybe of interest  
 to you. I have 2 sets, 4 corner blocks, 32 stamps  
 mint and a number of canceled.

In 1954 Dr Stuart Houston made a presentation  
 to our local natural Society He had prepared  
 a sheet for signatures requesting the philatelia  
 postal department to issue a stamp picturing  
 the whooping crane. To my surprise within a  
 few months this stamp went on sale.

The US philatelic department issued a W.C.  
 Stamp Aug 31/57, Scott catalogue 34 A545  
 page 33 Vol one. It is a attractive stamp as  
 shown in the catalogue.

Enclosed is a cheque to be used as membership  
 or most need

Harold R Wilkinson

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### WCCA Seeks new Web site Administrator

Do you have an interest in becoming the next volunteer web site administrator for WCCA? This involves keeping up with whooping crane news and posting the information on our website. If you have an interest please contact the newsletter editor at [martyfolk@embarqmail.com](mailto:martyfolk@embarqmail.com).

### Honor Roll of Donors to the WCCA

Thanks to the following individuals who contributed extra money over and above their annual dues; all contributions will be used toward conservation of the whooping crane:

Pamela Bates

Antonietta Talevi

Philip Theodore Bee Charitable Trust

Harold Wilkinson

Allan and Anita Beach

### Remember WCCA Membership Dues Can Be Paid On-line

You now can sign up for membership, renew your membership, or make a donation online to the WCCA. Go to this link <http://whoopingcrane.com/membership/> and do your part today!

Members—please send your correct address if the one shown below is wrong. Send to the return address below.

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**Whooping Crane Conservation Association**  
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**Return Service Requested**

Nonprofit Org.  
U.S. Postage  
**PAID**  
Leesburg, FL  
Permit No. 1040



John Conkin and Mark Bidwell (Canadian Wildlife Service) observed 60 whooping cranes during a survey during fall migration in central Saskatchewan, about an hour's drive northwest of Saskatoon. Whooping cranes spend up to 6 weeks in Saskatchewan during the fall, feeding on waste cereal grain in agricultural fields and roosting in shallow wetlands. Surveys are for re-sighting marked individuals and their young, and to identify sites used by whooping cranes during the fall migration. \*\*\*\*Photo by John Conkin, Canadian Wildlife Service.\*\*\*\*