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By Colin McDonald - Express-News

In an effort to protect the endangered whooping crane, an environmental coalition plans to notify Texas today that it intends to sue over the state's management of the San Antonio and Guadalupe rivers.

If the federal lawsuit is successful, it would fundamentally change water use in both river basins, from the Hill Country to the Gulf of Mexico.

"What last winter showed was that we simply cannot continue to mismanage the river and essentially kill off the bottom part of the ecosystem without there being substantial consequences," said Jim Blackburn, the lawyer for the group called The Aransas Project.

Last winter, during a drought, 270 whooping cranes reached the Texas coast, but 23 died, making it the worst year for fatalities on record, according to the U.S. Fish and Wildlife Service.

In response, TAP formed an alliance of residents, businesses and governments near the Aransas National Wildlife Refuge Complex, where the birds winter, to sue the Texas Commission on Environmental Quality. The goal is to force the state to change how water rights are issued and used from both rivers.

The cities of Corpus Christi, Victoria and Gonzales depend in large part on the rivers for their water supplies, as do large industries and farms. The lawsuit could curtail the amount of water San Antonio is allowed to recapture for its recycled water program.

The nonprofit group's argument is that the bay and marsh ecosystems, which the cranes depend on for their winter food, are severely impacted when freshwater inflows are reduced from the San Antonio and Guadalupe rivers. By not managing the rivers to ensure the inflows for the bay systems, the state is harming whooping cranes — a violation of the Endangered Species Act.

The TCEQ declined to comment on the notice until after it was filed.

The Guadalupe-Blanco River Authority, which owns more than half the water rights in the Guadalupe River, questions the group's assertions that reduced freshwater inflows have hurt whooping cranes.

"They are totally unfounded," GBRA General Manager Bill West Jr. said about the group's claims. "We stand by our 75 years of river management."

The river authority wants to continue a study by Texas A&M University, which found that in times of drought, when the whooping cranes' preferred food source of blue crabs and wolfberries are scarce, the cranes pursue clams, insects and other food. Thus, the lack of inflows does not have much of an impact.

The food value of those other sources is questioned by the Fish and Wildlife Service, which ensures the protection of the species. The agency decided to feed the cranes corn last year to help their survival.

"Now with cold weather approaching, the crabs become unavailable, the wolfberry crop is over and it's tough times for the flock," USFWS spokesman Tom Buckley said. "They switch to clams, but clams just aren't very nutritious."

More than just protecting the species, by ensuring the inflows for bays, estuaries and marshes, The Aransas Project claims that it is protecting the fisheries and the "rural way of life" along that section of the Texas coast.

The O'Connor family, one of the largest landowners in Texas, with extensive oil and gas wells and rangeland surrounding San Antonio Bay, is funding the lawsuit.

"It makes many of us in rural Texas concerned," said Bill Jones a water policy consultant for the family. "We are concerned that the agricultural and environmental demands are being subjugated to the industrial and municipal demands, and that is putting the lower basin at risk."

This is not the first lawsuit about water in the Guadalupe River. More than 10 years ago, the San Marcos River Foundation sued in state court to ensure water for the river's environmental needs. Although the group won, the ruling was overturned on appeal and later dismissed.

By relying on the federal endangered species act, TAP is taking a much more aggressive approach.

In the early 1990s, the Sierra Club and GBRA sued Texas in federal court for the protection of endangered species living in the Comal and San Marcos springs from over-pumping of the Edwards Aquifer.

Those springs feed the Guadalupe River, and the lawsuit effectively ensured water for downstream users.

Two decades later, the state is still working under a federal court order with stakeholders to reach a compromise between the competing demands for the limited water.

TAP's lawsuit will add another level of demand to that debate.

"We did the best we could 10 years ago to draw attention to this issue," said Dianne Wassenich, executive director of the San Marcos River Foundation. "We are now just hoping a drought doesn't come anytime soon. We still don't have the Edwards Aquifer situation dealt with yet."

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