Viewpoint

Endangered Species Act is good impetus

Myron Hess

The recent federal court opinion holding the Texas Commission on Environmental Quality (TCEQ) accountable for the deaths of 23 whooping cranes because of inadequate freshwater inflows to San Antonio Bay has generated a lot of concern and discussion.

Much of the heated rhetoric, especially about a feared federal take-over of water rights, is misplaced. As illustrated by the recent success of stakeholders in the San Antonio area in coming up with an agreed management approach for the Edwards Aquifer, the Endangered Species Act can provide the impetus for good local decisions without dictating the details.

However, there is genuine cause for concern about what the underlying facts say about the state of water management in Texas.

Outdated system

Our precious Texas bays and estuaries are increasingly at risk. We have a water rights system that dates from the early 1900s and has changed little since, leaving rivers and estuaries mostly unprotected.

In addition, our water planning process doesn't even recognize protection of rivers and estuaries as a water need to plan for. We can do better than that.

Especially during droughts, water is an emotional issue that often gets framed in terms of one user versus another.

That is overly simplistic.

Too much water is used wastefully and we just can’t afford that. This isn’t about depriving people of needed water to support cranes, it’s about managing a limited resource carefully to do more for all users.

The common allusion to the canary in the coal mine, recast here as the crane in the estuary, is hard to resist.
The issue is much bigger than any single species. Healthy estuaries, which rely on adequate river flows, support billions of dollars of economic activity every year: seafood production, recreational fishing, waterfowl hunting, and nature tourism.

That is why the coalition that brought the lawsuit to protect the crane included businesses, coastal landowners, and local governments.

**Working together**

We can make this work for everyone. Earlier this year, a conservation plan was approved setting out a balanced management approach for the Edwards Aquifer, which supplies water for about 2 million Texans and eight threatened and endangered species.

Instead of continuing decades of litigation, legislation, and recrimination, the plan, developed by state and local stakeholders in response to a federal court decision much like the whooping crane ruling, finally has everyone working together.

In 2007, the Texas Legislature established a process for working towards ensuring water for healthy rivers and estuaries. Although that Senate Bill 3 process is far from perfect, it represents real opportunity. For example, the regional stakeholder committee considering river flows needed for the San Antonio Bay estuary system, where whooping cranes spend the winter, recommended an innovative approach for water projects. That approach would increase water supplies overall by allowing new diversions during wetter periods coupled with providing more water for the estuary during droughts, when cranes are most at risk. Unfortunately, TCEQ has, so far, rejected that positive recommendation, along with too many others.

We can focus on cursing the Endangered Species Act or acknowledge that there is a real problem and work to solve it.

Our natural heritage is at stake. Future generations of Texans should be able to enjoy oysters and shrimp from Texas bays, fish for redfish, hunt mottled ducks, and, yes, see whooping cranes, the way we have. Let’s choose to solve the problem.

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