Coastal Holiday Update 2016

By Jim Blackburn

Greetings and happy holiday. Another year has come and gone, and I am still alive and enjoying the Texas coast and that makes me smile. As many of you know, this coastal newsletter and holiday greetings originated almost two decades ago after I had entered a settlement agreement with Formosa Plastics after several years of fighting over their expansion in the late 1980s and early 1990s. When that expansion was originally proposed, Formosa was one of the worst polluters on the Texas coast. Today they are much better.

I consider the improvement by Formosa over the years to be a major accomplishment, particularly given the failure of the state and federal agencies to take enforcement action during that time period. At least for now, there are no major problems, violations, or errors of judgment of which I am aware. The same cannot be said for all aspects of the coast, although there are some positive developments to report as well as a few not-so-positive developments.

I hope you enjoy this report. If you do, please share it with anyone you think would enjoy it. In this year's newsletter, I will discuss the precedent-setting agreement reached between The Aransas Project and the Guadalupe Blanco River Authority, the vulnerability of industry on the Houston Ship Channel to hurricane surge, the proposed new bridge to South Padre Island, the Copano Club's proposed permit near Rockport, the Matagorda Bay Foundation's legal actions to protect Matagorda Bay and the San Jacinto Pits. I have also added a list of certain organizations that are taking legal action to protect the coast and ask you to support and/or join these groups. And of course, there is a poem or two at the end.

1. The GBRA-TAP Agreement

There is an important new development in the long-running dispute between The Aransas Project (TAP) and the Texas Commission on Environmental Quality (TCEQ) and Guadalupe Blanco River Authority (GBRA) over the deaths of 23 whooping cranes during the winter of 2008-2009. GBRA and TAP have recently signed an agreement to work together to find fresh water for the cranes and the bay as well as to investigate improving habitat in the watershed, the river and the bay.

This story starts during the winter of 2008-2009 when the 23 cranes died. During that same winter, the fishing was terrible, home rentals went down and the coastal economy was flat. TAP was formed to study and ultimately litigate these issues, and we determined that the whooping crane deaths, the bad fishing, and the economic downturn were all related to the reduced freshwater inflows during the drought that had occurred in 2008. And we resolved to try to do something about this bad situation.

TAP filed suit against TCEQ in 2011 for violating the Endangered Species Act for "taking" (e.g., killing) cranes by issuing too many water withdrawal permits and reducing the fresh water inflow into the bay. As the suit alleged, this reduction in inflow caused a reduction in the population of blue crabs, the principal food source for the cranes, and this absence of blue crabs resulted in the cranes' deaths due to various complications related to starvation. The GBRA intervened in this suit along with the San Antonio River Authority and the Texas Chemical Council with GBRA taking the lead in defending the litigation.

In 2014, Judge Janis Jack issued a 123-page ruling that was a huge victory for TAP wherein she ruled that all future water projects were enjoined and ordered the defendants to prepare a plan to get water to San Antonio Bay and the cranes. This ruling was appealed by TCEQ and GBRA to the 5th Circuit Court of Appeals which overturned Judge Jack's decision because of concerns about proof of causation related to the TCEQ's action which was issuance of water withdrawal permits. That

5th Circuit decision was then appealed to the U.S. Supreme Court by TAP, and the Supreme Court refused to hear the case, essentially meaning that TAP had failed in its attempt to secure water for the cranes through this litigation.

And then the improbable happened. With the help of GBRA's attorney Molly Cagle, Bill West, the general manager of the GBRA, and I got together and talked about the future of the watershed and discovered that we had more views in common than we suspected. This conversation led to another, and eventually, we signed an agreement to work together for the future of the watershed, the water users, the bay, and the whooping cranes. And then, after negotiating this agreement, Bill West retired, and the GBRA board brought Kevin Patteson in as the new General Manager. Fortunately, Kevin is fully committed to this agreement, and we have met several times and have recently executed a new agreement that integrates Kevin's issues and perspectives into the agreement, hopefully setting us up to have a successful collaboration in this effort to find water for the bay and habitat for the cranes.

The new white paper agreement between GBRA and TAP simplified the earlier document by taking ten distinct study areas identified in the original document and folding them into two general study areas. These two areas are habitat and water, with the thinking being that certain habitat-related issues would be more straightforward and potentially quicker to be addressed than some of the more difficult and contentious water issues.

With regard to habitat, three areas emerged as key. One primary focus of the habitat investigation is to provide adequate future territories and expansion areas for whooping cranes. The official plan of the U.S. Fish and Wildlife Service is to grow the flock from 300 birds to 1000, but insufficient territories exist within or near the Aransas National Refuge, so we are going to investigate what can be done to aid in the expansion of the flock into Matagorda Bay as well as further into Copano Bay (where it is already present). A second focal point is the

Guadalupe Delta, both with regard to restoring and improving the habitat within and water flow through the delta. As part of this effort, a detailed evaluation will be made of the upper portion of San Antonio Bay as an emergency nursery and habitat zone to be protected during times of drought. Third, the potential for improvement of habitat throughout the watershed, both for water supply and fish and wildlife purposes will be investigated. Here we are hopeful that a new concept – the emerging voluntary market whereby landowners get paid for restoring ecological services such as water enhancement, fish and wildlife and carbon sequestration – will enhance fish and wildlife resources throughout the watershed as well as aid in base riverine flow during drought times, a solution that will restore habitat throughout the watershed as well as increasing base flow and potentially shaving the peak flows off of severe flood events.

With regard to water, there are also several research prongs. First, there will be a detailed review of the water availability model (WAM) for the Guadalupe/San Antonio River system, with modifications likely being made to upgrade this WAM. Second, full cost pricing of water will be fully evaluated as a potential management concept. When we take water from our rivers, there are costs associated with the removal of the water from the bay. These costs can be calculated and added to what the state – the owner of the water – charges water users, which is virtually nothing at this time. If nothing else, a technique like this might be useful for comparative evaluation of the least costly future water systems, taking the "full cost" into account. And third, legal strategies to enhance freshwater inflow into San Antonio Bay will be fully evaluated.

The bottom line is that after years of litigation, GBRA and TAP are communicating and working together to try to address problems that were not acknowledged several years ago. We are discussing issues that were simply off the table before the lawsuit. I can remember settlement discussions during the lawsuit where we had many lawyers but no meaningful conversations. We still have a long way to go to

achieve significant freshwater inflows for San Antonio Bay, but we have come a long way as well. And if this approach works in this watershed, I believe it could transform water planning in Texas, a result that I see on a good day.

2. Hurricanes, the Ship Channel and Industry Vulnerability

No issue might be more important in the long term in Galveston Bay than the vulnerability of the Houston Ship Channel to hurricanes. I am co-director of the SSPEED (severe storm) Center at Rice University, and we have been researching the potential impacts of hurricanes on the Houston area. We are frankly horrified about the potential for spills and releases from industrial tanks and process units in the event of a major hurricane coming ashore around San Luis Pass. Such a landfall would bring the highest surge and winds to Galveston Bay and the Houston Ship Channel. If this were to happen, the results would likely destroy Galveston Bay's fisheries and ecology for many decades.

The problem is the relative size of the surge that might be produced by a reasonably foreseeable large storm. The SSPEED Center team has the capability to model hurricane surge and has simulated the impact of a storm like Ike with 15% higher winds, making it a solid Category 3 storm, coming ashore at San Luis Pass. Such a storm results in surge levels reaching about 25 feet within the Houston Ship Channel. Given that most of the channel industries and tanks are protected to about 15 feet, such a surge would result in significant flooding of tank farms, refineries and chemical plants.

At SSPEED Center, we modeled the results of this storm and found that as many as 2000 oil and hazardous substance tanks would be flooded to some extent. Dr. Jamie Padgett of the Rice Civil Engineering Department obtained LIDAR elevation data for the entire channel and determined the extent of flooding within the channel industries. She was particularly concerned about tank flotation, such as happened at the Murphy Oil facility near New Orleans during Katrina where about a

million gallons of crude were released into adjacent residential areas. However, in the case of Galveston Bay, the concern is not only for adjacent residential areas but also for the bay itself which would become contaminated as the surge subsided back towards Bolivar Roads and the Gulf.

Figure 1. The Murphy Oil facility near New Orleans was flooded by Hurricane Katrina, releasing about 1 million gallons of crude oil from a storage tank that was lifted from its foundation.

Dr. Padgett has analyzed the tanks that would be flooded during this 25-foot surge event and has determined the probability of tank failure based upon the extent of flooding and tank design. As a result, she determined that with a 22-foot surge, about 60 million gallons of oil and hazardous substances would be released and with a 24-foot surge, just over 90 million gallons would be released. For comparison, the Exxon Valdez spill was about 11 million gallons of crude and the Deepwater Horizon was about 210 million and both of these spills were in open water rather than a contained bay.

The impact of a spill of this magnitude is beyond our ability to comprehend. I don't understand industry's apparent unwillingness to treat this risk as real and take the lead in doing something about it. The

East Harris County Manufacturer's Association has testified in support of the Ike Dike, a $10 billion solution, but they have not been "working" this issue like they could or should, and they certainly have not offered to participate in the funding of any protection.

The best thinking so far indicates that "multiple lines of defense" are necessary, including protection within the bay as well as along the coast. There are two distinct phases, with one phase being a mid-bay solution with a levee and gate along the ship channel. This first phase concept would extend the existing 25 foot levees along the Houston Ship Channel north to Houston Point and south of San Leon, involve the construction of a gate across the channel and then continue south and west to connect with the Texas City Levee. There would be multiple openings for fishing and sail boats as well as for circulation. Other phases would include protection of the backside of Galveston Island with a ring levee, barrier levees along the West End of Galveston Island and Bolivar Peninsula and ultimately a gate structure across Bolivar Roads, an 11,000 foot crossing that is difficult to engineer and very expensive. Both phases could have negative impacts to the bay, although my current belief is that doing nothing and letting the industries get hit is the worst alternative for the bay. I am hoping that the upcoming computer modeling of impacts to the bay will find that these protective structures will not permanently harm the bay, but that answer will not be known until the modeling is complete.

But have no doubt – Galveston Bay is threatened by a spill from these industries. The failure of industry to act and to take leadership leaves us all in a very bad position. Local governments are hesitant to step up and fund major projects that will take almost a decade or more to complete, but we could build the first phase with $3 billion, clearly within the reach of local governments with industry support. I am not sure if industry simply does not want to pay anything, hoping for federal or state relief, or if they fear talking publicly about this issue and exposing themselves to litigation for being negligent by not taking affirmative action. It is worth noting that New York put together a

program after Hurricane Sandy where local governments put up $5 billion, state government put up $5 billion and the federal government put up $5 billion.

Perhaps the federal government is willing to spend $10 billion on our region. There are ample reasons for the federal government to do so – national security, economic productivity, potential impact of spills - but it seems that we collectively have responsibility to act first and get this solution under way. Our bay, our industrial base and many of your lives might depend upon it.

I have heard knowledgeable industrial sources say "Trust us. We know what we are doing." Well, I for one have heard those words in the past, and I do not find them comforting. What I know is that we are exposed right now, and we need to address this issue ASAP. This is one situation where I believe the environmental impact from certain alternatives like the mid-bay solution developed by SSPEED center are a necessary cost of protection, that the damage without such a solution will far exceed the damage from building the system. The bottom line is that we need to protect industry from hurricane surge because they don't seem willing to protect themselves. And by doing so, we will be saving Galveston Bay.

3. Legal Actions of the Matagorda Bay Foundation

Over the last several months, the Matagorda Bay Foundation has filed two lawsuits in an attempt to make progress regarding the provision of freshwater inflows to Matagorda Bay if not the coast. These suits concern essential fish habitat and the refusal of the Lower Colorado River Authority (LCRA) to release a computer model they developed to evaluate the impacts of the Lane City Reservoir on Colorado River flows and impacts to Matagorda Bay.

Essential fish habitat is a concept under the Magnuson Stevens Fishery Conservation and Management Act (Magnuson Stevens).

Under Magnuson-Stevens, Matagorda Bay and all other bays bordering the Gulf have been designated essential fish habitat for species managed by the Gulf of Mexico Fishery Management Council, a part of the federal Department of Commerce. These species include redfish and shrimp, among others. However, although the bays have been designated as essential fish habitat, the Gulf of Mexico Fishery Management Council, the federal agency with implementation responsibility, has missed regulatory timetables for passing rules to further protect essential fish habitat. The purpose of the MBF litigation is to require that the Fishery Management Council move forward on getting these rules implemented.

This litigation is potentially important because the Fishery Management Council has identified that freshwater inflow is one of the key requirements for protecting essential fish habitat into the future. The 2010 management plan prepared by the Council for these essential fish habitat areas recognized that freshwater inflows are important to the future of certain species like red drum, but did not set forth provisions to ensure these inflows in the future. The goal of the litigation is to move toward rules that will strengthen provisions relative to bay health and freshwater inflows. We also are seeking to designate Matagorda Bay as a Habitat Area of Particular Concern, or at least for the Council to accept that it must review bays for this designation when considering these rules. If Matagorda Bay received this designation, it would call it out for special attention similar to when an area is designated for an endangered species

A second suit filed by MBF concerns the refusal of the LCRA to provide copies of computer models that they developed to determine whether or not the construction of the Lane City Reservoir would impact Matagorda Bay. The Lane City Reservoir is being constructed as an off-channel, ring dike reservoir. During its application for a permit

from the U.S. Army Corps of Engineers for the water diversion structure, LCRA conducted its own computer modeling to determine the impact of the diversion of water to fill and maintain the reservoir. This is the modeling that MBF seeks.

When MBF initially submitted an open records request, the LCRA turned us down because they alleged there were ongoing proceedings that could potentially involve the modeling. At the time, we surmised it was the contested case involving their management plan for the Highland Lakes (in which we were not involved). This decision was supported by the Attorney General due to the existence of an exception to provision of records in the Texas Open Records Act if there are ongoing legal actions. However, MBF reissued their request after the Highland Lakes Plan issues were completed, and LCRA again refused to release the computer model, citing every possible exemption, apparently hoping that one of them would stick. After receiving this second refusal, MBF's attorney Jen Powis filed suit in Travis County state district court. Since the suit was filed, the Attorney General has again said that any possible litigation involving the LCRA and its water rights could potentially preclude the production of these materials. The court will now decide whether or not we get the model.

This is both a sad and serious situation. It is sad that we have to file suit to obtain a document prepared by a state agency with state money for a decision that has already been made with no pending or threatened litigation around it. These are our documents as citizens of Texas. This is a government that is not working with its citizens but working against them, at least with respect to sharing this information. It is serious in that the potential impact to Matagorda Bay is being withheld and concealed. We have not opposed this reservoir but we have questions about its impact. It is reasonable to be able to ask

questions and have them answered. So far, this has been denied to MBF, and we are going to court to get these documents.

This case should be a red flag to all of you coastal fishermen who think things are going great. We are having good fishing right now because we have had good rains recently. We are wet right now. Life is good. The problems come when the rains go away. That is what we are concerned about – the hard times when water is short. Coastal fishermen need to watch this issue. If we aren't on it, we may find ourselves with a fishery without fish. And while I am at it, I also want to thank Clive Runnells of Houston for his financial support that has allowed the Matagorda Bay Foundation to take these important steps to protect Matagorda Bay.

4. The Copano Club

There is a permit application being processed by the Corps of Engineers for a development on Copano Bay just north of Holiday Beach. This development is called the Copano Club, and it involves the construction of canals back into the eastern shoreline of Copano Bay in a manner similar to Holiday Beach. This permit application was filed in 2008 and has been "under review" by the Corps ever since it was filed. You may not know anything about it because the notice of the application was released almost a decade ago. The site is located on Copano Bay north of Holiday Beach. The general area is shown on the Google Earth image below.

Figure 2. Map from Google Earth with the location of the proposed Copano Club development superimposed.

The specific design set out in the permit application is shown in the next figure. By comparing the google earth image and the permit application drawing, you can see the two wetland areas that are shown within the red box and on the permit drawing. Those are areas currently used by whooping cranes as indicated on the drawing that is dated 2014.

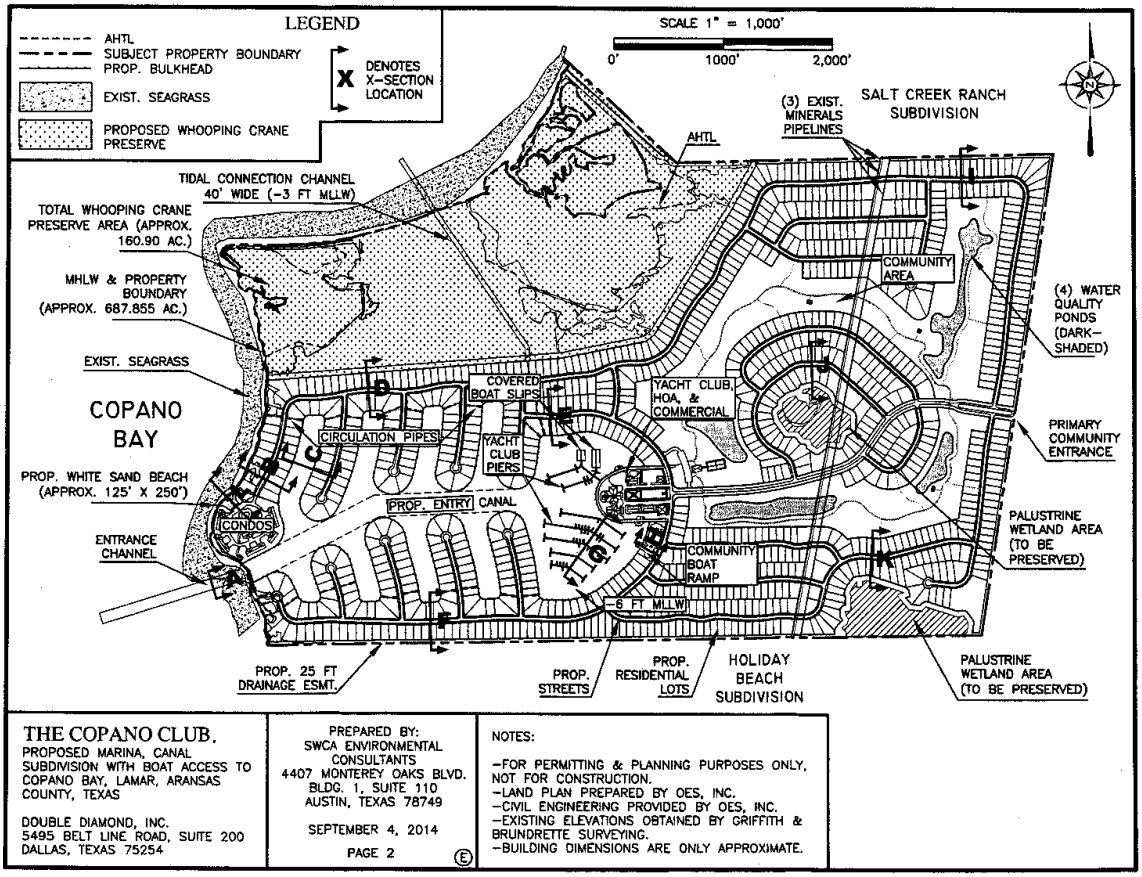

Figure 3. Permit drawing from the Copano Club permit application showing the revised lay-out of the development.

The major concern about this permit application is that it may impact whooping crane usage and habitat. In the time since the permit application was initially filed, whooping crane usage of this portion of Copano Bay has substantially increased, and it is clear that the Corps required that the permit drawing be updated to show this usage. It is common to see at least one pair of whoopers in the marsh ponds near the canals in Holiday Beach, and the usage has increased over the years in the wetlands north of Holiday beach within the boundaries of the Copano Club's proposed development as shown on their drawing. Additionally, there is an area at the north end of Copano Bay where the cranes now roost, not far from the site of the Copano Club.

Development on this part of the coast has to be sensitive to and recognize that the cranes are important. Although crane usage areas

have been shown on the diagram, it is not clear how many cranes use this area and how much setback is advisable. It appears as if the road abuts the wetlands. If some areas are too sensitive to be developed, then we should try to work with the landowners to provide some compensation for the use of their land by the cranes. If we had a comprehensive plan for the cranes, then these individual disputes over impacts would be rendered moot. But at least to date, such a habitat plan does not exist, although elements of such a plan will be researched and developed under the GBRA-TAP agreement and we urge your support and participation in this GBRA-TAP-related work.

This is an issue that is complicated by the manner in which the Corps of Engineers processes permits. It is hard to believe that a permit filed in 2008 will not be subject to re-notice to allow public comments on changed conditions between the filing of the original application and today. We know a lot more about the vulnerability of whooping cranes after the federal court litigation and Judge Jack's 123-page ruling with specific fact findings. We also should understand that the way that we develop our coast will have a lasting footprint. We need to get these decisions right.

I am not opposed to development on the coast. I am opposed to the public not being told what is happening and not being allowed to review and comment. And I am opposed to a permit application that harms the bay and/or the cranes. An application as old as this one should be sent out for another round of public comment and review. Clearly new permit drawings have been submitted to the Corps since the permit application was filed in 2014. The applicant is adding important new information to the permit request, yet the Corps is not re-issuing notice regarding this permit.

If the Corps gives us a chance to comment and we do not, then the Corps has a right to assume that no one is concerned about a particular development. However, to proceed to permit issuance on a permit that was noticed almost nine years ago with significant new

information and changed conditions is simply wrong. Even if the regulations do not require another notice, common sense does.

The Aransas Project (TAP) has a continuing mission to protect our bays and the cranes. We learned a lot from the original trial and from the continuing work we have been undertaking with GBRA and others. We intend to file comments on this project to insure that the potential impact of this project on the whooping cranes and the bay is fully disclosed and considered by the Corps. And we will continue to watch this application and the Corps' actions very closely.

5. The New Bridge to South Padre

Another proposed new "development" on the coast is a proposal to build a new bridge to connect South Padre to the mainland. The construction of a new bridge has been discussed for years, but it is now beginning to get more serious attention. Everyone interested in the Lower Laguna, the area south of Three Islands and the Laguna Atascosa Wildlife Refuge should pay particular attention. Shown in the diagram below is alternative 6 from a 2013 study by HTNB consulting company. This shows the crossing leaving the mainland just north of Laguna Vista and coming onto the Island north of the convention center.

Figure 4. Drawing showing the route of alternative #6 proposed in 2013 by HTNB for a new causeway connecting South Padre Island with the mainland.

This causeway will likely generate substantial new development. It will divert traffic from Port Isabel and route it north of Laguna Vista near Laguna Atascosa Wildlife Refuge and their resident population of ocelots. Traffic will enter the island where there is very little development today and will certainly induce the development of commercial if not residential development near where it enters the island. It doesn't make a lot of sense to be encouraging new development on the island when barrier islands will become less habitable over time due to sea level rise. Where we build infrastructure today will last for fifty years or more. This bridge is not smart in my opinion.

On another level, I might suggest that island development is the least of the problems. The area to be crossed is some of the most beautiful, pristine water on the Texas coast. I have spent many hours

drifting across the water meadows of submerged sea grass in this part of the bay. I have seen many large schools of redfish. I have caught speckled trout at the edges of sand potholes within the sea grass. This is the best of the best from a fishing and landscape perspective. And the ducks in this part of the bay are noteworthy as well, particularly back in the shallow flats.

Among the greatest concerns with this crossing is the impact of construction itself on the Laguna Madre. This area has significant sea grass areas. It is virtually impossible to construct a major bridge like this without substantial destruction of the bottom habitat. It is not clear whether this structure will impact circulation as little is known about the design. And it is one more navigation hazard.

I think it is reasonable to question the need for another bridge to the island. The island is served by the beautiful Queen Isabella causeway which is 4 lanes and 2.4 miles long. This existing bridge is more than adequate for the evacuation of the permanent population of about 3000 persons. There are many infrastructure items that we need on the coast. This one does not rise to a priority from my perspective.

6. San Jacinto Waste Pits

For years, dioxin warnings had been issued for trout in Galveston Bay, yet I could not find anyone who understood the source of the dioxin. Well – now we know. Back in the 1960s, land disposal of waste of all types was allowed to be disposed in pits on the west bank of the San Jacinto River at the approximate location where the IH-10 bridge crosses the river. These pits received waste from – among other sources – a paper mill that produced dioxin as a waste product. Back in the day, it was legal to dump dioxin and other chemicals such as PCBs into land disposal areas. These pits ceased operation and were seemingly forgotten. Over time, with land surface subsidence and/or erosion, these pits became partially submerged and open to the river.

About a decade ago, Dr. Hanadi Rifai, a water quality researcher at the civil engineering department at the University of Houston, discovered dioxin in the sediment of the San Jacinto River in increasing concentrations. Following the chemical trail of clues, Dr. Rifai re-discovered these forgotten pits and started an investigation that led to the designation of the San Jacinto River Waste Pits Superfund Site, the third underwater superfund site in Texas, joining the Patrick Bayou Superfund Site (also along the Houston Ship Channel) and the Alcoa Lavaca Bay Superfund Site on Lavaca Bay adjacent to the Alcoa aluminum plant. The designated area is shown on the image below, both with regard to the northern impoundments which are the immediate concern and the southern impoundments which have yet to be fully explored and evaluated as have the northern impoundments.

Figure 5. Graphic showing the location of the San Jacinto Pits both north and south of IH-10 where it crosses the San Jacinto River.

The primary contaminants linked to this site are dioxin and polychlorinated biphenyls (PCBs), two dangerous chemicals that can become bio-accumulated and enter the human body through fish consumption. The current seafood contamination warning for this portion of the bay is shown on the attached figure. There currently is a warning against consumption of all fish and blue crabs north of the Hartman Bridge and a warning against consuming catfish, speckled sea trout and blue crabs from about Red Bluff to Houston Point and north to the Hartman Bridge, an area that includes waters out from Sylvan Beach Park, LaPorte and Morgans Point. Yet another advisory against eating catfish exists for the remainder of the Galveston Bay, including East and West Bays, Chocolate and the Trinity Bay system, all due to dioxin and PCB contamination. The warning is specific to women of child-bearing age and children under 12 who are advised not to eat any fish from these areas and for others to only eat eight ounces of identified fish from the affected areas each month. Unfortunately, there are people in the community that do not observe these advisories and who have PCB if not dioxin in their bodies.

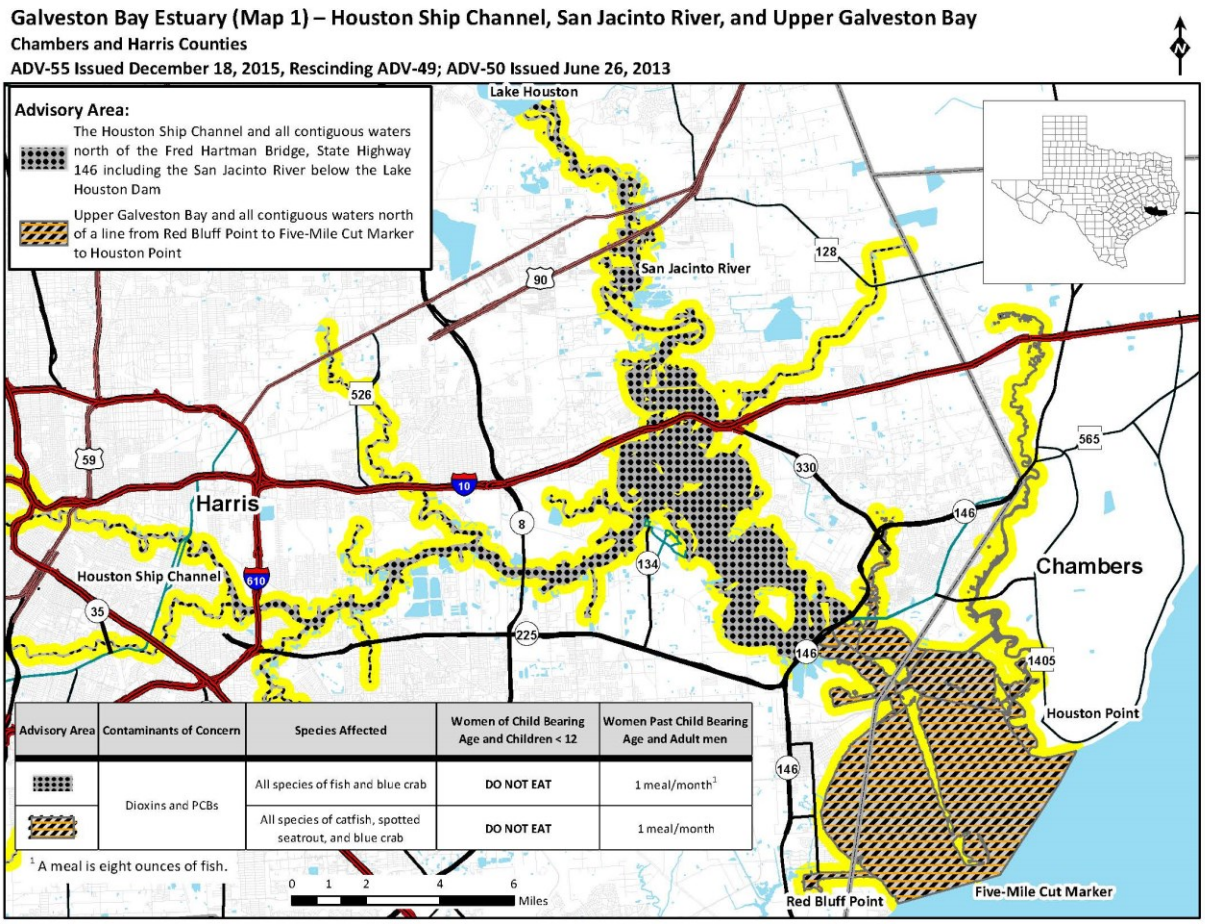

Figure 6. Map showing areas with a warning against consuming any fish and blue crabs (dark hatching) and areas with a warning against consuming blue crab, speckled trout and catfish (red hatching). A warning against consuming all forms of catfish exists for the remainder of Galveston Bay. The warning is for contamination from dioxin and PCBs.

The current debate about this site concerns what to do in the future. One group wants the site to be pumped out and the contaminants removed. Others want to leave the contaminants in place and put a hard cap on the site. I side with the group wanting to remove the waste, although that removal has to be done very carefully because it has the potential if done wrongly to cause further contamination. Stay tuned to see how this one is resolved.

7. New Book From Texas A&M Press

As announced here last year, I have a new book in the process of being published by Texas A&M Press. I am hopeful it will be released before the end of 2017, but it is going to be tight. The book is shaping up nicely as an overview of the assets, issues and opportunities for the future of the Texas Coast. As currently written, it is comprised of fourteen chapters that approach the future of the Texas coast from a market and personal commitment perspective. The chapters include the green assets of the coast, gray assets, water assets, hurricanes and flooding, climate change, ecosystem services and ranching, birds and eco-play, fishing, litigation, spirituality, entrepreneurship and certification programs, partnerships and hope for the future along with a concluding chapter of poems.

I have enjoyed writing this book which is full of interesting maps and some nice photographs that help explain the information in the chapters. As we get closer to release, I will provide more information. Also, you might watch for announcements of availability from Texas A&M Press in the future. It should be listed in their fall, 2017, list of books. If you have enjoyed this newsletter over the years, I think you will enjoy this book.

8. Joining Groups and Working for the Coast

I have had several people write to me about getting involved in various groups fighting to protect the coast. Here are some suggestions.

Matagorda Bay Foundation – The Matagorda Bay Foundation is committed to litigation where necessary and is now seeking members to join our effort. MBF is a very small and very efficient operation with virtually no overhead. However, we need new blood in this organization. If you fish in Matagorda Bay, please join us. Membership

costs $50. Send your membership check with name and address to Jim Blackburn, 4709 Austin St., Houston, Texas 77004.

The Aransas Project – The Aransas Project has been in existence for over 5 years and is still going strong. TAP is committed to making the GBRA-TAP agreement work and we are also committed to protecting the San Antonio-Aransas Bay complex by speaking out on issues such as the Copano Club permit application. TAP needs both members and financial assistance. For more information on joining and making donations, please go the TAP website and sign up and donate: http://thearansasproject.org/get-involved/join-us/.

Galveston Baykeeper – Galveston Baykeeper is part of the national Waterkeeper Alliance and is dedicated to protecting Galveston Bay through legal action when needed and by citizen activism and oversight. Led by environmental attorney Jen Powis, Galveston Baykeeper will likely appear on these coastal updates in coming years. To support this relatively new organization and potentially get involved with their efforts, please sign up and donate here: www.galvestonbaykeeper.org/folk_n_oysters.

9. Poetry

I have recently ended these updates with a poem or two. Here is this year's offering. Enjoy.

The Scarlet Tanager

The small wetland lies hidden,
A small ribbon of life-giving water
In a forgotten place where the barbed wire
Hangs slack from the crooked fencepost,
The palmettos spread from the edge
Out into the water like lily pads,

Dark green, even black, within the shadowed space.

We stop so as not to scare the immobile
Red and black migrant barely standing on the frond,
Weak from its travels across the Gulf,
Needing a restful place to take food and water
To continue its trip north to breed.
The white sand stuck to its breast lingers from
The fall-out on the beach,
Testament to the ordeal completed,
Too tired to move,
Eyes never leaving us as we pass.

This lovely wetland remains today
By luck, by happenstance,
But likely not because of human ethics,
Yet without this wetland sliver,
Without this water meadow,
Without the long term protection and preservation
Of important habitat along the coast,
The tanager and its migrant brethren will perish,
Their fate dependent upon us –
Upon our willingness to set land aside,
Upon our willingness to be good stewards.

Whether by found ethics,
Or by re-interpreted faith,
Or by sheer force of will,
These special places must be saved,
Places where the lovely scarlet tanager
Can take a breath and gain his strength
To forge ahead from the Texas coast
In the spring.

Blackburnian Warbler

In a hedgerow on the West End
Of Galveston Island in the spring.

The small black and orange warbler moves to and fro
Among the thorny bushes and small shrubs,
A bird that carries my family name,
A bird I see only during migration after it has flown
Across the Gulf or up the coast from Veracruz,
Having made it through the trials of another year
In this era of the changing climate.

I am proprietary about this beautiful, vulnerable bird.
I look for hope and help for its future
And find the brightest light coming from
The least expected source – praise be -
For Pope Francis has thrown down the gauntlet
And issued the encyclical Laudato Si', a challenge
To my species to be respectful of nature, of climate,
Warning that we can and do harm others by our acts,
Informing us that we have duties and responsibilities
To the poor and to other living things.

The fallen Baptist in me wishes for this leadership
In other denominations, in other faith ministries,
That stewardship and Earthcare could become one
With concepts of self, of right and wrong, of success.
The Blackburnian warbler in me sings
"Laudato Si', Pope Frances",
Praise be to you, holy man,
For being that which a spiritual leader should be,

A spokesman for the Earth that is my church,
A figure willing to take on the really tough issues,
A purveyor of hope for the future,
Hope transmitted to me for many more encounters
With my own special warbler
On the West End of Galveston Island in the spring.

White Faced Glossy Ibis

In the wetlands just behind the chenier
On the north side of East Bay.

The freshwater wetlands glisten in the October sun,
Blue water interrupted by green and greener grasses
Populated by wading birds of all description -
The pink roseates, the white ibis,
The yellow footed snowy and the delicate tri-color -
But the attraction today is the thin dark ibis
With the lovely scimitar beak,
Probing the soft mud for delicacies of the soil,
Gifts of the natural wonder that is a functioning wetland.

There are those who believe that the Earth
Is the manifestation of God – a part of the Trinity –
The breath of what my mother called the Holy Ghost,
The essence of God pervading creation,
And there are those who simply consider the Earth
As a place where they come
To find spiritual food for mind and soul,
Nutrition to fuel the life spirit within us all,
Life epitomized by the wavering V
Of black, curve-beaked water birds floating on air
Above the green grass beyond the clay barrier.

And I smile as I watch the birds fly by,
Reflecting on my good fortune
To be behind the chenier and alive
On another good day on the coast.

So long for a while. Talk to you again next holiday season if not before. And if you need to discuss anything, you can always write to me at jbb@blackburncarter.com or call at 713-524-1012 and leave a message if Dale is not in that day. Blackburn.