

**TRANSCRIPT**

**INTERVIEWEE:** Ann Hamilton

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**WhoopingCrane\_Hamilton\_Ann\_HoustonTX\_6June2020\_NoiseReduced&SignalAmplified.mp3**

**Google Voice** [00:00:00] This call is now being recorded.

**David Todd** [00:00:04] Good morning, dear Ann.

**Ann Hamilton** [00:00:06] Good morning, David. How are you this morning?

**David Todd** [00:00:10] I'm fine, thank you.

**Ann Hamilton** [00:00:12] Can you hear me all right?

**David Todd** [00:00:14] Yeah. Yeah. You are coming through clear as a bell. You're the belle of the South. Belle of the ball.

**Ann Hamilton** [00:00:27] I've gone over your questions and I think I've got some answers. But they're quite intense.

**David Todd** [00:00:36] Well, this is not meant to be an interrogation, it's more like a chance to just get your sense of what's important. Why does it matter, that sort of thing? Not trying to be a quiz about names and dates and places, but I just..

**Ann Hamilton** [00:00:56] I can get, numbers throw me sometimes. And so I'm not always sure of the numbers, and the days.

**David Todd** [00:01:04] Me too. Well, if you're game to play this game, I'd like to recite a little bit of an introduction and get your permission to proceed.

**Ann Hamilton** [00:01:27] Before that though, David, have you gotten through all of all of your... I mean are we down at the end where whooping cranes lie? I noticed you did everything alphabetically.

**David Todd** [00:01:37] Oh, no, no. Whooping cranes are kind of at the top. I got a long way to go. I wish I were further along. I'm sort of skipping around to things and, and people that I want to be with. So.

**Ann Hamilton** [00:01:54] OK.

**David Todd** [00:01:55] A long way to go.

**Ann Hamilton** [00:01:57] All right.

**David Todd** [00:01:57] Well, let's try to get started. Then we'll finish sooner. Well with your approval and we plan on recording this interview for research and educational work on behalf of the Conservation History Association of Texas and for a book and a website for Texas A&M University Press and for an archive at the Briscoe Center for American History at the University of Texas at Austin. And you would have all equal rights to use the recording. And I wanted to make sure that that is OK with you.

**Ann Hamilton** [00:02:41] That is fine with me, David. Thank you.

**David Todd** [00:02:44] OK. Well, let's get started. Let me give a little bit of a preface here. It is June 6, 2020. And we are conducting an interview with Ann Hamilton, who has worked in the conservation field in Texas and Colorado for many years as executive director of The Park People and the Houston Parks Board, and as the environment grant officer at the Houston Endowment, and a trustee for the Hershey Foundation. Maybe most relevant here, she served on the International Crane Foundation board for a number of years and has closely followed efforts to protect the whooping crane. She is based in Houston, though this interview is being done by telephone.

**David Todd** [00:03:35] So Ann. Can I ask you a question or two?

**Ann Hamilton** [00:03:41] Yes, you can accept that I have one correction to make.

**David Todd** [00:03:46] Yes.

**Ann Hamilton** [00:03:46] As you know, I am a former member of the Hershey Foundation. I am no longer involved with the Hershey Foundation.

**David Todd** [00:03:54] OK, good point. I will, I'll correct that. Thank you so much for doing this straight.

**David Todd** [00:04:02] So, I thought we might just start with kind of a general question. And can you tell us something about your background and your interest in wildlife and conservation?

**Ann Hamilton** [00:04:15] Yes. My, I grew up in east Texas and my mother was a southern lady from North Carolina. She was a bird lady. Loved birds and always, during our growing up years, watched birds, created habitat for birds. And so my first love came from my mother for the love of birds. We went on camping trips almost every summer during my growing-up years. And so we visited many of the national parks. I got very interested in parks and wildlife on those trips. Those were wonderful trips with my mother, father and sister - camping trips.

**Ann Hamilton** [00:05:06] And then I went to the University of Colorado, where I studied there and got involved with mountain work there. Got married and had a biologist for a husband. And unfortunately, the marriage did not last. But I got very involved in the wildlife and conservation of Colorado mountains and plains. And I worked for Governor Lamb and created an office under his office called the Office of Volunteerism, and in that we created a group called Volunteers for Outdoor Colorado. And it is still in existence to this day, and I'm very proud of that. So lots of lots of conservation efforts.

**Ann Hamilton** [00:05:59] Came back to Texas, became involved with parks here, in Houston and became an environmental grant officer, as I said before, for the Houston Endowment, a

philanthropy here in Houston. And that was really the highlight of my career, to be able to work with the environmentalists and conservationists throughout that Texas and just got to mean a whole lot of wonderful people and, and see a lot of wonderful natural spaces in Texas. And that's the news. That's the background.

**David Todd** [00:06:44] OK. The very boiled down, I know there's a lot of wonderful rich detail there that you're being very modest about that. But, so maybe we can move to this next step and talk a little bit about the, I don't know how to say this, whooping or hooping, crane.

**Ann Hamilton** [00:07:04] "Whooping", myself.

**David Todd** [00:07:09] OK. Let's whoop it up for the whooping crane.

**Ann Hamilton** [00:07:13] All righty.

**David Todd** [00:07:14] Maybe you can tell us, just so you know, a nut, just a tidbit about the, what you know of the life history of the crane and its, its recent history of decline and then recovery.

**Ann Hamilton** [00:07:31] Yes. Well, at one point, the birds, the whooping cranes, were huge flocks, as many know, and they're beautiful birds with huge wingspan of about six feet. And they stand about three and five, I mean, three to four feet tall. They, they mate for a life. They usually only have one or two chicks at maturity, and that maturity takes a while to, to get them to breed. And so they were very prolific and then they got, they got shot and they got taken for their feathers and they went down to, they think, between 12 and 14 birds that were left in the wild back in the late 40s. And, and when they went down, well that, a lot of attention got paid to them because they were such beautiful, traditional, beloved birds all over the world.

**Ann Hamilton** [00:08:39] So they, some explorers, found their nesting grounds in Wood Buffalo National Park, up in the northern provinces of Canada. And I believe it was 1952 and they found those nesting grounds. And at that point, they were able to map the nesting, from the nesting grounds to where they came down to the Texas coast. Every year they fly that 1800-mile journey from Canada to Texas, stopping in the Midwest at various stops. And they come in late October and stay until early May, to mid-May, and then fly back up. They have their chicks in Canada and when their chicks are old enough to fly, they bring, they bring their chicks down here.

**Ann Hamilton** [00:09:36] So the flock began to increase when there was much more attention paid to them. One of the ways they were increased was by captive breeding, and that was begun with the creation of the International Crane Foundation by George Archibald and his partner, Ron Sauey, who started and founded the International Crane Foundation, and started on a farm in Wisconsin and began to incubate eggs that were brought down from Canada in suitcases, on flights, and began to breed them in Wisconsin, in the hills of Wisconsin.

**Ann Hamilton** [00:10:21] And from that there was one bird that was left with the genetic strain and that bird was named "Tex", and that bird has been found, and was in the San Antonio Zoo. And it got transported to Barraboo, where George Archibald decided that he would stay with this bird and teach this bird the dance, dance with the cranes, and that can be found in lots of separate places. But I'm not going to go into detail over it. But he, he got this

bird to breed, and the bird bred and they had Gee Whiz and Gee Whiz started breeding. And from that, we've gone from a low of 14 to 8, to 12 to 14 birds, which now I believe we're up, I think the last count this last fall was 503 birds in the wild flock. There are other flocks as well. But I think we're going to concentrate on the wild flock. Am I right there, David?

**David Todd** [00:11:36] I think that would be good. Yeah, good plan.

**Ann Hamilton** [00:11:41] All right, well, so now we have 503 birds in the wild flock, the flock that flies from Wood Buffalo National Park down to Aransas National Wildlife Refuge. That flock, though, is getting bigger as we go, and they, their territories are expanding. And we can talk about that as we move on through these questions that you've provided.

**David Todd** [00:12:08] OK. Well, I would like to talk a little bit about maybe two aspects of the whooping cranes' recovery, and one is the sort of efforts the Aransas Project has been focusing on, regarding providing in stream flows. And then the other would be all the different kinds of research and mitigation that the Crane Foundation is doing. But maybe we can start with the Aransas Project. Can you tell me what you know about the formation of the Aransas Project? What, how did that come about?

**Ann Hamilton** [00:12:48] Well, it came about because, because of a drought in Texas in 2008, 2009, and ranchers and, and fisher people and business people and, and public officials along the lower Texas coast, at San Antonio Bay and Aransas County, got together and decided that this was really hurting their economy. And, and then they, when, as they were working with United States Fish and Wildlife Service, they met up with a man by the name of Tom Stehn, who was their whooping crane coordinator there at the time, and discovered that 23 whooping cranes had died during that drought because they could not find enough blue crabs and wolfberries to nurture themselves and they starved to death. And so TAP, I call it, The Aransas Project, this started really because the freshwater inflows did not get to the coast. And so it was an economic situation at first. And then it became, the whooping cranes became the focal point of it because they're an endangered species. And, and so from that, that's how it all got started. And there was grave concern about the economy on the coast down there during the drought.

**Ann Hamilton** [00:14:29] And I will say that I got involved with whooping cranes, I mean, I've always been a lover of nature. But I got involved with whooping cranes back in 1991 when I was at the beginning of my career at Houston Endowment as a grant officer. Dr. George Archibald came to see me and was on the trail for a grant. And thankfully, we were able to make a small grant to the International Crane Foundation for their whooping crane habitat. Because of that grant is how I really got involved with protecting and working on the habitat for the whooping crane. So I've sort of been immersed in it since 1991.

**David Todd** [00:15:20] Do you do you remember what the first grant was about?

**Ann Hamilton** [00:15:25] Yeah. It was for, it was really, they were building a whooping crane habitat exhibition at their headquarters at Baraboo, Wisconsin. And that was a far cry from Houston, Texas. But it was for the whooping cranes and to highlight and educate people about the wild flock coming from Canada to Texas. And so it was a habitat exhibit based on what we're doing here in Texas. And it's a beautiful exhibit. It still exists today. And we were able to give them a small grant. They got the major grant from Amoco when Amoco Oil Company was still in existence. But it's a beautiful habitat and it has birds in it. And there are live birds and they have a pond, and a marsh, and a prairie there that they can live in and, and love. And it

has a little amphitheater near it, and so you can look out on this pond. I was just there about a year ago and spent some time there. It's a beautiful place.

**David Todd** [00:16:39] Well, do you, can you sort of describe how George persuaded you to endorse this, this opportunity and present it to the board? What was his pitch?

**Ann Hamilton** [00:16:53] If anybody's ever met Dr. George Archibald, it's very hard to say no to him. He is, he is a compelling Canadian, I would say. He is immersed in cranes and crane habitats all over the world. He's traveled all over the world. I had the good fortune of meeting him in 1991, due to my connection to the Houston Audubon Society and the woman who was there at the time, Sandi Hoover, was executive director. She called me and it was right after I got my job at Houston Endowment. I was not the environmental grant officer at the time; we were more generic then. And she said, I'd like to bring break somebody by to meet you, and so I said, fine. Who is it? She told me. And he sounded like a very interesting person. And so I asked the president of Houston Endowment and if we could, if we could go have lunch together, and would he come along? And so the two of us met with Sandi and George Archibald. And we had this fabulous lunch. And after the lunch, he had convinced me right away that these birds were so important. He's, he's just, his message is almost spiritual in nature. I mean, he describes these birds. He talks about their traditions. He talks about how they bring hope and peace to the world. It is pretty compelling.

**Ann Hamilton** [00:18:32] So with that, Joe Nelson, who was the president at the time, and I decided to invite him to submit a grant request. And at that point, Houston Endowment was not just doing grant in the eight, eight-county region of Houston. We were still doing some grants sort of nationwide. They had, they had to focus on Texas. But so we presented a modest request to the board at the time. And I think the board was only about six people at that point. And so we were able to help them. And that was the beginning of my involvement with the International Crane Foundation. Now, I, I continued to be involved with them on a personal level. But as you know, Houston Endowment pulled back and began to make grants only in Texas and then even later pulled back and now makes grants to the eight-county region surrounding Houston. So, but my involvement with ICF got very intense because I was so intrigued with these big white birds. And I continued to just stay involved with, with them on a personal level. And so that's how that happened

**David Todd** [00:19:55] I love the story - the through line from your mother's interest in birds and then this, you know, friendship and sort of partnership with, with the ICF and George Archibald, and then I guess if we forward further, 2010, I think you mentioned that the Aransas Project had been put together and the Project, as I understood, filed suit on the, against the TCEQ, at that time to try to secure inflows for Aransas Bay. What was the thought behind that? Can you sort of give us some of the context to that.

**Ann Hamilton** [00:20:48] Well in the beginning, it was an attorney named Jim Blackburn, who was working with the folks down there on the, on the bay, and he was very concerned and they were very concerned about the freshwater inflows. And he discovered, he discovered that these white birds, these whooping cranes, were not getting freshwater. And they have to have a freshwater inflow into the bay to breed these blue crabs that they subsist on. And they need those, those blue crabs and the, and the wolfberries as their diet because they have to fly back up to Canada in the springtime. And that takes a lot of energy. And so they have to build up their reserves to get back up to Canada and do their breeding in the breeding grounds. So these birds were dying because they couldn't get water. It was a drought and there was no water coming. And the water upstream had been taken by TCEQ and several other entities

upstream, and the flows weren't coming down to mix with the saltwater and provide these, the food substance for these birds.

**Ann Hamilton** [00:22:15] So Jim decided the way to get these freshwater is flowing again might be a litigation. I think they tried many other ways of convincing TCEQ and the state to, to stop, and that didn't work. So they brought suit and it was quite a, quite a effort on many people's part to, to bring the suit and to follow through with it. It was an effort all the way from 2011 to 2015, I believe, before, before it all got settled. And it was really an interesting lawsuit, and there were, interestingly enough, a lot of people bought into it. A very wealthy ranching family provided most of the money for the, for the litigators to bring this suit. There was a lot of publicity surrounding it. Interestingly enough, International Crane Foundation, Jim Blackburn made a presentation to the board when the board met in Port Aransas back in 2000 and, I'm going to say 2000, then 10, but maybe 2011, I can't remember the exact date, but he made a presentation before the board because he needed, he needed national partners. And for the very first time the International Crane Foundation in its 40 years of existence decided that they would enter into this lawsuit as a partner. And that was really a, an amazing thing that happened because they had never done that before. A lot of other national environmental groups refused to buy into it or even support it. I don't know why, but they didn't.

**Ann Hamilton** [00:24:22] And. But a lot of it was I think they were 18 partners still. The Aransas Project is still in existence. But it was county officials down on the lower Texas coast and ranchers and as I said, fisher people. And so there were a lot of businesses involved and, and they all agreed that this lawsuit was necessary to get freshwater flows going. And if we needed to use the Endangered Species Act to do it, then that's what we did. And they did. And so they agreed to do it. At that time, I was not on the board of the Aransas Project at all. At all. But I was watching it because I was on the board of the International Crane Foundation. So I was sort of the representative to that effort. From the board now, Elizabeth Smith, Dr. Elizabeth Smith, who is the staff person in Texas, was also very involved in the litigation. And as was George Archibald, he was the first expert, the expert witness that they brought on to get into the suit. So it was quite an interesting part of my life.

**David Todd** [00:25:43] Well, you know, what you're telling me is really interesting on a bunch of levels. I'm curious how the International Crane Foundation, which has always had a very cooperative, collaborative attitude on conservation work, decided to get involved in something that's pretty confrontational like a lawsuit.

**Ann Hamilton** [00:26:11] Well, as I said, George Archibald is a very compelling, convincing character as is, as is Jim Blackburn, the attorney, the lead attorney on this case. And between the two of them, they exerted enough influence and, and credibility to convince the board that this is something that they needed to do. And the board had in the past had been pretty passive. I mean, they were not real advocates, they were more conservationist bias, that sort of thing. But as it, as the board grew, that we became much more involved, had many more people on the board that, that were willing to take a chance and, and fight this thing, because they, because of their absolute love for these cranes all over the world, not just whooping cranes, but the other 14 species. And so they were all involved in saving cranes and their habitat. And so, there were some that were very reluctant to come on board, but the majority said yes. Let's go. Let's do this. And so we did it. We joined in. We were one of the 20 partners or so that joined in and we didn't give, I don't even think we provided any money to add to the effort. I think it was more like just signing on as a international group that cared about freshwater inflows into the Texas bays so the whooping cranes could live. I mean, at that point

there were only 270 whooping cranes and we lost 23 of them. So we were very concerned that this could go on. I mean, we've had droughts in Texas, as you know, for eons. And if we had another one, we've got to keep freshwater flows into the, into the bays as we, as the habitat areas. Their habitat is growing, by the way, they are, they are moving beyond Aransas. Freshwater inflows - so important.

**David Todd** [00:28:37] Well, you were talking about the ICF and the board and staff and their engagement with the TCEQ and the whooping crane effort. Can you talk a little bit about how the Aransas Project, which I guess is basically an environmental group, conservation group, managed to appeal to county officials and business people on the Texas coast? That seems like kind of strange or unusual bedfellows.

**Ann Hamilton** [00:29:12] It is unusual bedfellows and it has to do with the economy. And as you know, on the lower Texas coast, and on all of the coast, it's fishing is very important. And so it was an economic situation. Tourism, for one thing, was being affected by the drought and, and ranching was being affected by the drought because, like the ranchers down there couldn't get water for their crop, for their crops and their cattle. And so it was economics, for one thing, and diversion of water upstream, as you know, a big, always a big fight. And there was, Texas was overselling its water and diverting it to other purposes beyond what was being able to get to the coast.

**Ann Hamilton** [00:30:02] And so they, but the whooping cranes became the iconic, the icon, for, for bringing this suit. Otherwise, I don't know that that would have worked to just go to court and say well it would hurt the economy on the Texas coast, and the fishermen can't catch enough fish. But we, it was the bird, the Endangered Species Act bird, the taking of those birds. And we proved in court that they had been taken because of upstream water diversions by the Guadalupe-Blanco River Authority and other entities, TCEQ, San Antonio Water Authority, several different entities. Of course, that's who we were fighting, but the Guadalupe-Blanco River Authority, the GBRA, is the entity that that came in as the lead group against, against the litigators. And they provided the money to fight that in court, in federal district court. And it was, believe me, a lot of money. I think they spent, I think I've heard they sent 15 million dollars on that case. And the other side, I believe, spent about three million dollars. So it was definitely a David and Goliath sort of thing. And in this in the first case, David won.

**Ann Hamilton** [00:31:45] Well, can you talk a little bit about Goliath and I think you talked about the partners that TAP brought in, and then, of course, ICF. Well, what were the folks who are promoting these diversions of water and what were their institutions and interests?

**Ann Hamilton** [00:32:02] Well, Texas TCEQ, Texas Commission on Environmental Quality, I think, is the term. It was the state of Texas. It was, as I said, the San Antonio River Authority, the San Antonio Water Authority, I think that's called "SAWS", and Guadalupe-Blanco River Authority, which is an authority that sells water rights along the Guadalupe and Blanco Rivers. And so they were very interested in, in continuing to generate revenue from water sales. And not too interested in freshwater inflows and as you remember, David, back in 2002, it was Senate Bill 2 that had been passed, that a lot of environmental groups tried to provide more water to the bays and fresh water inflows down to into the, the rivers to keep wildlife alive in those, in those rivers and streams.

**Ann Hamilton** [00:33:16] Excuse me. So those, it was David and Goliath and Goliath was the state of Texas, basically.

**David Todd** [00:33:26] Well, there must have been a lot of surprise in the district court came back to this ruling that indeed TAP had a good case that the cranes were being taken by these water diversions. What was your reaction?

**Ann Hamilton** [00:33:39] I was at the court. I watched a lot of the proceedings and I was down there when George Archibald was on the stand. And I can tell you that, the TAP defense, I mean, the TAP litigators were very well prepared. There was a team of, I believe, six lawyers and they were all so well prepared. They had done their research. They had provided incredible information and research into this, into these proceedings. And the other team had not. I think the other team went in and they had been hired by Guadalupe-Blanco River Authority. And I think they thought this is going to be easy to do and we're going to go in there and take it on and it will be over in a couple of days.

**Ann Hamilton** [00:34:36] Well, it wasn't over the couple of days and the research that was presented, presented to the court was, was very good and judge Janis Jack, who is the district judge, federal judge in this case really had done her homework as well. And she did not allow any - what's the word I want? - any levity. It was a serious, serious case and she would not allow any, any. Everything was done electronically. There were no signs. There were no billboards. There were no anything in the court. You had to do everything electronically. The other side, the team, the Texas team side, brought in all kinds of signs and charts and graphs, and she wouldn't allow any of it. All had to be done electronically.

**Ann Hamilton** [00:35:38] So they were not prepared. Basically, what happened is they were not prepared. This David, I mean, the Goliath side was not prepared at all. And the TAP side was very well prepared. They had gone down there two weeks prior to the trial. They had holed themselves up in a, in a bed and breakfast. They had practiced. They had worked. They had George. George was down, George Archibald flew in China? And he was prepared to go on stand. He had never done anything like this before. He was an expert witness and he had been deposed earlier in the year and he'd flown in from China for the deposition and he had come to Houston for that deposition. And it was exhausting for him because he was jet lagged from Canada, I mean, from China. But then when he went down to Corpus Christi, he was very nervous. As I said, he was not well, I mean, not he'd never done it before, so he didn't know what to expect. But he got up on that stand and told his story, as I said earlier. His story is very compelling. And he talked about his love for these, for his research into these birds and all of the things that he had done for these birds, including bringing them literally back from the brink of extinction. And it got everybody's attention. And he was their first expert witness. And then the next witnesses were all scientists, researchers, statisticians. I mean, they were able to provide the data that was needed to prove that the taking of water upstream had affected these birds.

**Ann Hamilton** [00:37:37] At one point, this, this other side, the Goliath side, tried to claim that these birds didn't need to drink water and, and that they subsisted on, on, you know, critters in the wild, but they didn't really need water. Well, that was disproven quickly.

**Ann Hamilton** [00:38:03] So the judge was, clearly, it took her a year to come to her conclusion to write her, her reasonings for her decision, and she voted in favor of the TAP team. And it was a 123-page opinion piece. But she, she outlined everything that had happened.

**Ann Hamilton** [00:38:29] Anyway, they won in a district court in Corpus Christi, or we did.



**David Todd** [00:38:38] Can we talk about one other witness that I think was called in who provided pretty persuasive evidence, and that was Tom Stehn.

**Ann Hamilton** [00:38:48] Oh, yes.

**David Todd** [00:38:49] A Fish and Wildlife Service biologist. Would you tell us about him?

**Ann Hamilton** [00:38:54] Well, Tom Stehn was the whooping crane coordinator for the Aransas National Wildlife Refuge by the United States Fish and Wildlife Service. So he was a Fish and Wildlife Service employee during this drought time and he had done his aerial count. He counted the birds every single year. By going up in a, in a very rudimentary airplane and literally counting them. He knew the birds. I mean, he knew where they nested, where they, where they go forage. He mapped them out with hand-drawn maps. And so his, his data was extremely important.

**Ann Hamilton** [00:39:40] Unfortunately, however, the United States Fish and Wildlife Service would not let him testify in court. Until Judge Jack, during the first day of the testimony, they started talking about Tom Stehn's data, and his research, and his information, and statistics on these birds and why they had been killed. And she said, where is Tom Stehn? And they, both sides said, well, we, we weren't able to get in because his employer wouldn't let him participate. And she said, well, I have subpoena power and I'll get him. And so with that, she wrote out a subpoena and they delivered it to his house that very day. At that, I found out later he was in, he was, he had retired at that point. And so he was no longer an employee of United States Fish and Wildlife Service. He was in his hot tub at his home in Rockport. And they went knocking on his door, they being the subpoena servers, knocked on this door and he came to the door in a towel. You have been ordered to go to district court. He said, well, let me put on some clothes. And he showed up and got on the stand and testified about it, about his data, went through the statistics and how he did it. And, you know, how he flew over. And, and so that was entered into the record as part of the proceedings.

**Ann Hamilton** [00:41:21] And so, Tom Stehn's research, his data collection, was extremely important in that case. As that, after he retired, though, they went to another method of, of counting. And it's, I don't think, and this is my opinion, I don't think it's as precise as his counts were. I think they still fly over, but it's not as it's not as concise or precise as his counts were.

**David Todd** [00:41:57] So this, this ruling in the district court level in favor of the Aransas Project prompted an appeal to the 5th Circuit. And my understanding is that the judges there reversed the district court. Do you know much about why that happened, and what the effect was?

**Ann Hamilton** [00:42:24] Yes, I I went over there the day that they appealed and, and I was in the courtroom in New Orleans. And it was a three panel judge, it was a three panel. The judges, there were only three of the 15 that had been appointed, and so there were three judges and they voted unanimously to overturn Judge Jack's decision, and it was based on a, their interpretation of her interpretation and there were lots of legal. I can't I can't go into the details because I'm not an attorney. But we were disappointed, let me put it that way, that that it was not a very precise ruling. It was more political than anything, frankly. But I think we went into that knowing that it was going to be very difficult because the 5th Circuit has not been kind to the environmental community at all, ever. And so with those three judges. So

they appealed to try to go to the full panel, 15 judges, go before them, and they were denied that.

**Ann Hamilton** [00:43:47] So with that, there was an appeal to the Supreme Court and we ended up, and at that point, TAP's major funders, the big ranchers, the big wealthy ranchers down on the coast had decided to pull out. They were not going to provide any more money. So we were able to put together some funds to make the appeal to the Supreme Court, which was, which was not easy to do because appealing to the Supreme Court is very timely and it takes enormous amounts of paperwork. And so we had to put some more money into it. And so we appealed to the Supreme Court. But that was turned down, too. And so at that point, it was over and TAP had, quote unquote, "lost".

**Ann Hamilton** [00:44:44] But good things came afterwards, which was pretty amazing. Basically, what Judge Jack's ruling was that Texas had to put together a Habitat Conservation Plan for the area, for the region, so that these birds could be better protected. And, and we didn't think that was going to happen. But, lo and behold, it's come to pass. And so I guess you, patience counted in this, in this instance. We were patient and Jim Blackburn didn't ever let up. He kept going.

**Ann Hamilton** [00:45:31] And in the second round of, of the appeal before the 5th Circuit, another group of attorneys were brought in. And the lead attorney was a woman by the name of Molly Cagle. And she worked for Baker Botts here in Houston. And she brought in a team of really, well, they had been before the 5th Circuit on many occasions, and so I think we do at the very beginning that this was going to be a real uphill pull. And but Jim knew Molly Cagle. Jim and Molly had been on opposite ends of the spectrum on many occasions. And so after the Supreme Court ruling came down saying no we're not going to hear this, Jim and Molly spoke together. And Jim, they decided that maybe, maybe, TAP, could go to the GBRA and settle down and set, sit with them and talk about some sort of an agreement that could continue freshwater inflows into the bays for the whooping crane and for other species and for the economy on the coast.

**Ann Hamilton** [00:46:54] And so they sat down and talked and they ended up putting together a meeting with Bill West, who was the executive who was the general manager at that time of the, of the Guadalupe-Blanco River Authority, the people that had brought and provided the main forces before the earlier court, the district court. And so they sat down, Jim and Molly, and Bill West and a guy by the name of Todd Votteler, met, I'm not even sure where, but decided that they needed to agree that this, this really needed to happen and people needed to put their litigation aside and try to come to an agreement.

**Ann Hamilton** [00:47:45] And that happened; it happened in 2016. It was an agreement signed down at the San Marcos, San Marcos at the Meadows Center for River and Environment, I think it's called. Andy Samson, who was the executive director of that at the time, invited them down and they stood there at the Aquarena springs and shook hands and came to an agreement that they would work together to put together a Habitat Conservation Plan. And so that was the beginning of the turnaround, which is now become, is happening. And I'm happy to tell you that it really is happening.

**Ann Hamilton** [00:48:36] So as a little hiccup in the middle of it, in that Bill West retired. And so at that point, I had been asked to be on the board of TAP. And so I was, I was still on the board of International Crane Foundation. And so now I was on the board also of the Aransas Project. So I was wearing two hats, which was at times conflicted, with regard to fundraising.

But nevertheless, I decided to serve on both and so I was getting more and more involved in in the work with the agreement, with the GBRA/TAP agreement. And so Bill West retired, but not before we were able to put together a public meeting down in Rockport and told the partners that were involved in the original case, and what was going on and how we'd come to an agreement. And thankfully, Bill West and Todd and Jim all made very good presentations, answered questions from the, from all of the partners that were there that night. And there were oh, probably about 75 people in the room. And there were good questions asked about how this was all going to turn around. So people were encouraged that, that all was not lost because we lost the case at the Fifth Circuit and the Supreme Court. So, through that litigation, good things began to happen and now we have a real solid agreement with GBRA, because Bill West retired and Todd Votteler is no longer there.

**Ann Hamilton** [00:50:18] But now it's Kevin [Patteson]. I can't think of Kevin's last name, David, I'm sorry, but he is, he is now the general manager. He was at, came in from the Texas Water Development Board. He has been head of Texas Water Development Board. And he and his team came in and we sat down with them, went to lunch with them and tell them about the agreement. And asked, would they still be interested in working with us? And lo and behold, they were. And we were very pleased about that.

**Ann Hamilton** [00:50:53] And so Todd left. Todd had been the environmental manager over GBR. Tom left. And they have now hired a man by the name of Nathan Pence. And Nathan Pence was a man who had been up in the, in your part of the world, in Austin, and had helped with the Habitat Conservation Plan up there for the Hill Country. And so his background was very good for this sort of thing. And he's now at, at GBRA. And he and Jim and I talk once a month. We've had many conversations. We were able to get a grant from the Mitchell Foundation to put this sort of agreement, to get it implemented.

**Ann Hamilton** [00:51:45] And so we got that grant and worked through that and some of that money that's left over. And we've now put together a, another group. Well, we are using the remaining portion of that grant to to look at expansion of a whooping crane habitat and what the various entities are doing to work on expanding the habitat. Because these birds, by the way, need a lot of territory, as you know, sometimes up to 300 acres of habitat that they, they can forage and raise their chicks on. So the habitat has to expand, as the flock expands. The goal is to get them off of the Endangered Species Act list is 1000 birds. And so we're working toward a thousand. We are up at 503, I think. So we're halfway there, but then they're going to expand. And so we're looking at habitat expansion and working with private landowners and and getting water recharged and back down into the, into the bays and looking at ways to do that and that plan, that agreement has all of those components in it. It's, it's a pretty long agreement and it's working.

**Ann Hamilton** [00:53:24] And thankfully, Nathan has applied for a section, I think Section 6 funds from the United States Fish and Wildlife Service and he got a grant, or we got a grant. And it's a million dollars and it's supposedly coming in at the end of September, first of October, at the end of the federal fiscal year. But he's gotten notice through Texas Parks and Wildlife that that, that grant has been approved.

**Ann Hamilton** [00:53:55] So I'm pleased about that because we've been, TAP has been working on a shoestring for many years.

**Ann Hamilton** [00:54:04] And we found a very nice, generous donor to help us through that Supreme Court process because it was costly and thankfully a very generous soul gave us the

money to get us through that. And I think this person will help us with, if we need it in the future. But this, this Habitat Conservation Plan is going to get implemented. Everything takes so long now. It creates, it, you know, I hope it happens in my lifetime. Maybe not.

**David Todd** [00:54:43] It's slow. It is. But for children so forthright and steady. You've mentioned a lot of what TAP has done. I think earlier you mentioned that ICF through Liz Smith has had important presence down there in the Aransas Bay area and throughout Texas. And I was wondering if you could talk a little bit about what ICF has tried to do on behalf of the whooping cranes here in Texas and beyond.

**Ann Hamilton** [00:55:20] Well Liz, I think the biggest the biggest thing right now for ICF is habitat expansion and planning on where these birds are going to go, and working with landowners, because, as you know, Texas is mostly privately owned. And so they are now going to hire a new person. And it's been, unfortunately, the hiring has been sort of set aside right now because of this pandemic that everybody has had this go through. And so they're looking to hire a new person, person that will be a land and water conservation manager, and this land and water conservation person will be working with these private landowners, working with the maps of where we think the habitat will be going, will be needed for this expansion. And so expansion is the biggest thing. We know that they, the birds, are going north and south, and, and east and west. I mean, they are expanding. And so that's the big, big project now because they are, they're moving beyond Aransas National Wildlife Refuge, which is the big partner with us, because it is United States Fish and Wildlife Service.

**Ann Hamilton** [00:56:53] But we're not going to have to start working with other agencies and entities to, to provide habitat for these birds, as they continue to increase and, and we get to our goal of a thousand birds. So they working on that.

**Ann Hamilton** [00:57:12] They're working on lots of threats and one of the threats right now is, is the threat of the oil and gas industry to expand and deepen the channel down there in Corpus Christi. The Port of Corpus Christi is, there's a proposal to widen and deepen the channel, I guess deepen more than widen. And so Rich Beilfuss, who is the CEO of ICF, has sent a letter to the governor, Governor Abbott, asking that some of those proposals be carefully looked at, and that we basically oppose. There's a couple of desalination plants that are supposed to be going to be built at Harbor Island and then deepening of the channel is going to affect the fish population down there. And it will affect whooping crane habitat because the whooping crane habitats are now expanding. So he, I believe, was April the 9th sent a letter to Governor Abbott to oppose these, these, these expansions and these, these developments because they are adverse to the whooping crane.

**David Todd** [00:58:44] Sure.

**Ann Hamilton** [00:58:48] So we're working on that. There are other threats: there's threats of poaching. Those are, people for some reason, shoot these birds. And that's a tragedy, truly. And if you shoot a whooping crane, you're in big trouble, because it's endangered. And you can, you can literally go to jail. And we've had one such case in Texas and Louisiana that had had to go to trial. Brought, they were, they were convicted. So people still shoot them.

**Ann Hamilton** [00:59:29] You know, there's high wires, they run into wires and die that way. But I think one of the biggest threats is poaching.

**David Todd** [00:59:45] Do, were you watching the trial of Trey Joseph Frederick?

**Ann Hamilton** [00:59:51] I went over there to Beaumont. Yeah, I went with Liz and we went together and thankfully a lot of the local Audubon, and I should have said this earlier, some of the local Audubon Societies have been very, very with us in these in these questions. That Gulf, the Golden Triangle Audubon Society, I think it's called, were there in full force in the courtroom when this Trey Frederick was brought to trial and that judge took note. If we were all sitting there, we didn't testify or anything but we were sitting there in that hearing. And he surely took note. There was evidence that was sent as to the judge before the trial that showed how much money it costs to breed a whooping crane. And it's upwards of a hundred thousand dollars. And so we were, through the National Fish and Wildlife Service, we were asking that that we be compensated, that population be compensated. And he was he was fined 25,000 dollars and put on probation for five years. His gun rights were taken away from him. He was a very young man and I don't know, we talked to him out in the hallway. And Liz Smith sat right next to him and said, "why did you do this?" And he said, "well, I didn't know the difference between these birds, between a, you know, a whooping crane and a whatever, a goose". He, he wanted to shoot something. So he shot it. And it was found and they caught him and put him on trial, and he was sentenced, and put on probation. And then by God, he broke, he broke his probation and he took a bunch of people out hunting and they caught him again. He was hunting feral hogs and I guess that's not so bad, but breaking your probation is bad. So, I think he's in jail now for sure, because, because he broke probation. The judge was very harsh in his sentencing of this guy. He was pretty hard on him.

**Ann Hamilton** [01:02:38] So that's the story of that trial and there have been several since. But it's got the attention of people. You don't shoot a whooping crane and get away with it anymore.

**David Todd** [01:02:52] Well, that's progress. Yeah, that's right. Why don't we take a moment to just look back. You talked about so many things that have been done on behalf of the crane from the Aransas Project to International Crane Foundation, to these Audubon partners, to agencies like GBRA. What sort of overall lessons do you take from these efforts to protect and restore the whooping crane.

**Ann Hamilton** [01:03:27] You know, what I take from it, David, is that it takes a village, it takes a lot of people that are caring and, and have the time and the will and the patience to go for the long run and stick with it. And it's more than just staff. It's volunteers. It's advocates. It's bird watchers. I've learned so much because, and I've met so many incredible people who really are passionate about birds, not just whooping cranes, but birds. And even this pandemic, I think it's brought more people to the outdoors, to the wonders of Mother Nature. So what I've learned is that these things can't be done overnight. It can't be done by one entity. It has to be a large group of like-minded people working together to reach a goal.

**Ann Hamilton** [01:04:28] And the education of this is important. And I think ICF, for one, is really good at educating the public about the perils and the glories of these beautiful big birds all over the world. And we, we work with communities in, where the birds are. And that is important. But through this in Texas, one of the things that I was able to do at the very end of my 9-year tenure on the board, and now I am an emeritus of the ICF board. Last year, I put together a group called the Texas Crane Council. And they are a bunch of, group of people who are very committed to the big whooping cranes and other cranes. We have the sandhill cranes in Texas, too, as you know.

**Ann Hamilton** [01:05:25] And, and, and one of the things I forgot to mention, if I can just add an addendum here, is that one of the reasons that the TAP/GBRA agreement worked out with the new administration at GBRA, was because we went to your mother's ranch, the Wray Ranch, on a Friday afternoon. Well, actually, a Friday morning into the afternoon and sat in the depot out there and came to an agreement with the new administration and that, so your family has been involved as well and your sister is one of the members of the new Texas Crane Council. So I want to commend the Todd family for stepping up to the plate and being a part of all of this. Thank you.

**Ann Hamilton** [01:06:23] Anyway, the Texas.

**David Todd** [01:06:23] Meddling once again!

[01:06:27] The Texas Crane Council is a group of thankfully 14 beautiful individuals who care deeply about birds. Mainly they are in, in here in Houston because they're basically my friends that I have strong armed to do this. But, but we've got, we've got a new partnership with the Houston Zoo. We've got a new partnership with the Dallas Zoo. And San Antonio Zoo has always been with us because the San Antonio Zoo has always had whooping cranes. But Houston now has a new habitat for whooping cranes and has two, two of the whooping cranes they were part of the, I won't go into it. The Fish and Wildlife had to shut down its program, in the federal program. But there were 75 cranes that had to be relocated. So two of those cranes, thankfully, are here in Houston. And so Houston Zoo has really been a great partner to ICF. And so they host the Texas Crane Council whenever we come to town and meet. And we don't meet very often because that's one of the promises I made that you won't have to meet very often. But I, we provide them with a quarterly report every, every quarter. And it's a report basically from our Texas program and what we're doing and how we're doing it in and what's on the horizon. And if they please will help. And it's coming, it's coming to pass. So partnerships are really important, David. I guess that's what I've learned.

**David Todd** [01:08:14] Well, that's a great lesson. And it sounds like a lot of, not just partnership, but the dedication and passion from people like you. So,.

**Ann Hamilton** [01:08:25] Yeah.

**David Todd** [01:08:26] Thank you.

**Ann Hamilton** [01:08:28] You're welcome.

**David Todd** [01:08:29] Well, anything you'd like to add?

**Ann Hamilton** [01:08:32] Well, I added that how important the Todd family has been not only to the birds, but to me personally and I just thank you all so much for your dedication and commitment. And I'm just, you know, I'm kind of coming up on the winter of my life, and I look back and think, wow, I've had so many good things happen to me, I am such a fortunate person to have had the job I had at Houston Endowment and and to get to know the conservationists in Texas, a really amazing group of people, and the scientists, and the biologists. It's just it just fills my heart with great warmth to know them, and to know that I can count on for support and friendship and counsel and good advice.

**David Todd** [01:09:38] So well said. Thank you. Thank you very much. I love having excuses to talk to you. Let's have another visit soon.

**Ann Hamilton** [01:09:48] And let's do and give your family my best, OK?

**David Todd** [01:09:51] You bet. Love you. Take care.

**Ann Hamilton** [01:09:54] I love you, too. Bye bye.

**David Todd** [01:09:56] Bye.