

Steel Mill Threatens Pristine Fishery and Environmental Gem on the Texas Coast Or... Danger Lurks Upstream

By Bryan French, environmental attorney representing The Aransas Project

Informed locals say that to take a trip across the shimmering waters of Copano Bay, up the Aransas River and into Chiltipin Creek is to step back in time. The abundance of wildlife to be seen is simply stunning in terms of both diversity and abundance, and a visit is well worth the effort.

To get there, it is best to proceed by boat from one of the many public boat ramps in the area, like the Copano Bay Fishing Pier. Utilizing a good local wildlife, master naturalist or fishing guide is highly recommended. From the Copano Pier, the boat crosses the azure waters of Copano Bay in a south westerly direction until the Copano Causeway sinks completely into the horizon and the shimmering diamond like waters of the bay absorb the last vestiges of land.

The bay itself is about 12 by six miles, an irregular oval oriented in a southwest to northeasterly direction and remains bounded mostly by undeveloped land and cattle ranches. Yet Copano Bay's size belies the fragility of the ecosystem as it has an average depth of only about 7-9 feet, and unlike its southern counterparts, it is not hypersaline. The bay itself is off limits to shrimping as it is considered an essential shrimp nursery and Copano Bay remains an important commercial oystering bay as well. The bays many elongated oyster reefs also provide habitat for fish and a feeding grounds for a variety of birds, which becomes apparent on the ride across the bay.

Periodically one sees abandoned decrepit drilling platforms, that serve as perches for the many ospreys and shorebirds that call the region home. Also visible are reminders of the commercial importance of the bay indicated by the white buoys that identify crab traps. As the boat approaches the community of Bayside, the western shores of Copano Bay slowly materialize, and ahead the sandbar that identifies the mouth of the Aransas River appears. Beneath the causeway the boat turns up the Aransas River past Egery flats on the left, and quickly approaches the entrance of Chiltipin Creek, a broad expanse of water parting the marsh grasses and mud flats on either side. *See **Figure 1**. Below.*



Figure 1. Entrance to Chiltipin Creek

Although the mouth of Chiltipin Creek at the confluence of the Aransas River is quite wide, it slowly narrows and the water depth decreases slowly to about 6 feet as it wanders through the marshes in wide sweeping arcs in a westerly direction, turning north then twisting south only to continue west again. Without recent rains the creek runs slowly, but during high rainfall events the waters rise rapidly and move very quickly. Under average conditions the creek is carefully navigable, and the topography slowly changes, but one doesn't notice immediately as the visible wildlife proves quite distracting. As the boat passes, alligators slide from the banks to disappear into the creek and a raucous escort of egrets, ibis and herons fly ahead to announce your arrival.

Egrets, herons, shorebirds of all types, as well as songbirds, Caracara and Ospreys roost in the lush vegetation along the banks and bluffs, under which soft shell turtles and alligators of all sizes loll in the sun. Ahead of the boat, alligator gar—several of trophy size both ancient and massive—roll and dive into the light brown water leaving only the flash of their massive tail. Other smaller gar eye us human interlopers reproachfully as the boat passes. The cries of shorebirds and songbirds are punctuated by those of the highly visible kingfisher population, which includes green and belted kingfishers who scold us for our disruptive presence. *See Figure 2. Below.*



Figure 2. Kingfisher Perched atop dead tree on banks of Chiltipin Creek

It was early fall, there was little wind and the creek surface was flat with a glassy sheen. As the boat progressed it became impossible not to notice the significant shelter provided since the creek banks had become bluffs covered in verdant vegetation. On this day, the creek attracted flocks of butterflies that fluttered along the banks and accompanied the boat as it slowly made way upstream, like a scene from a fantastical fairy tale. Along the way, the occasional deer stand emerges through the vegetation high on the bluffs, as well as visible evidence of oil production platforms, ghostly relics of another era. See **Figure 3.** below. Such relics are reminders of the underwater hazards lurking beneath the creek surface.



Figure 3. Vestige of the Past, Abandoned Oilfield Works

Underwater hazards present ample opportunity for the careless boater to damage a prop or motor. Actually, these underwater obstacles probably work to reduce motorboat traffic as submerged pilings, pipelines fence posts and other hazards abound. Evidence of high water remains visible in the form of tree trunks and limbs high above the water still ensnared in the old, abandoned oil field trestles and equipment, like flies trapped a spider's web.

The voyage upstream halted at a point approximately 12 miles upstream from the Aransas River because the waterway essentially is blocked by a partially collapsed pipeline. It would be possible to pass upstream in a kayak, but in most boats, it appears hazardous to say the least. As the boat turned around, the water mirrored the sky, just as the wildlife and landscape reflected the majesty of nature seen on the trip upstream. One departs Chiltipin Creek and Copano Bay with a profound sense of wonder, amazement, and respect for the beauty manifested in the Texas Coast. For this witness to the glory of nature, the images remain as vivid today as they were the day of my visit.

For as long as folks can remember, Copano Bay, the Aransas River and its tributaries remained lovely gems in the crown of the Texas Coast, in part because the area escaped the environmental problems associated with heavy industry's coastal development. One need not travel Hwy. 35 further south than Corpus Christi or north toward Point Comfort to see the massive industrial complexes emerging like steel mushrooms along the

coastal plain. These plants offer jobs, but also alter magnificent horizons and poise threats to human health and the environment upon which many Texans depend. Unfortunately, even Copano Bay's striking beauty and natural resources that provide substantial economic benefits for state and local economies do not provide some sort of magical immunity from industrial development. Today, pollution from heavy industry now threatens the pristine waters of Copano Bay and its tributaries, as well as the Mission and Aransas Bay systems.

Currently, the threat is not even visible from Copano Bay, but rather takes the form of a massive rolling steel mill—over 845 acres—under construction some 21 miles away near Sinton, Texas in nearby San Patricio County. As part of the Texas Commission of Environmental Quality's rules, the plant's operators, Steel Dynamics, LLC must obtain a water discharge permit. This permit would allow over 1.5 million gallons of treated industrial wastewater per day to be dumped into the pristine waters of Chiltipin Creek, to flow into the Aransas River and ultimately into Copano Bay and into the neighboring bay systems. What is in the wastewater still remains unclear, but many of the chemicals to be used in the steel making process before treatment are toxic to a lot of aquatic, and marine life, as well as to mammals, birds and in some cases humans.

What makes this permit so frightening is the potential for discharges of known and unknown pollutants into the uniquely unspoiled waters of Chiltipin Creek, then into the Aransas River, into Copano Bay, and ultimately into Aransas and Mission Bays. Any discharge of toxic chemicals, heated water or hyper saline water would wreak havoc on the ecosystems of Chiltipin Creek as well as those downstream in the Aransas River and Copano Bay ecosystems.

In response, The Aransas Project (TAP), an organization dedicated to maintaining freshwater inflows in the bay system questions the wisdom of such a permit. To that end, TAP will be contesting the permit by requesting Texas Commission on Environmental Quality conduct public meetings on the permit and submitting comments on behalf of its many individuals and member organizations opposing the proposed discharge. Additionally, TAP will be requesting stringent protective measures to protect the watershed's citizens and natural resources before the steel mill begins operations. For more information please contact: Jim Blackburn, jbb@blackburncarter.com or 713-501-9007.