

Documents Show Brackenridge Bond Project Tied to Possible Lethal ‘Take’ of Birds

By Greg Harmon

San Antonio City Manager Erik Walsh bumped any action on a planned removal of more than 105 trees. But bird harassment efforts at Brackenridge Park are continuing. Just-released City emails confirm both projects advanced together.

“This project was not about eliminating birds.

— *San Antonio Assistant City Manager David McCary, Community Town Hall*

This week, a controversial proposal to remove more than 105 trees from Brackenridge Park to make way for a repair-and-redevelopment project tied to the City’s 2017 Bond Project was pushed back into 2023. The controversial project, as Texas Public Radio’s David Martin Davies assessed during a panel discussion of the issue last week, threatened to sour public opinion of the City’s current \$1.2 Billion bond proposal approaching on the May ballot.

Trees were not being discussed when the community agreed to prioritizing the park’s historic structures in 2017, so when the City came to eliminate them this year as a precursor to bond-funded construction, people cried foul.

But even though San Antonio City Manager Erik Walsh put that tree-removal on hold after two months of gathering resistance, a small-but-growing collection of residents that coalesced to protect those trees isn’t disbanding.

“I think it’s a half victory,” said local resident Matilde Torres, who is frequently found at the park monitoring City activities. “We’re still trying to protect these birds.”

Chainsaws are at rest but a City-sponsored assault on migratory birds hasn’t slowed. Quite the opposite. As more spring migrants begin arriving to make their nests and breed, conflicts have grown. All week, for instance, Parks employees have attempted to shoo away birds lighting upon the towering oaks at Brackenridge by clapping wooden blocks while federal contractors set off pyrotechnics. On the other side of the fence this week, volunteers filming in the Zoo documented what they claim is an intentional removal of nests—a sign, they say, indicating the possible killing of migratory egrets.

Deceleration has noted the linkages between bird harassment and tree-removal ambitions repeatedly. While addressing San Antonio’s Planning



Commission in January in support of the tree removal, San Antonio Parks’ Assistant Manager Bill Pennell trumpeted how eliminating the trees would aid in the removal of the birds. After gaining Planning’s approval, bird harassment was explicitly written into the tree project language submitted to Historic and Design Review Commission ahead of their February 2 meeting.

D2 Councilmember Jalen McKee-Rodriguez credited community resistance for the delay of the tree removal but had no information to share about why the bird harassment is continuing.

Some project opponents interviewed by Deceleration recently said they thought Parks workers were keeping the birds off the trees so those trees could be removed without harming any birds. But the continued harassment suggests it is about ambitions to permanently remove the birds.

Now, just-released documents show not only how bird harassment was part of the early planning of the bond work at Brackenridge, but, more nefariously, how Parks prepared to be able to waive federal laws prohibiting the killing of protected migratory birds and their eggs, if deemed necessary.

Habitat modification to discourage nesting, and planning around possible “lethal take,” was part of the Brackenridge bond conversation among City staff at least since last summer.

In spite of this public record, City staff and partners like Texas Parks and Wildlife Department have continued to assert that there is no link between the tree- and bird-removal efforts. When Texas Parks & Wildlife Department biologist Jessica Alderson testified during a town hall meeting organized by Councilmember McKee-Rodriguez earlier this month, for instance, she charged assertions to the contrary amounted to “disinformation.”

But a June 11, 2021, email from Jennifer L. DiCocco, environmental project manager with San Antonio’s Public Works Department, released recently to wildlife photographer and environmental advocate Alesia Garlock in response to a public information request, shows ongoing planning between Public Works and Parks and Rec to “discuss possible contract scenarios for using the USDA Wildlife Support Services (WSS) on the 2017 Bond Brackenridge Park project.”

What would USDA Wildlife Services be contracted for?

“Partnering with the local USDA office would make the permitting process under the MBTA [Migratory Bird Treaty Act] more efficient since USDA staff already hold wildlife take permits, and



The razing of the rookery at Bird Island at Elmendorf Lake Park in 2019 provided the model that is being followed at Brackenridge, San Antonio Parks and Recreation officials say. Image: Greg Harmon

should the need arise to modify them, this can happen quickly.”

“Take” permits are, in regulatory parlance, licenses to kill.

Bill Pennell is one of the email recipients. He responds in a separate email that the contract with USDA would run the City of San Antonio around \$50,000.

Another separate collection of documents released to Deceleration this week through a separate open-records request shows that lethal bird-control measures, first included as a “fallback plan” when City workers assisted in the destruction

of Bird Island in Elmendorf Lake Park in 2019, were included in a City work order granted to USDA. That order covers the entire San Antonio Parks system in spite of initial misgivings by Parks Director Homer Garcia III about references to lethal take.

In an email released to Deceleration on Wednesday, Garcia is seen asking in the summer of 2019: “Are we ok w/ this?”

At issue were recommendations for special permits to destroy nests and eggs “if necessary” and killing birds.

One USDA recommendation reads: “If egrets are continuing to attempt to roost and not affected by tools, lethal removal of a few select birds for reinforcement of loud noises as effective tools.”

At the conclusion of a Brackenridge site tour arranged by D1 Councilmember Mario Bravo earlier this month, Pennell described the bird plan as one to permanently remove an established rookery from Brackenridge Park—an initiative modeled on the Elmendorf displacement.

In the summer of 2019, Anne Parrish, then-president of Bexar Audubon Society, warned of the potential of bird displacement to harm non-targeted species, though her own recommendations (to avoid lethal measures at Elmendorf) concluded with a recommendation to “radically alter” the habitat of Bird Island.

“We recognize that the agencies involved have a ‘takings’ permit which would allow them to kill the birds, and we appreciate very much that both agencies have said they are not planning such action,” Parrish wrote at the time. “Attempting to move the rookery and closing or strictly controlling insects at the Waste Management landfill is by far a better solution than eradication.”

Faced with the language of lethal measures in the development of the USDA work order, an obviously concerned Garcia wrote at the time:

“I am not suggesting the plan not be transparent and if plan [is] to result [in] lethal removal if necessary then there’s not really another way to reflect this,” he wrote. “If there is not a commitment to lethal removal then is the plan to capture and physically relocate and if so then should that be listed in the plan as an alternative?”

In the end, the inclusion of lethal measures won out.

This USDA work order, as Deceleration wrote previously, allows for the use of: “1. Pyrotechnic[s], propane cannon[s], 2. firearms, mylar balloons, 3. methyl anthranilate, 4. drones, lasers, effigies, scare-man, 5. nest/egg removal, 6. trucks, dogs.”

Under the order, USDA employees agree to “prevent injury to animal life,” except, of course, for the targeted species: cattle, snowy, and great egrets and cormorants.



Councilmember Jalen McKee-Rodríguez at a recent press conference.

Parks staff have said in recent public meetings that lethal actions have not been taken at Brackenridge. However, nests and eggs have been disturbed. In 2020, Garlock documented nests with eggs that were destroyed over the playground. It was unclear who was responsible, she said, though the culprits would have required access and equipment capable of reaching 20 feet into the air, which limits the suspect list.

The allowance of lethal measures in the work order is

top of mind for many opposing tree removal and bird harassment for another reason.

Advocates who have been camped out daily at Brackenridge Park today said that they have evidence suggesting that the nests of about ten nesting pairs of great egrets have been removed from trees inside the San Antonio Zoo. Parks and Zoo staff have been engaging in nightly harassment efforts apparently to keep birds, now returning to the region from points south as part of their yearly migration, from roosting. A video of Zoo staff clapping at the birds can be seen at: bit.ly/staff-clapping.

Nests that appear to be in the towering trees of the flamingo exhibit are no longer visible and the birds are no longer present. “You can’t see any movement in the trees,” Garlock said. “They killed the birds is what they did.”

A spokesperson for the Zoo did not respond directly to questions about nest removals or alleged killing. Instead, Cyle Perez wrote Deceleration only: “Our animal care specialists are working with the guidance of and under the direction of state and federal wildlife experts from the United States Department of Agriculture, Texas Parks & Wildlife, and United States Fish & Wildlife Service to effectively encourage some of the wild birds to move to a new, less conflicting location while maintaining a reasonable population of birds here on the zoo grounds.”

Responding to follow up question about the specific allegations, Pérez wrote: “Nests have been removed with the guidance of and under the direction of state and federal wildlife experts No birds have been harmed or killed.”

They did not respond to questions about the eggs. But images of eggshells taken inside the Zoo suggest the answer.

Parks and Rec media officer Connie Swann acknowledged the several emailed questions submitted by Deceleration but has not provided any comment.

BIO: Greg Harmon, freelance journalist and photographer, is founder and co-editor of Deceleration News—an online journal responding to our shared ecological, political, and cultural crises. See: deceleration.news

ANOTE: *Lee esta página en español:* bit.ly/asalto-pajaros

NOTE: *Read the original article with links documenting assaults on birds and trees at:* bit.ly/assult-on-birds