

S.A. faces new ozone pollution rules

EPA finds the area’s air quality is getting worse and could require tougher standards

By Elena Bruess
STAFF WRITER

The U.S. Environmental Protection Agency has proposed downgrading the San Antonio area’s ozone pollution designation from marginal to moderate nonattainment. If adopted, the city will have to comply with a new set of air quality standards and regulations issued by the EPA in order

to meet the ozone pollution standard of 70 parts per billion by Sept. 24, 2024. A virtual hearing on this issue is scheduled for May 9, and the comment period for the proposed action closes June 13. Since 2018, the amount of nitrogen oxide and volatile organic compounds emitted from vehicles, construction and other sources has not fallen enough to reduce the level of ozone pollu-

tion in Bexar County to the national limit. Bexar County ended last year’s ozone season — when ozone reaches its highest levels between March and November — at 72 ppb. Over the last few years, the concentration has fluctuated roughly between 72 and 73 ppb. Before 2018, the limit was 75 ppb. “The EPA announcement does not make the designation official just yet,” said Lyle Hufstetler, the natural resources project coordinator for the Alamo Area Council of Governments. “After the 60-day com-

ment period, or very, very shortly after that, the reclassification will be official and San Antonio will go ahead as moderate.” If and when that happens, the Texas Commission on Environmental Quality will have to prepare a state implementation plan, or SIP, for the San Antonio area by Jan. 1, 2023. The SIP will provide an all-encompassing plan to improve air quality and meet regulatory requirements. Then, San Antonio will have a little more than a year to lower its ozone emissions to 70 ppb. While the official date is September

2024, San Antonio’s ozone season is March to November, so the final calculation of its ozone concentration will be decided at the end of 2023 after a full ozone season. “Essentially, 2023 becomes our attainment year, which doesn’t give San Antonio too much time,” Hufstetler said. But it’s not impossible, he said. Six previously noncompliant areas achieved attainment this year, including Atlanta, which had been in a marginal status prior to this year. *Ozone continues on A5*



Photos by Kin Man Hui / Staff photographer
Guests take a tour of the Edwards Aquifer Authority’s educational outreach center as officials unveil their ultra-accessible center Wednesday. The celebration featured a ceremonial blessing by the Native American Inter-Tribal group.

‘The worth of water’

New Edwards Aquifer outreach center offers accessible knowledge

By Elena Bruess
STAFF WRITER

At the entrance of the new Edwards Aquifer Education Outreach Center is a big wall with a photo of rural Texas. Printed across the top is a quote by Benjamin Franklin: “When the well is dry, we know the worth of water.” The words succinctly frame the center and its mission. Water is vital, so let’s learn something about it. And the Edwards Aquifer Authority’s education center, which it unveiled Wednesday, will enable the public to do so. In partnership with Morgan’s Wonderland Camp, where the center is sited on the Northeast Side, the 2,400-square-foot educational facility is designed to be “ultra-accessible” for all children and adults with special needs regardless of physical or economic barriers — the first of its kind in the country. “Our vision is that this place becomes a place of learning and valuing water conservation and hopefully building under-



Members of the Native American Inter-Tribal Group Barbara Hernandez, from right, John Hernandez and Vincent Huizar perform a blessing ceremony as Edwards Aquifer Authority officials unveiled their outreach center.

Abbott’s 1st bus of migrants unloads in D.C.

By Benjamin Wermund
WASHINGTON BUREAU

WASHINGTON — Gov. Greg Abbott made good on his vow to send migrants from Texas to D.C. as state officials dropped off a busload of asylum seekers there early Wednesday morning. Abbott’s office said the migrants from Colombia, Cuba, Nicaragua and Venezuela were dropped off between the U.S. Capitol and Union Station, a major transportation hub. The announcement said a second bus is en route to D.C. “By busing migrants to Washington, D.C., the Biden Administration will be able to more immediately meet the needs of the people they are allowing to cross our border,” Abbott said in a statement. “Texas should not have to bear the burden of the Biden Administration’s failure to secure our border.” White House press secretary Jen Psaki said the migrants Texas is transporting to D.C. have all been processed by Customs and Border Protection and are free to travel about the country while they await the outcomes of their immigration proceedings. “It’s nice the state of Texas is helping them get to their final destination,” she said. Fox News reported that the Texas Division of Emergency Management dropped off dozens of migrants about 7 a.m. The bus, which traveled from the Del Rio sector in Texas, unloaded outside a building housing offices for Fox News and other media outlets, Fox anchor John Roberts reported. The building is a couple of blocks north of the U.S. Capitol, where Abbott had said he would send migrants. Fox covered the arrival live on TV. Two or three dozen migrants onboard checked in with officials and had wristbands they were wearing cut off before be-

Key SBC lawsuit ruling is a win for sex abuse survivors

By Robert Downen
STAFF WRITER

In a consequential ruling that legal experts say will give Texas sexual abuse survivors more power to sue attackers and the institutions that protect them, the Texas Supreme Court has allowed a lawsuit to go forward in which a Houston man alleges he was repeatedly raped by influential Southern Baptist figure and former Texas Appeals Court judge Paul Pressler. At issue is Texas’ civil statute of limitations, the time period that victims have to file a lawsuit. In 2017, Duane Rollins sued Pressler in Harris County,



Pressler

group at various Houston churches in the early 1980s. Pressler and his lawyers denied the allegations and moved to have the case thrown out of court, arguing that Rollins had filed his claims too late. Rollins, however, said in court papers that trauma from the assaults led him to develop drug and alcohol addictions and

suppress those memories until 2016, when they were revealed while undergoing psychiatric treatment in prison, where he was serving a sentence for driving while intoxicated. He argued that the statute of limitations should begin from when he realized he was the victim of the alleged sexual assault, not from when the alleged assault took place. The state’s high court agreed last week and ordered the case be sent back to Harris County district court. Legal experts said the ruling is significant because it opens the door in Texas for people who were sexually abused as children to sue both

attackers and institutions that mishandled or concealed the abuses years or decades later. “It’s a massive and important step forward,” said Rachael Denhollander, a lawyer and expert on child sexual abuse who was the first person to publicly accuse now-imprisoned USA Gymnastics doctor Larry Nassar of abuse. “It shows a willingness to bring our justice system in line with what we know about sexual assault.” Lawyers for Pressler did not respond to a request for comment. Decades of neuroscience research show that about 1 in 3 child sex abuse victims suffer

from post-traumatic stress disorder, and that many — particularly those abused by clergy — can develop a sort of Stockholm syndrome that prevents them from recognizing themselves as victims for years, if not decades. The average child abuse victim does not come forward until after their 50th birthday, long after it’s possible to file a lawsuit, according to research by ChildUSA, an advocacy group for statute of limitations reforms. “One thing we now know about sexual assault is that the PTSD and mental neurobiological injury often make it impossible for survivors to fully re-

Survivors continues on A4

2 accused of bilking Southwest Research

By **Guillermo Contreras**
STAFF WRITER

A former Southwest Research Institute engineer has been charged in a scheme to defraud the San Antonio research and development organization by funneling business to a firm he ran with his wife.

A 28-page federal indictment unsealed Wednesday accused Xiaojian Tao, 63, of using his position at Southwest Research — designated as “Company 1” in court documents — to gain more than \$2.5 million in business through a competing company he controlled with his wife, Yu Lang, also known as Laura Long, 63.

The pair are charged with one count of conspiracy to commit wire fraud and nine counts of wire fraud.

Tao also faces three export-related charges accusing him of shipping sensitive technical

specifications or data for U.S. military fighter jets, helicopters and related military aircraft to China, in violation of U.S. arms embargoes on that country.

The indictment said Tao and Lang since 1997 have owned and operated Tyletech, also known as Tylex Tech LLC and Tyle Tech, which provides engineering consulting services.

The indictment said that, from 1994 to March 2020, Tao also worked for “Company 1,” an unnamed research and development company.

The San Antonio Express-News confirmed that “Company 1” is Southwest Research Institute.

“Although Tao certified that each year he would notify the R&D Company of any conflicts of interest and follow Standards of Conduct, Tao and Lang hid Tao’s role in Tyletech, instead funneling business from the R&D Company to Tyletech,”

U.S. Justice Department officials said in a news release.

In 2010, for instance, while in China to represent Southwest Research, Tao met with a firm there, “Company 7,” to discuss Tyletech’s providing it with services and testing.

In May 2011, he invited representatives of that company to Southwest Research, allegedly to develop business for it, but the firm provided Tyletech with \$188,691 worth of business from 2012 to 2017, and none at all to Southwest Research.

The indictment said Tao’s field of research at “Company 1” was in fuel systems and contamination control research, where he worked on projects that included the design, development and testing of automotive air, fuel, and oil filters and filtration systems, industrial filtration and process control, and engine component wear studies using surface layer activation and

bulk radioactive tracer techniques.

Tao also served on SwRI’s internal research and development committee, which controls its research and development projects and determines which projects will be funded and pursued, the indictment said.

“Tao’s position on the IR&D committee permitted Tao unrestricted access to the latest unclassified innovations for which COMPANY 1 scientists and engineers sought approval and funding,” the indictment said. “Some of these projects may contain proprietary information and some may be subject to export control restrictions requiring a license before being exported from the United States.”

Since 1990, the United States has maintained an arms embargo that prohibits the export, re-export, or transfer of any defense items, technical data and

related services to China.

Several online postings, including Tao’s LinkedIn account, said he was an engineer at Southwest Research Institute, but Tim Martin, its executive director of corporate communications, would not confirm or deny that Tao worked there.

Martin said on Wednesday that the institute would cooperate with the federal investigation.

Lawyers for the couple could not be reached on Wednesday.

SwRI, on San Antonio’s West Side, has more than 4,000 active projects at any given time, funded by both the government and commercial sectors.

At the close of fiscal year 2021, it had about 3,000 employees and was conducting nearly \$726 million in research.

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Kin Man Hui / Staff photographer

The center is all about the Edwards Aquifer, a river system that provides San Antonio with about 50 percent of its water and that 2.5 million people depend on. Morgan’s Wonderland collaborated with Edwards Aquifer Authority on the center.

WATER

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standing how important that personal responsibility is,” said Roland Ruiz, the Aquifer Authority’s general manager. “We’ve had an educational outreach program for years where we’d actually go to the schools, and now we can bring those school groups here.”

The educational center is all about the Edwards Aquifer, a vast underground river system that provides San Antonio with about 50 percent of its water and that 2.5 million people depend on. Displays depict animals that rely on the aquifer for survival, such as the Texas blind salamander and the fountain darter, while maps show the intricate water and river system around San Antonio. A mock aquifer cave, which doubles as a 30-person classroom, shows students what the limestone cave features look like.

There is also video footage of

an aquifer well and an explanation of what pipe erosion and deterioration looks like. And outside, a demonstration garden holds 20 native Texas plants.

The Edwards Aquifer is entirely underground and harder to visualize than a lake, river or the ocean, said Sarah Valdez, a STEAM and school educator in charge of content programming and scheduling at the Education Outreach Center.

When planning for the center began three years ago, the Aquifer Authority met with teachers, parents and other stakeholders to determine what kind of story the center should tell. The team developed an interpretive plan and outsourced its ideas to an exhibit company, which brought the project to life.

“It’ll be nice to have all the tools and equipment here to teach children rather than driving everything around,” Valdez said. “I love the cave room, because that’s our classroom, and I’m a teacher at heart. You’ll ac-

tually be able to look into the children’s eyes and see if they get it.”

During the ceremony, several stakeholders spoke before the ribbon-cutting, including Gordon Hartman, co-founder of the Gordon Hartman Family Foundation and Morgan’s Wonderland, the ultra-accessible theme park adjacent to Morgan’s Wonderland Camp, which is now home to the Outreach Center.

Morgan’s Wonderland Camp, launched in 2021, is one of the many elements at Morgan’s Wonderland. The camp had more than 6,000 attendees this year and expects to host roughly 9,000 next year.

Hartman said the education center adds another element to his organization’s overall mission of accessibility and education for all.

“So many people think Morgan’s Wonderland is just a theme park, but it’s so much more than that,” he said. “This new center is an example of that, and it’s a good day to show how

we bring it all together.”

The event on Wednesday also included an Indigenous performance from Native American Inter-Tribal Group, an organization formed among various Native Americans living in San Antonio.

The group performed a blessing with songs and drumming, such as Tonantzin, the water spirit song; and Ya Na Wana, which means spirit waters or the San Antonio River.

“We wanted to bless the pathway before they do the ribbon-cutting,” said John Hernandez, a member of the Inter-Tribal Group. “Water is life. We do a lot of water songs, so it’s so important to teach people and our children and our grandchildren about this.”

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Execution date set for inmate in pastor’s touch case

By **Juan A. Lozano**
ASSOCIATED PRESS

A Texas death row inmate who won a reprieve when his request for his pastor to pray out loud and touch him as he received his lethal injection sparked legal debate has a new execution date.

A South Texas judge on Tuesday signed an order setting John Henry Ramirez’s execution for Oct. 5.

Ramirez, 37, had been set for execution on Sept. 8, 2021, but the U.S. Supreme Court blocked it and agreed to take up his case to address the role of spiritual advisers in the death chamber.

Last month, the court said states must accommodate the wishes of death row inmates who want to have their faith leaders pray and touch them during their executions.

Seth Kretzer, Ramirez’s lawyer, said Wednesday that a Houston federal court is still considering a civil rights petition he filed on behalf of Ramirez and that he doesn’t believe an execution can proceed until it’s resolved.

“Until it is assured that (Ramirez’s pastor) will be allowed to touch and pray as per Chief Justice (John) Roberts’ mandate, my law firm will litigate Mr. Ramirez’s case down to the Gates of Hell, or back up to the Supreme Court of the United States, whichever we get to first,” Kretzer said.

The Texas Department of Criminal Justice said it wouldn’t formally update rules on spiritual advisers in the death chamber following the Supreme Court ruling. The agency said such inmate requests would be reviewed on a case-by-case basis and that it would work to grant them unless they present a substantial security risk or are “outrageous.”

Lawyers for the two Texas death row inmates next scheduled for execution — Carl Bunton on April 21 and Melissa Lucio on April 27 — have expressed concerns that their clients’ requests to allow spiritual advisers to pray aloud and touch them won’t be fully approved.

Other states and the federal government have recently carried out executions where audible prayer and some physical contact was permitted.

The Supreme Court’s ruling in March came after the Texas prison system reversed a two-year ban on spiritual advisers in the death chamber in April 2021.

Ramirez is on death row for killing a Corpus Christi convenience store worker during a 2004 robbery. Ramirez stabbed the man, Pablo Castro, 29 times and robbed him of \$1.25.

Sean Murphy contributed to this report.

SURVIVORS

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member what’s taken place or to even be in the position where they’re healthy enough to come forward,” said Denhollander, who has advised the Southern Baptist Convention and other religious groups on sexual abuse policies. “And that closes the halls of justice to many survivors.”

Reforms demanded

For decades, experts and abuse survivors have called on state legislatures to reform civil statutes of limitations for child sexual abuse, saying awards or settlements from lawsuits often are the only way for survivors to afford adequate medical care for their attacks. Moreover, experts say, lawsuits can shed light on institutional failures and force

scrutiny and settlements that prompt change.

“This is the only way we’ve been learning the facts” about institutions that conceal abuse, said Marci Hamilton, a longtime First Amendment scholar and founder of ChildUSA. “It’s not just about one individual getting money — this is the only way the public really knows where children are at risk because parents are often denied that information.”

In recent years, many states have broadened victims’ rights in criminal courts. But attempts to give them the same rights in civil courts have faced well-funded opposition from groups such as the Roman Catholic Church and Boy Scouts of America, both of which have paid hundreds of millions of dollars in abuse lawsuits. They and other opponents claim such reforms would spark a flood of

litigation for decades-old abuses that they say can’t be proved.

Expense of lawsuits

Research from ChildUSA, however, shows that states that have relaxed civil statutes of limitation have not seen notable upticks in lawsuits. That’s because pursuing lawsuits is often expensive and require survivors to be re-victimized, with no guarantee of a winning outcome, Hamilton said. Most abuse lawsuits end long before depositions and document requests are even possible.

In his suit, Rollins also accused the Southern Baptist Convention, prominent SBC churches in Houston and other prominent religious and political figures — including former Harris County GOP Chairman Jared Woodfill — of helping conceal the alleged abuses, which they deny. Lawyers for the other

defendants declined or did not respond to requests for comment.

A 2019 investigation by the Houston Chronicle and San Antonio Express-News, prompted by Rollins’ lawsuit against Pressler, found nearly 400 Southern Baptist church leaders and volunteers had been criminally charged with sex crimes since 1998. They left behind more than 700 victims, nearly all of them children at the time of their attacks.

Since then, the SBC has passed reforms, vowed to work with state legislatures to reform statutes of limitations and, last year, commissioned a third-party investigation into two decades of allegations that top leaders mishandled and concealed abuses. That report will become public next month.

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Teen gets 30 years for 2018 murder

By Elizabeth Zavala
STAFF WRITER

A San Antonio teenager has been sentenced to 30 years in prison for killing a former state prison correctional officer in 2018.

Raul Ignacio Cervera was 15 when he was arrested and charged in the fatal shooting of 20-year-old Abram Garcia IV, who had worked at a state prison in Hondo.

Garcia left that job in January 2018 and began working with MBP General Contract Services, according to reports.

Garcia and his girlfriend were visiting Cervera at an apartment in the 700 block of Drury Lane and got into an argument with Cervera as he was leaving the night of Nov. 12, 2018, in what po-



Billy Calzada / Staff photographer
Raul Cervera weeps as he sits with his mother during a hearing. He killed Abram Garcia IV.

lice later said was a robbery attempt during a drug transaction.

Garcia's girlfriend was in the driver's seat and Garcia was getting into their vehicle when he was shot three times.

She tried to get Garcia to a hospital but had to pull over at a motel in the 1000 block of South Laredo to meet paramedics. Garcia was pronounced dead.

Cervera was not identified when arrested because he was a juvenile. He was initially charged with murder but indicted

on a capital murder charge because he was alleged to have killed Garcia while trying to rob him, a San Antonio police detective testified in a 2019 hearing.

Cervera had met Garcia and his girlfriend to buy marijuana but instead demanded all of the drugs and shot Garcia in a robbery attempt, the detective testified.

Defense attorney Lorraine Efron called several witnesses who spoke of Cervera's troubled upbringing, including from an expert who told the court he suffered from post-traumatic stress disorder from childhood circumstances and had an IQ of 80.

Prosecutors argued Cervera knew what he was doing that night, presented their own expert

and persuaded a judge to certify the defendant to stand trial as an adult.

The capital murder charge was reduced to murder as part of an agreement reached between prosecutors and defense attorneys.

Cervera pleaded no contest to murder in February before Judge Carlos Quezada, who found him guilty.

Now 19, Cervera was sentenced as an adult Tuesday, drawing a 30-year sentence.

He received credit for the 933 days he has spent in the Bexar County Juvenile Detention Center.

Cervera will not be considered for parole until he serves at least 15 years.

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"Washington D.C. is a border town."
U.S. Sen. Ted Cruz

MIGRANTS

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ing told they could go, the report says.

None are 'illegal'

Abbott unveiled the busing plan as part of his response to the Biden administration's announcement that it would end a public health order it has used to immediately expel asylum seekers at the border.

The governor, who is running for re-election, was raising funds off the news by Wednesday afternoon, sending an email to supporters with the Fox article and erroneously calling the migrants "illegal immigrants."

Abbott has said he would only transport migrants to Washington if they wanted to go there and had already been processed and released by federal authorities, meaning they were allowed to stay in the U.S. to make their cases for asylum, a legal form of immigration.

A spokeswoman for Catholic Charities in D.C. said the organization provided information for those who rode the bus on where to get food and medical care, if they were in need.

CNN reported that some who got off the bus said the ride was over 30 hours long and that they were provided food and water along the way.

Some were planning to leave D.C. for other cities, CNN reported.

Abbott's move sparked outrage among immigrant advocates and Democrats on Wednesday.



Abbott

'Political stunt'

"Of *course* Greg Abbott ordered the bus with migrants on it to show up in front of Fox News headquarters here in DC," tweeted Aaron Reichlin-Melnick, senior policy counsel at the American Immigration Council. "It's an incredibly dehumanizing and cynical stunt."

U.S. Rep. Sylvia Garcia, a Houston Democrat, called it a "heinous political stunt."

"He is targeting innocent people for simply escaping desolate poverty, cruel violence, and extremely dangerous situations," she said in a statement.

Republicans, meanwhile, were cheering the move.

"Washington D.C. is a border town," tweeted U.S. Sen. Ted Cruz.

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OZONE

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With a moderate nonattainment designation, the most notable change for San Antonio-area residents will be a new vehicle inspection and maintenance check for cars 2 to 24 years old. Existing vehicle inspection stations in Bexar County will likely incorporate emissions testing equipment, which would cost \$199 a month to rent or \$8,000 to buy.

For residents, this emissions test will cost about \$11.50. Currently, typical safety inspections cost \$7, which means the new total will be \$18.50. Bexar County will have four years to implement it.

It's also possible that other regulations, which are intended more for industries and large polluters, will necessitate implementing new technologies to reduce their emissions, Hufstetler said. The costs to do so may be passed to



Kin Man Hui / Staff file photo

The San Antonio area is expected to have its ozone pollution designation downgraded.

consumers.

For example, the air pollution offset ratio will be increased to 1.15-to-1, up from 1-to-1, which means a facility that increases its emission of a pollutant in one process must compensate by reducing elsewhere by more than the increase.

Under regulations like this, and what is coming

from the SIP, there could be more delays in construction projects due to lengthier permitting processes.

Twenty-three other areas across the U.S. did not meet the EPA's ozone standard by the fall deadline last year, including the Dallas-Fort Worth and Houston-Galveston-Brazoria areas.

Air quality is complex, Hufstetler said, and it's not always about emissions. In April 2020, during the COVID-19 lockdowns, while many businesses and industries were shut down or operating at reduced capacity, there were still two days with ozone pollution of 70 ppb. But overwhelmingly, scientific research and modeling shows that if a city reduces its emissions, ozone reduction will follow.

"It's going to take a very large-scale and very coordinated effort in order to get us back into attainment," Hufstetler said. "We'll definitely need to continue implementing pollution-reduction strategies."

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BRIEFS

SAN ANTONIO

Selling, dyeing baby animals for Easter is illegal

As Easter approaches, the city's Animal Care Services is reminding San Antonians that dyeing baby animals like chicks, rabbits or ducklings is prohibited.

The city of San Antonio's ordinance also prohibits being in possession of dyed animals or selling them as a holiday gift.

"It is illegal for any person to sell or offer for sale, barter, lease, rent or give away baby chicks or ducklings or rabbits less than 8 weeks old as pets or novelties," the animal law says.

The law bans the sale of animals during any time of the year — not just on Easter — on any roadside, public right of way, commercial parking lot or at any flea market or festival, ACS said in a news release.

Properly licensed hatcheries or other businesses raising the animals for commercial purposes are the only exceptions to the law. Violators will face fines and mandatory court appearances.

NORTHWEST SIDE

Bodies of man, woman found under a bridge

A man and a woman were found dead under a bridge on the Northwest Side on Tuesday evening, according to San Antonio police.

Police said both individuals were found about 6:30 p.m. in a drainage area in the 5400 block of Evers Road. Both were pronounced dead at the scene. Police said the two, who may have been homeless, were between 30 and 40 years old.

The Bexar County Medical Examiner's Office is investigating the causes of death.

NORTH SIDE

Churchill student disciplined in locker room case

One student has been disciplined at Churchill High School as the result of an investigation into an incident in the boys' locker room showers, the North East Independent School District confirmed Wednesday.

The district and San Antonio Police Department have not completed their investigation, which began this month after students reported what Principal Todd Bloomer, in a letter to parents, called "inappropriate behavior."

Police have not yet determined whether any charges are going to be filed, NEISD spokeswoman Aubrey Chancellor said. She couldn't offer specifics on the discipline. The SAPD can't release any information about the investigation because it involves a minor, spokesman Nick Soliz said.

BRAZORIA COUNTY

Officials: Dolphin died after group's beach behavior

A dolphin stranded at a Brazoria County beach died after being harassed by beach goers, according to the Texas Marine Mammal Stranding Network.

The incident happened Sunday night at Quintana Beach County Park when a group of people found the dolphin and attempted to push it back into the water and ride it, the agency stated.

The dolphin was stranded a second time on the beach and died before rescuers could arrive.

From staff reports