

Beauty or usefulness: Groups clash about Neches River

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The debate over whether the Neches River should be designated a national wild and scenic river pits environmentalists against the local water provider.

The Texas Conservation Alliance says the designation would protect both the natural environment and industry by ensuring that the river's flow is not restricted by any new dams.

The Lower Neches Valley Authority counters that the designation comes with too many strings attached and would allow an oppressive amount of federal control.

A National Wild and Scenic River designation would grant federal protection to the Neches from dams and other development that would deface its natural character.

According to information posted on the National Wild and Scenic River Council Web site, the designation is designed to preserve the "free-flowing condition" of rivers possessing "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values."

In order to have the river so designated, Congress must authorize and fund a study to examine the feasibility and suitability. The designation cannot proceed without substantial community support.

The stretch of the river proposed for study runs from Palestine Lake into Beaumont, interrupted by Lake Steinhagen and Dam B.

The project has been a long-held dream for environmentalists.

"There is widespread agreement in East Texas that damming the Neches and diverting to water to urban areas in other parts of the state would be bad for East Texas," says Janice Bezanson, Executive Director of Texas Conservation Alliance. "Designating the Neches as a Wild and Scenic River would not only prohibit dams that have been proposed for the river, it would also give East Texas tourism a big boost."

The LNVA recently sent a report to U.S. Rep. Ted Poe, R-Humble, detailing its objections to the designation.

The report claims the designation would bring an onerous level of federal oversight.

"The Wild and Scenic River designation is not suitable to the Neches River as it is intrusive, detrimental to economic development in the state and would be a duplication of efforts and a waste of federal resources to "protect" an area already sufficiently and effectively managed under other federal environmental protection programs.

Scott Hall, LNVA general manager, said when the Wild and Scenic River designation was created in 1968, there weren't as many protections in place.

"We are stewards of the resource," he said, adding that the LNVA and the Texas Commission on Environmental Quality were vigilant in protecting the Neches from contamination and other harm.

The Texas Conservation Alliance counters that what other state and federal programs don't do is protect the river from dam projects.

"The Neches is not sufficiently protected because dams can still be built that would flood more than 150 miles of river and 200,000 acres of increasingly rare bottomland hardwood forests," the alliance said in a written response to the LNVA report.

The designation would protect more than the environment, the environmental group claims.

"Industry along the Neches depends on the flows in the Neches River," Bezanson said. "Protecting the Neches protects Beaumont area industry. It would also provide a boost for tourism in the region."

Bezanson said the LNVA distorted and misrepresented the level of federal oversight the designation would impose.

Dan Haas, a National Wild and Scenic River Council representative, said many communities have unfounded fears of the designation.

The federal government would purchase easements from willing property owners, but would not likely condemn anyone's land for the designation.

"We just do not condemn land anymore," he said in a telephone interview. "The last time might have been early 70s on the Delaware River."

Haas said the level of intrusion would be far less onerous than the LNVA claimed.

"The federal government can't come in and manage your private lands - we can't, period," he said.

Another objection by the LNVA is that the Wild and Scenic River act is "sufficiently general to trump the state in determining in stream flow demands."

Haas disputed that characterization.

While the designation would allow federal authorities to apply for water rights, it would not trump state water rights, Haas said.

Any federal water rights obtained would be secondary to those already held.

The bottom line is that the designation depends upon community consensus, Bezanson said, with communities and stakeholders being instrumental to the development of a management plan.