
KILGORE NEWS HERALD

Court upholds Neches River National Wildlife Refuge

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Several years of controversy between state and federal agencies, between urban and rural Texans, and between conservationist and water planners was decided Thursday when the Fifth Circuit Court of Appeals affirmed a lower court decision in favor of the creation of the Neches River National Wildlife Refuge.

The City of Dallas and the Texas Water Development Board had filed suit hoping to overturn creation of the Neches River National Wildlife Refuge and make way for a reservoir Dallas predicts might be needed in fifty years. Instead, Judge Solis upheld the U.S. Fish and Wildlife Service's 2006 creation of the refuge.

Janice Bezanson, executive director of Texas Conservation Alliance, said her group was pleased with the ruling.

"The Neches River Refuge is exceptional wildlife habitat — one of the most important wildlife areas left in Texas. Thousands of Texans wrote letters or signed petitions in support of its creation," Bezanson said.

She said Dallas and TWDB contended the Fish and Wildlife Service failed to meet the requirements of the National Environmental Policy Act by failing in several ways to do an adequate environmental assessment and by failing to cooperate with state and local officials.

After review, Judge Solis disagreed with the allegations and denied motions by Dallas and TWDB to require a more detailed environmental study. Dallas and TWDB appealed Judge Solis' decision. Thursday a three-judge panel affirmed the lower court ruling.

Beginning in the 1980's the U.S. Fish and Wildlife Service conducted studies evaluating the quality of wildlife habitat in the hardwood bottom lands along this section of the Neches River between Anderson and Cherokee counties in middle East Texas.

In June, 2006, Dale Hall, then director of the Fish and Wildlife Service, signed the proposal for the refuge after consultation with local and state agencies and with the engineers for Dallas Water Utilities. The City of Dallas and Texas Water Development Board had proposed a water project, Fastrill reservoir, in the same footprint as the Neches refuge.

After the refuge was established by the transfer of one acre of land into the refuge, the City of Dallas and the TWDB filed suit against the Fish and Wildlife Service over studies done creating the refuge.