

## State representative, conservationist praise refuge decision, despite motion to halt process



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Monday's decision by a federal judge in favor of the Neches River National Wildlife Refuge was hailed by many as a victory for East Texas.

But one day later, attorneys for the city of Dallas and the Texas Water Development Board filed a motion in federal court to prevent the refuge from receiving any land donations pending an appeal ruling, which could take a month or more.

From the start, the proposed refuge has seen its fair share of litigation.

Once created in June 2006, the refuge began accepting land donations until Dallas and the state water board filed lawsuits in early 2007 against it to create the Fastrill Reservoir, which Dallas has hoped to build to meet its water needs for the year 2050 and on.

Several East Texas politicians and environmental agencies have been fighting Dallas on it ever since.

"We're proud of our natural resources, but we don't want to be paying Dallas a nickel to drink our own water," said state Rep. Jim McReynolds (D-Lufkin). "It's a natural resource that we enjoy. Will we share it? Of course, but we want to be in the driver's seat when we talk about lake designation and the economics of it all. Don't come up with a bill to build lakes in East Texas for the benefit of anyone other than East Texans."

McReynolds argued that the Texas State Railroad runs through the proposed site of the reservoir, in Anderson and Cherokee counties, and that Dallas' plans threaten the railroad — a problem that the city and TWB have not addressed.

"You've got to build a super structure through this lake to keep the tracks there, and it's the last pristine stand of hardwood timber remaining in Texas," he said. "I just think Dallas, at this point, does not have stringent conservation plans for this project."

**Richard Donovan** of Lufkin, Forest Task Force chair for the **Texas Conservation Alliance**, has been working on the proposed refuge since 1999. Recently, Donovan drew attention to the issue when he canoed the entire 400 miles of the Neches River and wrote a book about his experience.

"The judge's ruling was so straightforward, I don't see how Dallas feels that they have legitimate ground to stand on, Donovan said Wednesday. "These legal proceedings are costing the Dallas taxpayers a lot of money. If Dallas has their way, they will condemn all of that land. The Big Thicket sits on the end of the river and if you deprive it of the overflow from the Neches, it will begin to shrink, and those hardwood forests will begin to diminish."

Donovan believes that regardless of whether the motion passes, Dallas and the TWB have plans for more dams and reservoirs, and the fight for the Neches Refuge is just the first step.

"They want to make an example out of the refuge," he said. "They will have fired this big shot and shown people what will happen if anyone messes with Dallas."

Until word comes back from the ruling, proponents for the Neches River refuge are still touting Monday's verdict as a victory.

"I'm thrilled about the ruling," McReynolds said. "I'm so happy right now. I think, long term, this will be beneficial for our part of the state. Dallas has every right to appeal — that's part of our legal system — but normally, when you sue the federal government, the government wins."