

History of the Neches River National Wildlife Refuge
By Jesse Woche and Julie Shackelford
October 28, 2019

Summary.

The Neches River, running 416 miles through the heart of eastern Texas, is rich in its ecology, history and culture. A groundswell of public support for the river encouraged the U.S. Fish and Wildlife Service (Service or USFWS) to pursue National Wildlife Refuge designation on a 25,000-acre portion of the Neches in Cherokee and Anderson counties to protect its exceptional bottomland hardwood habitat, to conserve land for migratory birds and to provide opportunities for compatible outdoor recreation. Tireless supporters fought for over seven years before they got their Refuge, facing the threat of the proposed Fastrill Reservoir over the same footprint and several court cases brought on by reservoir supporters, which were ultimately elevated to the U.S. Supreme Court. The Supreme Court supported the decision of the lower courts and declined to hear the case in 2010, thus giving a victory to the Refuge. Today, the Refuge totals 7,130 acres and is open to the public. USFWS employees, nonprofits, advocacy groups, and volunteers are working to increase the Refuge's size and make it available and accessible as a haven for people and wildlife alike.

Introduction.

Throughout history, the Neches River has been in many ways the lifeline of East Texas residents. The Neches River is 416 miles in length, forming a riverine bottomland ecosystem once common in the United States. The River begins in Van Zandt County and flows south to Sabine Lake and the Gulf of Mexico. The River sustains over half a

million East Texas residents, as well as municipalities and industries, by providing drinking water, a means of transportation and recreation.

Early History of the River.

In 1986, outdoor enthusiast Mark McClain organized a “Neches River Discovery Trip” with the Dallas Chapter of the Sierra Club. McClain not only catalogued the natural habitats along the river, but also its history. McClain writes that “the earliest human inhabitants of the lands surrounding the Neches River were Indians of the numerous tribes of the Hasinai Confederation, part of the Caddo Nation.” From the late 1600s until the early eighteenth century, Spanish explorers built and inhabited missions in East Texas. In the 1820s, American settlers came to the Neches River Basin from the southeastern United States, clearing land as they settled for agricultural uses, particularly cotton. Transportation of goods up and down the river facilitated the agricultural industry in the area. With the influx of people came a manipulation of the natural world - modernization and development brought with it damming, habitat destruction, and pollution.

Commercial timber operations flourished in the region in the mid-nineteenth century, increasing deforestation in East Texas as natural mixed-species stands were converted to pine plantations. In 1984, thanks to a coalition led by Ned Fritz, the Texas Wilderness Act was passed, which designated several portions of national forests in East Texas as Wilderness Areas, protecting these lands from clearcutting to remedy some of the past damage and prevent more of it from taking place.

Much of the land converted by forest products companies to pine plantation occurred in the uplands. Temple-Eastex lead the industry in their care of the river’s bottomlands. By 1971, hardwood logging on Temple lands ceased. However, by the late

1980's Temple-Eastex, now Temple-Inland, returned to bottomland logging. They hired the company's first hardwood forester to ensure responsible stewardship of the bottomland forest and sustainable logging. What resulted was carefully selected 30-acre bottomland clearcuts with red oak replantings on a 60-year rotation with an emphasis on grade log production. As a result, larger hardwoods grew over time and extensive loblolly plantations were absent in the bottoms. Some of these Temple-Inland bottomlands now form the core of the Neches River NWR.

Having so much of East Texas' forestland owned by commercial timber companies, including Louisiana Pacific, Temple-Inland, Champion International and International Paper had the advantage of maintaining vast acreages of forestland in just a few ownerships. This all changed in the early 2000s, when timber companies, responding to the relentless pressure for increased profits from Wall Street as well as international trade and tariff issues, sold nearly all their East Texas forestland. Thousands of acres of habitat were now threatened by land fragmentation and renewed aggressive timber harvesting practices. From 2000-2005, 1.7 million acres of forestland flooded the market from companies like Champion International, Louisiana Pacific and Georgia Pacific. Some of that land was fragmented into small holdings for single-family homes or weekend getaways. Most acreage was sold to timber investment or real estate investment companies, whose typically aggressive harvest practices are often geared toward short-term profit rather than the long-term sustainable management typically employed by commercial forest products companies. In 2006, International Paper sold all its land holdings nationally, including 535,000 acres in Texas. In 2007, Temple-Inland announced the spin-off of several parts of its company and the resulting sale of all 1.8 million acres of its timberlands, including 1.1 million acres in East Texas. Of all

the sales, Temple-Inland's announcement was the most devastating blow to East Texas forestlands because of their generally good land management ethic. In total, over 3.34 million acres of forest lands have changed hands in East Texas since 2000.

The Biological Value of the Neches River.

In 1985, the USFWS biologist Jim Neal spearheaded a study of bottomland hardwoods in eastern Texas to "identify and seek methods for preserving as much of the remaining bottomland habitats of east Texas as possible." The study proposed 62 areas for consideration - 14 that were classified as Priority One, including "Neches River North" which totaled 25,304 acres. Priority One classifications are reserved for "excellent quality bottomlands of high value to the key waterfowl species... and are vital for maintaining populations of mallards and wood ducks" (Texas Bottomland Hardwood Preservation Program, 1985).

The Neches River watershed is a well-documented hotspot of biodiversity in the Pineywoods of east Texas. The land's character was well known, most notably due to retired Texas Parks and Wildlife Department biologist and author Dan Lay who wrote extensively about the Neches. He described the land between state highways 79 and 84 (now part of the Refuge) as "a braided stream with a wide bottom, some prairies and emergent marshes, haw flats, plus excellent bottomland hardwoods (Lay, 1983)." The high-quality bottomland hardwoods there yielded the largest population of waterfowl species in the Upper Neches River Basin.

These forested wetlands contain a structural diversity and high biomass of standing vegetation and surface litter that provides refuge and a food source for many animals and is a haven for migrating landbirds, woodland waterfowl, and colonial waterbirds. The wood duck and mallard were given special attention for their high

concentrations in the region, but also mentioned by Lay were deer, squirrels, otters, alligators, and beaver. Bottomland floodplain forests are not only important for many high-priority breeding birds such as Swallow-tailed Kite, American Woodcock, and Prothonotary and Swainson's warblers, but are absolute necessities for landbirds during migration, especially spring migration.

The Upper Neches River provides habitat that supports twenty-two federally or state endangered or threatened species, including the red-cockaded woodpecker, paddlefish, alligator snapping turtle and several freshwater mussel species. Along the river and the areas surrounding it, specialists observed a flourishing vegetative system composed of "189 kinds of trees and shrubs, more than 800 herbaceous plants, 42 woody vines, and 75 grasses" (Kruvand 2018). Three plant species of special concern have been documented in the area -- a shrub called the Texas Spicebush, a tiny herbaceous plant known as earth fruit or Tiny Tim (*Geocarpum minimum*), and the Neches River Rose-Mallow (*Hibiscus dasycalyx*).

A major factor contributing to the significance of this stretch of the river is its proximity to a larger, connected system of preserved land. With a watershed spanning approximately 10,000 square miles, the Neches River flows 416 miles through 14 counties; the Davy Crockett and Angelina national forests; the Neches River NWR; the Big Slough and Upland Island wilderness areas; a state park, 4 state wildlife management areas; the internationally recognized Big Thicket National Preserve, the Sabine Lake estuary and 48,000 acres of private conservation lands, protecting in total 200 river miles.

Downstream, these forested watersheds clean drinking water, minimize urban flooding and filter the air breathed by millions of Houston and Beaumont residents. The

Texas Parks and Wildlife Department describes the Neches River as having excellent overall aquatic ecosystem health. The river was also notable for its hunting and fishing attractions. The region has a long-standing tradition and culture of leased hunting and fishing camps along the Neches River that continues to this day.

The Beginnings of a Refuge.

Following the 1985 release of the Bottomland Hardwood Preservation Plan documenting the significance of the upper Neches River, the Service in 1988 approved a Preliminary Project Proposal to conduct additional planning for a potential refuge there. However, due to a lack of cooperation with key landowners and an absence of funding for the required research and planning, actions towards the development of a refuge stalled.

Interest in the Refuge was revived in 2002 due to large scale timber company land divestments occurring along the Neches River. The Service began holding public workshops in July of 2004 to provide landowners with important information regarding the potential refuge area. Activists created a database of landowners within the study boundary to distribute information efficiently. The USFWS informed elected officials via letter before the proposal went public. Additionally, affected stakeholders such as the Texas State Railroad, Texas Parks and Wildlife Department, water planning groups and agricultural groups were all notified. On October 13, 2004, the Service gave a presentation to the East Texas Water Planning Group, along with other interested members of the public, to disseminate information pertaining to the Refuge. Public comments during this scoping phase were exclusively in favor of the Refuge.

A March 2005 “Establishment Proposal, Environmental Assessment, Land Protection Plan and Conceptual Management Plan” completed by USFWS as part of the

Refuge proposal process identified 25,281 acres (38 miles of the river) of ecologically significant bottomland hardwood forest habitat along the Neches River for protection within the Neches River NWR. The USFWS proposed the boundary lines by following waterways that were high quality habitat of value to waterfowl. In addition, the Service worked to avoid creating boundaries that would divide property ownerships. The proposed purposes of the Refuge as identified in the Environmental Assessment were to: (1) protect nesting, wintering and migratory habitat for migratory birds of the Central Flyway; (2) protect the bottomland hardwood forests for their diverse biological values and wetland functions of water quality improvement and flood control assistance; and (3) to provide for compatible wildlife-dependent recreation opportunities in accordance with the National Wildlife Refuge System Improvement Act of 1997.

Finally, Richard Donovan's 2006 book *Paddling the Wild Neches* ignited the general public's interest in the river by connecting them to the place both emotionally and historically. Support for a Refuge was mounting.

The Beginnings of a Reservoir.

The Upper Neches River Municipal Water Authority (UNRMWA) first generally identified the upper portion of the Neches River in Cherokee and Anderson counties as a potential reservoir site in the 1961 Master Plan for Water Supply Reservoirs. In 1984, the state's Department of Water Resources published its Texas Water Plan which identified a point on the Neches River in far southern Anderson and Cherokee counties, called "Weches" reservoir, as a "needed project" between 2000-2019 (more than 40 possible reservoir sites were pinpointed across the state). All the water plans that identify a reservoir on the upper Neches starting with the 1984 Water Plan show the

Weches Reservoir, not Fastrill Reservoir. While the Texas Water Development Board and others have claimed that these are in fact the same reservoirs, they don't have the same footprint. Weches is farther downstream than Fastrill and only overlaps the Refuge boundary its far southern boundary. Fastrill is farther upstream and is nearly identical to the Refuge footprint. Fastrill Reservoir was not proposed specifically until the Refuge proposal discussions began.

The 2007 Texas Water Plan specifically states that Fastrill had been in the 2006 Regional Water Plan and 2007 State Water Plan as a recommended water management strategy, but doesn't make any reference to its having been a project in earlier reports. Additionally, Fastrill was considered a future water source that wouldn't be implemented until 2050. In fact, the Texas Water Plan noted that water supplied by already-existing reservoirs was sufficient to meet the state's needs until at least 2060. Most of the water from the reservoir was proposed to be pumped to the Dallas area, whose per capita water use was significantly higher than many other cities in Texas of comparable size.

Meanwhile, the Dallas City Council passed a resolution approving consideration of the Fastrill reservoir on **March 9th, 2005**, which would give Dallas rights to 80% of the water, leaving the remaining 20% divided between East Texan entities. East Texans would have to pay for that 20% of the water if they wanted to use it. The director of Dallas Water Utilities notified the Regional Chief of the National Wildlife Refuge System on **March 16, 2005**, of the City's resolution and requested that the Service postpone any Refuge plans to allow time to determine if a reservoir and wildlife refuge could coexist to both supply water and protect wildlife. At that point, the Service had already completed its Establishment Proposal, which it released to the public. This proposal

consisted of the Refuge outline, an environmental assessment, a conceptual management plan, and a land protection plan. This report did not discuss a plan to have the Refuge coexist with a reservoir. USFWS determined the potential for a reservoir “speculative” in comparison to the practicability of a Refuge. For that reason, the Service said they could only hypothesize as to how the two projects would interface. For two months, this proposal was reviewed by the public and comments, concerns, and questions were submitted and considered by USFWS.

On **April 13, 2005** the Dallas City Council approved funding for an official feasibility study for the proposed Fastrill Reservoir.

In **July 2005** the Service released a Finding of No Significant Impact (FONSI) report, thereby electing to proceed with the establishment of the Refuge. This report determined that the Refuge would have no significant impact on “the human environment within the meaning of Section (102)(2)(c) of NEPA.” In this report, the Service did not deem an Environmental Impact Statement (EIS) necessary, which later became a focal point of Dallas’s lawsuit against the USFWS.

In **August 2005**, the Texas Senate passed a resolution that acknowledged a need for additional water sources in the Dallas area. In this resolution the proposed Fastrill reservoir project was recognized as a critical water resource that could help supply the water needed by the region’s 2.3 million people. Yet, the resolution did not pass the full legislature. The consistent droughts that plague Texas surely fueled Dallas Water Utility’s insistence on the reservoir. However, none of the sixteen regional water planning groups in Texas had identified water from the Neches River as necessary for supplying needed future water sources. Fastrill was instead named one of many options for water supply after the year 2050. Subsequent to the resolution, various elected

officials in Texas contacted the USFWS Director, requesting that he postpone approving the Refuge until Dallas's feasibility study could be completed.

In **April 2006**, the USFWS Director responded to these requests by offering reservoir proponents the opportunity to develop an alternative proposal by **June 1, 2006**.

June came around with no viable alternative plan in sight. On **June 11, 2006**, the U.S. Fish and Wildlife Service Director Dale Hall approved the Environmental Assessment and FONSI, officially designating the 25,281-acre site in Anderson and Cherokee Counties (1.8% of total acreage in the counties) as the Neches River National Wildlife Refuge, news that was greeted with tremendous relief, excitement and fanfare by Refuge supporters.

However, the Environmental Assessment states that "A refuge will only exist after an interest in land is acquired by the United States and therefore included into the National Wildlife Refuge System." Thus, supporters and the Refuge scrambled to add a tract of land into the Refuge. Two months later the Service secured a donation of a one-acre conservation easement from landowners James and Annie Yount. In **November 2006**, the Texas Water Development Board incorporated the proposed Fastrill Reservoir into its 50-year state water plan. Thus, the stage was set for a legal conflict between government entities - the state Texas Water Development Board and the City of Dallas vs. the federal U.S. Fish and Wildlife Service.

On **January 10, 2007**, the City of Dallas and TWDB (plaintiffs) filed a lawsuit against Dale Hall, the USFWS, U.S. Department of the Interior, and the Younts (defendants). In this lawsuit, Dallas sought a reversal of the Service's decision to establish the Neches River NWR, alleging that the Service had violated the National

Environmental Policy Act (NEPA) by not preparing an EIS or adequate Environmental Assessment. The plaintiffs also accused the defendants of violating other pieces of legislation through various procedural errors. In addition, the City referenced their allegedly “long-standing” development plans for a reservoir that were apparently disrupted by the establishment of the Refuge despite the USFWS knowing of these reservoir plans. The U.S. Third District Court ruled in favor of the defendants in **June 2008**, and this ruling was affirmed by the three-panel judge of the Fifth Circuit Court of Appeals in **March 2009**. On **February 20, 2010**, in a final decisive victory for the Refuge, the Supreme Court of the United States ended the fight of reservoir versus Refuge by declining to hear the case and effectively ruling in favor of the Refuge.

The Role of Advocacy in Establishing the Refuge.

The establishment of the Refuge would not have been possible without the overwhelming support from conservation groups and community residents. The Friends of the Neches River, Texas Conservation Alliance (TCA; formerly Texas Committee on Natural Resources), The Conservation Fund (TCF), the Sierra Club and the Big Thicket Association were all participants in the fight to oppose the reservoir and support the Refuge. Gaining support for the Refuge was a region-wide effort that required fostering an awareness and love within people for the Neches River and the wild land that surrounds it. Once enough people became involved, they were a powerful force that influenced politicians and government employees in a position to make or break the Refuge.

Texas Conservation Alliance recruited volunteers to attend the workshops held by the Service in 2004 and began publicly promoting creation of the Neches River NWR. TCA and later Friends of the Neches River generated extensive media coverage about

the refuge versus the reservoir issue. East Texas newspapers were very responsive, with the *Cherokeean Herald* characterizing it as a David and Goliath struggle - with East Texans joined together in a bi-partisan fashion taking on the role of David. The 2006 publication of Richard Donovan's *Paddling the Wild Neches* brought the entire Neches River, including the stretch where the Refuge now stands, into the public eye.

The Friends of the Neches River in particular was an active, passionate voice for an entity that previously had no voice of its own: the Neches River. The Friends of the Neches River was established in early 2006 by Michael and Rose Mary Banks and Mary Decker, all East Texas residents dedicated to saving this cherished river, in cooperation with Janice Bezanson and Gina Donovan of Texas Conservation Alliance. The Friends recruited anyone they could who believed in their cause. The group published ads that read “LOSE YOUR LAND PAY MORE TAXES,” citing reasons against a reservoir and for a Refuge. These ads highlighted how the land for the proposed Fastrill Reservoir would be acquired by the City of Dallas through eminent domain, a process that would force landowners to sell their land to the UNRMWA whether they consented or not. The Friends of the Neches River, composed of unpaid volunteers, and Texas Conservation Alliance also emphasized the vast number of alternatives available to Dallas for securing a water supply.

Fastrill Reservoir would have flooded 35,000 acres, disrupting the ecosystem and economy in irreversible ways. An estimated 150,000 additional acres could have been required for mitigation by the U.S. Army Corps of Engineers. To publicize the threat the reservoir posed, Gina Donovan with the Texas Conservation Alliance was able to secure the Neches a spot on American Rivers' “Top 10 List of Most Endangered Rivers” for 2007. American Rivers spotlights the Top 10 Most Endangered Rivers each year in its

magazine. In the case of the Neches, that threat was the proposed Fastrill Reservoir. The Friends of the Neches and the Texas Conservation Alliance were instrumental in securing more than 20,000 voices of support from community members, all of which were distributed to the USFWS during the crucial interim period when commentary from both the public and government officials was being considered. The Service told the Friends that through their efforts they generated more support for establishing the Neches River NWR than any of the other 570 refuges in the United States. Despite the City of Dallas spending several million dollars to fight the Refuge, the grassroots movement of mostly volunteers was victorious. Armed with resilience and optimism, interested citizens became a powerful political voice.

Land Acquisition for the Refuge.

Even though over 25,000 acres was designated as the Refuge boundary, land isn't included in the boundary and available for public use until it is acquired or donated to the Refuge. Lands acquired for the Refuge are bought from willing sellers, either via fee or conservation easement on a case by case basis. The Service primarily uses money from the Land and Water Conservation Fund and the Migratory Bird Conservation Fund to fund these purchases. Sometimes the USFWS works with non-profit partners like The Conservation Fund that can pre-acquire and hold land until acquisition funds are available. For the Neches Refuge, The Conservation Fund facilitated land transactions by acquiring and conveying threatened priority properties within the Refuge boundary through fee simple acquisition on behalf of USFWS.

Plans to begin acquiring land for the Refuge began in the early 2000s. In 2004, representatives from The Conservation Fund, Temple-Inland, International Paper, USFWS and the Texas Parks and Wildlife Department met to discuss acquisition of

Temple-Inland and formerly International Paper lands that were for sale in the proposed Refuge boundary. An investment group called The Forestland Group stepped in to acquire these lands quickly and allow TCF time to work out possible funding with USFWS and other partners. The Conservation Fund acquired a 6,661-acre tract from The Forestland Group in 2006, which contains eight miles of Neches River frontage, dense bottomland hardwood forest, and numerous oxbows and ponds.

Then, with the lawsuit extending from 2007 until 2010, USFWS placed a moratorium on all land acquisitions until the lawsuit was resolved. This was unfortunate timing. Not only did it delay by a decade The Conservation Fund's conveyance of land to the Refuge, but this time period was the height of the sell-off of large industrial timberland holdings, which left the forest vulnerable to land fragmentation and real estate development. Had the lawsuit not occurred, the Refuge's holdings would likely have been double what they are today.

Between 2011 and 2018, as funds became available, The Conservation Fund finally conveyed all the acreage it had acquired for the Neches Refuge to USFWS. Funds contributing toward that conveyance include \$2.5 million from T.L.L. Temple Foundation, \$250,000 from the Meadows Foundation, \$200,000 in individual gifts, \$4,609,749 from the Land and Water Conservation Fund, \$1 million from the North American Wetlands Conservation Commission, \$949,999 from the Natural Resource Damage Assessment Trustees and \$1,476,351 from the Migratory Bird Conservation Fund.

In addition, in 2009, The Conservation Fund acquired the 7,017-acre tract known as Bobcat Ridge in Anderson County, on the southern end of the Neches River NWR, with assistance from the Richard King Mellon Foundation. Protecting this land conserved some of Texas' top-ranked forested wetlands including 2,500 acres within the

Neches River NWR boundary and eleven miles of the Neches River. During TCF's ownership, TCF secured Sustainable Forestry Initiative and Forest Stewardship Certification on the property, signifying sustainable and careful timber and wildlife management. On September 22, 2016, the Fund sold a conservation easement to the Texas A&M Forest Service using U.S. Forest Service's Forest Legacy Program funding to ensure that this tract will remain protected forever. To be clear, this tract is protected through a conservation easement but is not part of the federally owned Refuge. The Conservation Fund has since sold this property subject to the perpetual conservation easement.

In 2016, TCF acquired an 80-acre tract of forested river frontage (the Dolan Tract) on the Neches River with funds from the Malcolm C. Damuth Foundation and the National Fish and Wildlife Foundation's ConocoPhillips SPIRIT of Conservation program. The tract was conveyed on September 7, 2016 to the Neches River NWR for permanent protection. The sellers contacted TCF with an interest in selling the land to the Refuge. It had been previously owned by the seller's father who had passed away but had wanted to see the land conserved. Additionally, the USFWS has directly acquired three tracts within the Refuge from private individuals totaling 389 acres. See attached map for lands currently owned by the Neches River NWR.

Friends of the Neches River National Wildlife Refuge.

As the Refuge grew, supporters formed a non-profit organization to assist the Refuge and propel it forward to become the best destination it can be, both in wildlife protection and human engagement. Their Certificate of Formation was filed and accepted by the Texas Secretary of State on September 11, 2013. On July 30, 2014, the

Friends of the Neches River National Wildlife Refuge received notice from the Internal Revenue Service that it had been classified as a public charity.

The mission of this Friends of the Refuge Group is to “preserve, protect and restore the wild and scenic Neches River to provide outdoor opportunity and enjoyment of this natural and cultural resource for present and future generations.” Board members meet with the Refuge Manager, an employee of the U.S. Fish and Wildlife Service, on a regular basis to support the Service in developing the Refuge, involving the community, recruiting volunteers, and coordinating local activities and programs. The Friends generate revenue to support the Refuge effectively through fundraising and solicitation activities that include: the sale of goods and services, donations, special events, membership sales, and applying for grants. The partnership agreement between the Friends of the Refuge and the Service must be renewed every five years. There are currently 15 board member positions with four in leadership positions: President, Vice President, Treasurer, and Secretary.

Effort toward Scenic River Designation.

As far back as 1985, Texas Conservation Alliance highlighted the values of the Neches that deem it worthy of a scenic river label or other protection. They noted “a diversity of views, including forty-foot bluffs, wild islands, and large sandbars” and, even more spectacular, that “the river is virtually free of development... no town is within eight miles of its banks.” The U.S. Forest Service included the Neches River in its 1987 Land and Resource Management Plan as having the qualities of a Wild and Scenic River. In 1985, the Texas Legislature included the Neches in a bill to establish a state rivers system, which had widespread support but failed when one powerful member of the legislature prevented a final vote on the bill.

In 2008, TCA launched an initiative to obtain a Congressionally-authorized study of segments of the Upper Neches River for potential designation as a National Wild and Scenic River. To qualify as a Wild and Scenic River, a river's waterways must have extraordinary "scenic, recreational, geologic, fish and wildlife, historic or other similar values" that lead Congress to designate them as Wild and Scenic. Texas has only one river segment, a 196-mile stretch of the Rio Grande River that is labeled "Wild and Scenic", whereas Arkansas, a state five times smaller than Texas, has nine protected rivers. For an American river to obtain the designation, a bill authorizing a study of the proposed river segments must be passed by the U.S. Congress, prompting a relevant federal agency or agencies to conduct a multi-year study. In the case of the Neches River, it was proposed that the National Park Service and the Forest Service jointly conduct the study over a two to three-year period. If a Wild and Scenic River study results in a recommendation that the river be designated as Wild and Scenic, another bill must be introduced and passed by Congress to confirm its designation. In 2012, Senator Kay Bailey Hutchison introduced a study bill in the U.S. Senate, which received a committee hearing but did not reach the Senate floor.

Although there are currently no active efforts to obtain a 'Wild and Scenic River' designation for the Neches River, a rich history exists of efforts by non-profit organizations to promote the designation. Between 2008 and 2013, Texas Conservation Alliance and its local partner Friends of the Neches River focused on promoting the special protections for the Neches River that would come with the Wild and Scenic designation. TCA and Friends of the Neches used this initiative to increase public awareness of the exceptional quality of the wildlife habitat on the Neches River and the sheer uniqueness of the river system. TCA and FNR generated front-page coverage in

numerous newspapers around East Texas and features on area television and radio programs. They held widely-attended public meetings and met extensively with organizations and influential individuals. The proposal was endorsed by the Tyler Chamber of Commerce, the Beaumont Convention and Visitors Bureau, various civic organizations, numerous conservation organizations, and a number of elected officials. Texas Conservation Alliance and Friends of the Neches River emphasized the benefits that would result from a Wild and Scenic classification: a free-flowing river, protected bottomland hardwood habitat, enhanced recreational tourism, and no infringement on the rights of private property owners. The long-term impact of the Neches River Wild and Scenic initiative greatly increased awareness of the river's historic value, its potential to boost tourism, and the amazing wildlife habitat the river's bottomland forests provide.

The Impact of *Paddling the Wild Neches*.

Richard Donovan's 2006 book, *Paddling the Wild Neches*, has been a key influence in all the efforts to protect the Neches River. *Paddling the Wild Neches*, based on canoe trips Richard took on the Neches with logistical assistance from wife Bonnie and daughter Gina, first alerted East Texans to the huge threat that proposed reservoirs posed to East Texas. The book brings to life the history and natural character of the river, the people past and present who have lived there, and the exceptional wildlife habitats the river bottom provides. For over a decade it has been displayed in book stores, restaurants, banks, libraries, and numerous other public places throughout East Texas. Civic organizations up and down the Neches watershed sought Richard to give his slide show. The book's popularity has taught East Texans what an amazing resource the Neches River is and helped make the river an icon of the region.

Today, the public attention generated by the book, the refuge, the wild and scenic river effort, the establishment of state paddling trails and events such as the Neches River Rendezvous and Neches River Rally have led to a concerted desire to continue to protect the Neches River from future threats. Businesses, chambers of commerce, city officials, visitors' bureaus, and numerous websites cite the Neches River and East Texas' beautiful natural world as reasons for visiting or moving to the region. Attitudes toward the Neches River and toward conservation in general have changed radically. A companion book to Mr. Donovan's, the *Neches River User Guide*, was written in 2009 by Gina Donovan with assistance from Steve Lange and Adrian Van Dellen. The book gives explicit access instructions to facilitate trip planning for kayakers, canoeists and other users on the Neches. The Donovan family's contribution to public perception and interest in the Neches River has been immense and powerful.

The Future of the Refuge.

Conservation groups continue to promote land acquisition within the Neches River National Wildlife Refuge boundary. Landowners adjacent to or within the boundary may also receive federal or private conservation or restoration dollars for their property. The cities surrounding the Refuge rely on the Neches River as the centerpiece for a growing ecotourism economy. Visitors to the Refuge will be able to engage in outdoor recreational activities which may include canoeing/kayaking, biking, hiking, fishing, hunting, camping, bird watching and more. In 2017 alone, "53.6 million people visited refuges. Their spending generated \$3.2 billion of sales in local economies. As this spending flowed through the economy, over 41,000 people were employed and \$1.1 billion in employment income was generated" (Banking on Nature 2017).

One of the key goals the Service has for its refuges, aside from habitat protection and climate change mitigation, is engagement with the public, mostly in the form of environmental education, hunting, fishing, camping, wildlife observation, and photography. All management and public use of the Neches River Refuge must be compatible with the purposes for which a refuge is established: conserve, restore, and enhance species and ecosystems. The budget allotted to the Refuge funds salaries, construction material purchases, equipment purchases and maintenance, supplies, fire management program, law enforcement, endangered species recovery expenses, and special project funds. USFWS employees at the Refuge oversee habitat management, population monitoring, public use opportunities and management.

Within ten years of the Refuge's establishment, the Service must develop a Comprehensive Conservation Plan (CCP) in accordance with the National Wildlife Refuge System Improvement Act of 1997. This CCP will create long-term management plans, goals, and strategies for accomplishing management objectives for habitat, recreational use, water, fire, and a program to inventory and monitor habitat and wildlife populations.

The current Refuge Manager, Leo Gustafson, was hired in 2016 to manage the Refuge after years of being employed by the Service elsewhere in Texas. He keeps the 7,130 acres of the Refuge that he manages open 7 days a week, sunrise to sunset. The more people who visit the Refuge and engage with it the better, as exposure to nature develops within people an appreciation for nature and an understanding that they are a part of it. The Refuge receives wide public interest, but with limited funds and resources it will take time to bring certain services to the Refuge, such as hunting and fishing, which will hopefully be available in the next couple of years.

The Refuge contains a breadth of habitats that people are free to explore -- the River, floodplains, bottomland forests, and upland pine forests. Because the decision to bring more employees to the Refuge is made by the Service's Regional Office in Albuquerque, New Mexico, Leo relies heavily on the Friends of the Refuge Group and local volunteers. For the Neches River NWR to thrive, the USFWS must provide additional support that is needed and sought by residents. The Service's Southwest Regional Office is aware of the amassed public support for the Refuge and the Refuge is on a priority funding list for refuges nationally.

The protection of this piece of East Texas wilderness generates and protects jobs for years to come, secures the future health of residents by protecting their drinking water flowing through forestland, and enhances air quality through carbon uptake. The 416-mile river is truly one of the state's wildest and most sacred natural assets, at the epicenter of a diminishing ecosystem: bottomland hardwoods. For now, the future for the Neches River is nascent yet promising. There are nineteen other national wildlife refuges in Texas, currently encompassing almost 600,000 acres. What makes the Neches River National Wildlife Refuge so special is how it came to be: the summoning of community activists fighting for a common cause through a shared love for a river that has been a bedrock of East Texas for so long.

Acknowledgements.

A heartfelt thank you goes to the individuals who provided input and gave of their time in the preparation of this document. This historical overview was funded by a gift from the Friends of the Neches River National Wildlife Refuge to The Conservation Fund, who hired Ms. Jesse Woche to prepare the document, with guidance from Julie

Shackelford of The Conservation Fund. The authors can be contacted at jwoche4@gmail.com and julieshackelford@conservationfund.org.

References

- “America's Most Endangered Rivers of 2007.” *American Rivers*, 2007, pp. 20–21, <https://s3.amazonaws.com/american-rivers-website/wp-content/uploads/2016/02/24220915/2007-mer-report.pdf>.
- Banks, Michael. Personal interview over phone. 27 Aug. 2019.
- Bezanson, Janice. Personal interview in person. 19 Aug. 2019.
- Dawson, Von. Personal interview over phone. 4 Sept. 2019.
- Donovan, Gina, Stephen D. Lange and Adrian F. Van Dellen. 2009. *Neches River User Guide*. Texas A&M University Press, College Station, Texas.
- Donovan, Richard M. 2006. *Paddling the Wild Neches*. Texas A&M University Press, College Station, Texas.
- https://www.govinfo.gov/app/details/USCOURTS-txnd-3_07-cv-00060/USCOURTS-txnd-3_07-cv-00060-0.
- “East Texas Timberland Investment and Conservation Opportunity: Business Plan.” *The Conservation Fund*, pp. 1–17.
- “Fish and Wildlife Service - ABMO: Banking On Nature 2017: The Economic Contributions of National Wildlife Refuge Recreational Visitation to Local Communities.” *Official Web Page of the U S Fish and Wildlife Service*, <https://www.USFWS.gov/economics/divisionpublications/bankingOnNature/BoN2017/bon2017.asp>.
- Gustafson, Leo. Personal interview over phone. 5 Sept. 2019.
- Kruvand, Charles, et al. *Riverwoods: Exploring the Wild Neches*. Texas A&M University Press, 2018.
- Lay, Dan W. “Waterfowl Habitat Reconnaissance and Evaluation Form.” U.S. Fish and Wildlife Service. April 1983.
- Neal, Jim and Shackelford, Julie. Personal interview in person. 9 Aug. 2019.
- Neches River Protection Initiative, 10 Mar. 2006.
- “Opposition to Neches Plan Grows.” *Daily Sentinel*, 15 Apr. 1988.

“Proposed Neches Scenic River: From Dam B Upstream to Lake Palestine, 208 Miles -- VALUES.” 3 Apr. 1985.

Temple, Ellen. Personal interview in person. 19 Aug. 2019.

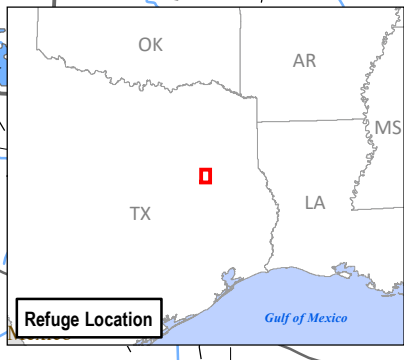
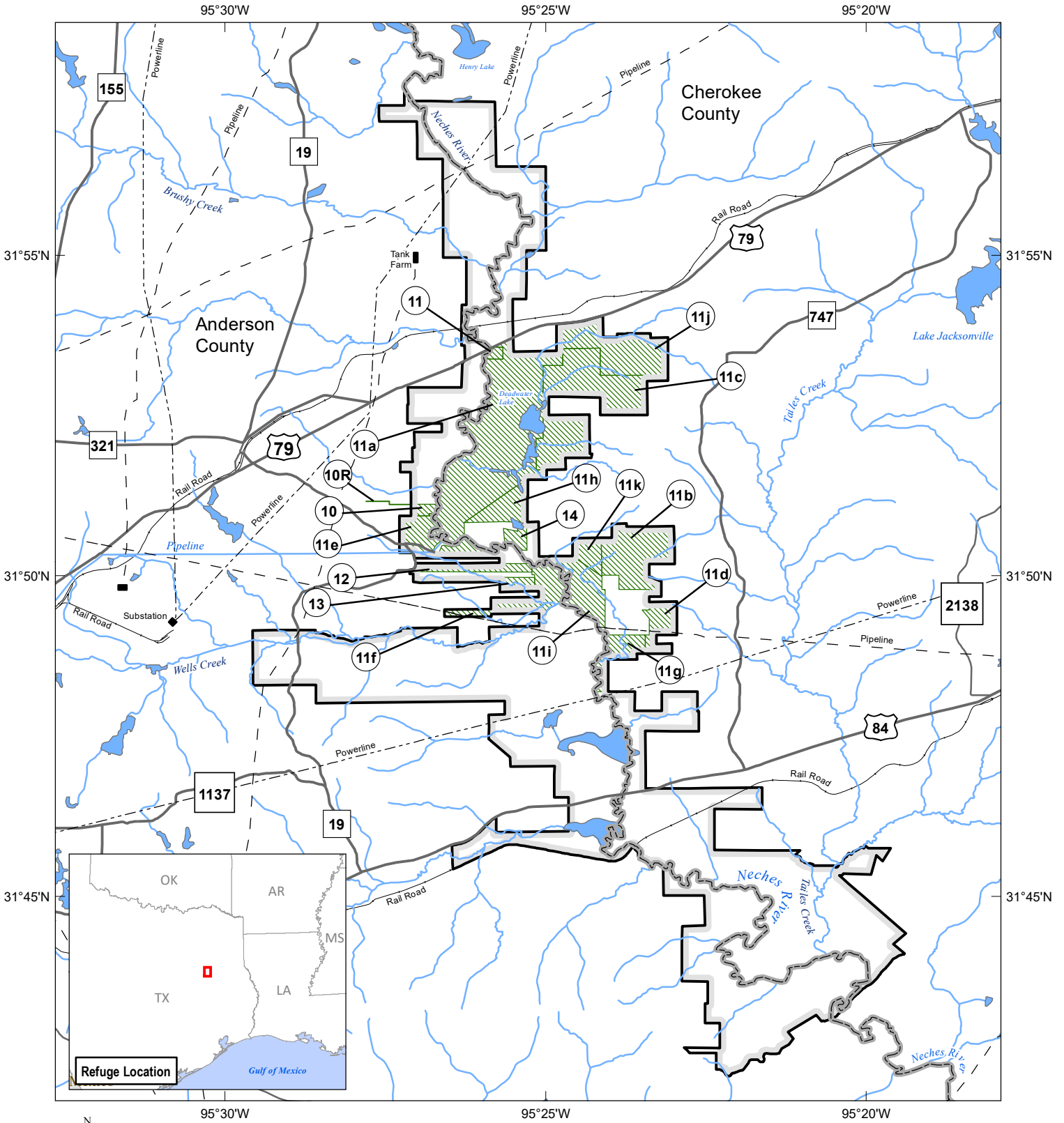
United States Fish and Wildlife Service. March 2005. “North Neches River National Wildlife Refuge Establishment Proposal, Environmental Assessment, Conceptual Management Plan, and Land Protection Plan.” *North Neches River National Wildlife Refuge Establishment Proposal, Environmental Assessment, Conceptual Management Plan, and Land Protection Plan*, 2005, pp. 1–105. *National Digital Library*, <https://digitalmedia.USFWS.gov/digital/collection/document/id/1958/>.



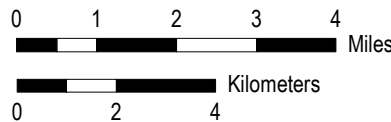
U.S. Fish & Wildlife Service
Neches River National Wildlife Refuge

Anderson and Cherokee Counties, Texas

Land Status Map



PRODUCED IN THE DIVISION OF REALTY
 ALBUQUERQUE, NM.
 LAND STATUS CURRENT TO: 5/7/2018
 MAP DATE: 6/20/2019
 BASEMAP: ESRI / DOE RENEWABLE ENERGY ATLAS
 UTM ZONE12 PROJECTION
 NAD 83



- Approved Acquisition Boundary
- Previously Acquired - Fee
- County Boundary
- Powerline
- Pipeline
- Rail Road