



Texas Conservation Alliance

The State Affiliate of the National Wildlife Federation

Immediate release
March 12, 2009

Contact Janice Bezanson, 512-921-1230

Fifth Circuit Court of Appeals Upholds Neches River National Wildlife Refuge

The Fifth Circuit Court of Appeals Thursday affirmed the July 2008 decision by Judge Jorge A. Solis in favor 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.

"This is wonderful news!" said Janice Bezanson, executive director of Texas Conservation Alliance. "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."

Dallas and TWDB contended that 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 careful 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's decision. Thursday a three-judge panel affirmed the lower court ruling.

Biologists say the land within the boundaries of the Neches River National Wildlife Refuge is some of the least disturbed and highest-quality bottomland hardwood forest left in Texas, rated Priority 1 for acquisition by the U.S. Fish and Wildlife Service. By contrast, the reservoir proposed for the site is one of many water supply options available to Dallas Water Utilities.

Bezanson described the hardwood forests to be protected in the Refuge as "fabulous." Towering oaks and hickories shelter wildlife and provide the nuts and acorns that deer, squirrel, turkey, and other animals depend on in winter. Bushes, smaller plants, and understory trees such as dogwoods provide a diverse array of food for resident animals. The Refuge is located in the heart of the North American Central Flyway, the major "highway" for and migrating ducks and songbirds. The waters of the Neches River sustain the exceptional habitat of the Big Thicket National Preserve, the Davy Crockett and Angelina National Forests, various state parks and wildlife management areas, and the Sabine Lake estuary.

"The Fish and Wildlife Service has been barred from acquiring land for the refuge, pending outcome of the appeal," Bezanson continued. "Conservationists are poised to

donate several thousand acres to the refuge as soon as the ruling is final. We look forward to celebrating a wonderful new refuge on the Neches!+

Texas Conservation Alliance, Friends of the Neches River, and a number of other organizations are proposing that the Neches River be studied for potential inclusion in the Wild and Scenic Rivers System. Designating the Neches as a Wild and Scenic River would protect the river and enhance its value for tourism.

Janice

Janice Bezanson, Executive Director
Texas Conservation Alliance
Cell 512-921-1230
bezanson@texas.net
TCAtexas.org