

Protecting the Neches River



The historic Neches River flows 400 miles through the heart of Texas Forest Country to Sabine Lake at its mouth. Its waters nourish the Neches River National Wildlife Refuge, the Davy Crockett and Angelina National Forests, Big Slough and Upland Island Wilderness Areas, Martin Dies Jr. State Park, and the internationally-known Big Thicket National Preserve. It provides freshwater flows and nutrients to shrimp and fish nurseries in the Sabine Lake estuary and to coastal marshes that protect homes and industry from hurricanes. The Neches and its natural areas provide memorable days outdoors for local residents and lure tourists to fish, hunt, hike, camp, and paddle. Its flows dilute effluent for industries along the river.

Texas Conservation Alliance and numerous other citizen groups are proposing that the Neches River be added to the Wild and Scenic Rivers System – (1) to protect the river from dams that would adversely affect its free-flowing state and (2) to highlight its value as a tourist destination.

The criteria for adding a river to the Wild and Scenic Rivers System is that it be free-flowing and have “*outstandingly remarkable values*” – historic, cultural, geologic, scenic, fish and wildlife, archeological, or recreational.

Process for Adding a River to the Wild and Scenic Rivers System

Step 1: Before the Neches can be included in the Wild and Scenic Rivers System, the U.S. Congress must pass a bill authorizing a thorough study of the river’s eligibility and suitability. This legislation would spell out the terms of the study, such as setting up a partnership team including the National Park Service, the U.S. Forest Service, riverside landowners, representatives of counties, cities, school districts, water authorities, port authorities, and navigation districts, timber industry leaders, tourism officials, chambers of commerce, hunters, fishermen, paddlers, and others with a stake in the designation. The study would determine the benefits to the community and identify any impacts that designating the river might have.

Step 2: Led by the National Park Service and the U.S. Forest Service, the study team would carefully craft a cooperative management plan for the river. The study would identify *outstandingly remarkable values* of the river and assess which values are adequately protected. It would evaluate what would be needed to protect the other *outstandingly remarkable values*, considering a variety of means, such as voluntary agreements with landowners. The study would recommend that the Neches be designated a Wild and Scenic River *only* if a plan can be developed that meets the needs and concerns of the people who live, work, and recreate along the river.

Step 3: If the study results in a recommendation that the Neches be part of the Rivers System, Congress must pass a second bill to make the designation official. This provides an added safeguard for landowners and others dependent on the river, as such a bill would be carried by local Members of Congress responsive to their constituents’ concerns.



SPECIFICS OF ADDING THE NECHES TO THE WILD AND SCENIC RIVERS SYSTEM

- ◆ If the Neches were designated a Wild and Scenic River, no federal agencies could permit or assist any water resource project that would have a direct, adverse effect on the values for which the river was designated. In short, major reservoir projects proposed for the Neches would be prohibited.
- ◆ Other activities typical of the river would continue. According to the Interagency Wild and Scenic River Coordinating Council, the Wild and Scenic Rivers Act “*neither gives nor implies government control of private lands within the river corridor...People living within a river corridor would be able to use their property as they had before designation.*” * Adjacent landowners would be encouraged to use good management practices, but the federal government would be given “*no authority to regulate or zone private lands.*” * Current land use would continue to be subject to existing ownership, current laws, and local law enforcement.
- ◆ According to the Park Service, designation of the Neches would not be expected to alter timber harvesting or logging practices beyond existing limitations to protect wetlands and streamside zones. Currently, all activities such as timber harvesting, industrial operations, and agricultural practices must comply with state laws and with the federal Clean Water Act. If landowners adjacent to the river corridor are conducting an activity that already requires a federal permit, such as a Clean Water Act 404 wetland permit, the agency granting the permit must take the close proximity of the Scenic River into account in that permitting process. But those activities would continue to be governed by existing laws. Other activities would continue as before, unless altered via a mutually-agreed-upon arrangement in the management plan.
- ◆ A *cooperative* management plan would be developed for the river by the federal agency, county and municipal governments, local river authorities, riverside landowners, and non-governmental organizations such as the Texas Forestry Association, area chambers of commerce and convention bureaus, and non-profit organizations.
- ◆ A major component of the study is for the federal agency to establish relationships with adjacent landowners and to determine whether there are any impacts on them. It is usual to seek the local counties as partners in encouraging good management practices along the river.
- ◆ The proposal to designate the Neches as part of the Rivers System is *not a land acquisition project*. Land acquisition has only rarely occurred under the Wild and Scenic Rivers Act. If the federal government were interested in acquiring a river access point or land to protect a specific resource, it would be from *willing sellers only*, but land acquisition is unlikely.

**Source: Interagency Wild and Scenic River Coordinating Council, Reference Guide, A Compendium of Questions & Answers Relating to Wild & Scenic Rivers, January 1999.*



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