

Fastrill legislation doesn't change refuge status, conservation officials say

By [CHRISTINE S. DIAMOND](#)
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Last-minute designation of unique reservoir status by the state Legislature to a stretch of land in Cherokee and Anderson counties does not change the status of overlapping land from its current designation as a national wildlife refuge. So say the leaders of the state's leading conservation groups.

"The unique reservoir site designation doesn't really mean anything as long as the refuge stays in place," said Janice Bezanson, director of the Texas Conservation Alliance, the nonprofit conservation group formerly known as the Texas Committee on Natural Resources.

Senate Bill 3 does not specifically designate unique reservoir status to Fastrill, a historic logging community, but approves designation to all 21 reservoirs listed in the Texas Water Development Board's 2007 water plan, according to Ken Kramer, director of Sierra Club in Texas. Fastrill was proposed by Dallas as an alternative water storage site, for which it also received the support of East Texas Region I Water Planning Group and was later adopted by the state as a long-term water supply.

Dallas municipal planners introduced the proposal at the same time the U.S. Fish and Wildlife Service was completing a two-decade-long study working toward designating the same site as a wildlife refuge. Those attending public hearings held by the fish and wildlife service were told the lowlands surrounding that stretch of the Neches River included some of the best remaining hardwood bottomland habitat in the region. Because of these traits it has become home to many species of birds, fish and reptiles, according to wildlife biologists.

Like the Big Thicket National Preserve, designation of the area as a national wildlife refuge does not impact land ownership. However, as Congress appropriates funding for the acquisition of land, the fish and wildlife service has the authority to buy land from willing sellers or accept donations of land. The refuge accepted its first acre, a donation, last summer.

According to Rep. Jim McReynolds, D-Lufkin, in 11 previous lawsuits against the U.S. Fish and Wildlife Service, the designation of the wildlife refuges were upheld by the court.

Until the federal judge rules in favor of overturning its designation as a national refuge, the status quo continues in that it is a national refuge, said Bezanson who sought to assure refuge supporters that recent legislation had not unraveled the fruit of their long fight.

"One thing that is confusing is that as part of the lawsuit negotiations, the U.S. Fish and Wildlife Service has agreed not to add any more land to the refuge until a certain date," she said. "But the one-acre conservation easement donation will remain in place unless the judge specifically overrules it. Given the history of other suits that have been filed, we are fairly confident that the judge will uphold the refuge. Then the Fish and Wildlife Service may proceed to add land as rapidly as federal funding or private land donations come available."