

# BIG THICKET NATIONAL PARK

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**DEPOSITORY  
HEARINGS**

BEFORE THE  
SUBCOMMITTEE ON PARKS AND RECREATION  
OF THE  
COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS  
UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

**S. 314**

A BILL TO ESTABLISH THE BIG THICKET NATIONAL PARK  
IN TEXAS

**S. 1981**

A BILL TO AUTHORIZE THE ESTABLISHMENT OF THE BIG  
THICKET NATIONAL BIOLOGICAL RESERVE IN THE STATE  
OF TEXAS, AND FOR OTHER PURPOSES

**S. 2286**

A BILL TO AUTHORIZE THE ESTABLISHMENT OF THE BIG  
THICKET NATIONAL BIOLOGICAL RESERVE IN THE STATE  
OF TEXAS, AND FOR OTHER PURPOSES

**H.R. 11546**

A BILL TO AUTHORIZE THE ESTABLISHMENT OF THE BIG  
THICKET NATIONAL PRESERVE IN THE STATE OF TEXAS,  
AND FOR OTHER PURPOSES

FEBRUARY 5 AND 6, 1974



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Committee on Interior and Insular Affairs

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# BIG THICKET NATIONAL PARK

TUESDAY, FEBRUARY 5, 1974

U.S. SENATE,  
SUBCOMMITTEE ON PARKS AND RECREATION,  
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110, Dirksen Office Building, Hon. Alan Bible, chairman, presiding.

Present: Senator Bible.

Also present: Jerry T. Verkler, staff director; and James P. Beirne, special counsel.

## OPENING STATEMENT OF HON. ALAN BIBLE, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator BIBLE. The hearing will come to order. This morning we are hearing for a second time the various bills on establishment of Big Thicket National Biological Reserve, establishing the Big Thicket National Park and establishing—the House passed bill establishing the new name that has cropped up since the last Congress, the Big Thicket National Biological Preserve.

During the 91st Congress, the subcommittee conducted extensive hearings on similar legislation which was proposed by Senator Yarborough. Hearings were held in Beaumont, Tex. and here in Washington.

The Senate subsequently passed legislation which was unfortunately not enacted by the House. The Big Thicket area of eastern Texas contains a great diversity of plant communities.

These vegetative units range from the drier upland country to the baygall, bog, streambank, and floodplain forest communities. The effect of development on this area since the Senate originally considered this legislation has altered somewhat the various proposals.

At this point I shall request that copies of the various bills pending before the subcommittee and the Departmental report to each be inserted in the record.

[The texts of S. 314, S. 1981, S. 2286, and H.R. 11546 together with departmental reports follow:]

93<sup>d</sup> CONGRESS  
1<sup>st</sup> SESSION

# S. 314

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## IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1973

Mr. ROBERT C. BYRD (for Mr. BENTSEN) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

---

## A BILL

To establish the Big Thicket National Park in Texas.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That in order to preserve in public ownership an area in the  
4 State of Texas possessing outstanding botanical, zoological,  
5 geological, archeological, and ecological values, together with  
6 recreational, historical, scenic, and other natural values of  
7 great significance as free-flowing streams and wildlife habi-  
8 tat, and to provide for the use and enjoyment of the outdoor  
9 recreation resources thereof by the people of the United  
10 States, the Secretary of the Interior (hereinafter referred to  
11 as the "Secretary") shall acquire, in accordance with the  
12 provisions of this Act, one hundred thousand acres of lands



1 and interests in lands in Hardin, Jasper, Jefferson, Liberty,  
2 Orange, Polk, and Tyler Counties, Texas, including the most  
3 significant ecological units of the area and acreage along  
4 important rivers and streamways, and shall establish such  
5 one hundred thousand acres of lands and interests so acquired  
6 as the Big Thicket National Park.

7 SEC. 2. (a) In order to establish the Big Thicket Na-  
8 tional Park, the Secretary may acquire land or interests  
9 therein by donation, purchase with donated or appropriated  
10 funds, exchange, or in such other manner as he deems to be  
11 in the public interest. Wherever feasible, land shall be ac-  
12 quired by transfer from other Federal agencies.

13 Any property, or interest therein, owned by the State  
14 of Texas or political subdivision thereof may be acquired only  
15 with the concurrence of such owner.

16 (b) In order to facilitate the acquisition of privately  
17 owned lands in the park by exchange and avoid the payment  
18 of severance costs, the Secretary may acquire land which  
19 lies adjacent to or in the vicinity of the park. Land so ac-  
20 quired outside the park boundary may be exchanged by the  
21 Secretary on an equal-value basis, subject to such terms, con-  
22 ditions, and reservations as he may deem necessary, for pri-  
23 vately owned land located within the park. The Secretary  
24 may accept cash from or pay cash to the grant or in such ex-

1 change in order to equalize the values of the properties  
2 exchanged.

3       SEC. 3. When title to all privately owned land within  
4 the boundary of the park, other than such outstanding in-  
5 terests, rights, and easements as the Secretary determines  
6 are not objectionable, is vested in the United States, notice  
7 thereof and notice of the establishment of the Big Thicket  
8 National Park shall be published in the Federal Register.  
9 Thereafter, the Secretary may continue to acquire the re-  
10 maining land and interests in land within the boundaries of  
11 the park.

12       SEC. 4. The Big Thicket National Park shall be ad-  
13 ministered by the Secretary in accordance with the provi-  
14 sions of the Act of August 25, 1916 (39 Stat. 535; 16  
15 U.S.C. 1-4), as amended and supplemented.

16       SEC. 5. There are hereby authorized to be appropriated  
17 such funds as are necessary to accomplish the purposes of  
18 this Act.



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20250

FEB 4 1974

Senator Henry M. Jackson  
Chairman, Committee on Interior  
and Insular Affairs  
United States Senate

Dear Mr. Chairman:

Here is our report on S. 314, a bill "To establish the Big Thicket National Park in Texas," S. 1981 and S. 2286, bills "To authorize establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes," and H.R. 11546, an Act "To authorize the establishment of the Big Thicket National Preserve in the State of Texas and for other purposes."

Each of these bills would authorize the Secretary of the Interior to acquire and administer lands within the Big Thicket area of east Texas for scientific study, interpretive, and recreational purposes. S. 2286 contains the legislative proposal set forth by the Department of the Interior.

The provisions of the three Senate bills and the House Act would not change the status of any National Forest lands, would not affect lands immediately adjacent to the National Forests, or have a major effect on other responsibilities of the Department of Agriculture in the area. This Department therefore defers to the recommendations of the Department of the Interior in this matter.

The Office of Management and Budget advises that there is no objection to the presentation of the report from the standpoint of the Administration's program.

Sincerely,

RICHARD A. ASHWORTH  
Deputy Under Secretary

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

FEB 22 1974

Honorable Henry M. Jackson  
Chairman, Committee on Interior  
and Insular Affairs  
United States Senate  
3106 New Senate Office Building  
Washington, D. C. 20510

Dear Mr. Chairman:

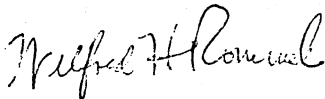
This is in response to your requests for the views of the Office of Management and Budget on the following bills:

1. S. 314, a bill "To establish the Big Thicket National Park in Texas" (requested May 24, 1973);  
and,

2. S. 1981, a bill "To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes" (requested December 28, 1973).

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on these bills, and accordingly recommends enactment of the Department's proposed legislation to authorize the establishment of the Big Thicket National Biological Reserve in Texas, S. 2286, in lieu of S. 314 or S. 1981.

Sincerely,



Wilfred H. Rommel  
Assistant Director for  
Legislative Reference

93<sup>d</sup> CONGRESS  
1<sup>st</sup> SESSION

# S. 1981

---

IN THE SENATE OF THE UNITED STATES

JUNE 12, 1973

Mr. TOWER introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

---

## A BILL

To authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That in order to preserve for scientific study and for the  
4 education and benefit of present and future generations cer-  
5 tain unique areas in Tyler, Hardin, Jasper, Polk, Liberty,  
6 Jefferson, and Orange Counties, Texas, which contain vege-  
7 tational types and associations of national significance, there  
8 is hereby authorized to be established the Big Thicket  
9 National Biological Reserve.

II

## 1 ACQUISITION OF PROPERTY BY SECRETARY OF THE INTERIOR

2 SEC. 2. (a) In order to effectuate the purpose of this  
3 Act, the Secretary of the Interior (hereinafter referred to as  
4 the "Secretary") is authorized to acquire by donation, pur-  
5 chase, transfer from any other Federal agency or exchange,  
6 lands, waters, and interests therein, within the areas gen-  
7 erally depicted on the map entitled "Big Thicket National  
8 Biological Reserve, Texas", numbered NBR-BT-91,019,  
9 and dated February 1973, which shall be on file and avail-  
10 able for public inspection in the Office of the National Park  
11 Service, Department of the Interior. The Secretary may from  
12 time to time make minor revisions in the boundaries of the  
13 area by publication of a revised map or other boundary de-  
14 scription in the Federal Register, and he may acquire prop-  
15 erty within the revised boundaries in accordance with the  
16 provisions of this section: *Provided*, That the boundaries of  
17 the area may not encompass more than one hundred thou-  
18 sand acres of land. Property owned by the State of Texas or  
19 any political subdivision thereof may be acquired only by  
20 donation. Notwithstanding any other provision of law, Fed-  
21 eral property within the boundaries of the area may, with the  
22 concurrence of the head of the administering agency, be trans-  
23 ferred to the administrative jurisdiction of the Secretary for  
24 the purposes of this Act, without a transfer of funds.

1           (b) The Secretary shall take such steps as he deems  
2 necessary in order to preserve the ecological and recreational  
3 interests and fish and wildlife resources of the lands described  
4 in subsection (a) of this section. For purposes of this Act,  
5 the term "waste" means any action inimical to such interests  
6 and resources. In such connection he shall purchase land in an  
7 order of preference commensurate with the threat of waste of  
8 such lands respecting such interests and resources giving first  
9 consideration to the prevention of any clearcutting or of any  
10 waste having the effect of despoiling the lands described in  
11 subsection (a) of this section prior to the acquisition for the  
12 reserve. In all offers of purchase and in all condemnation pro-  
13 ceedings, the Secretary shall take due account of the diminu-  
14 tion of the value of the land occasioned by such waste as  
15 described herein.

16           RIGHTS OF OWNERS OF IMPROVED PROPERTY

17       SEC. 3. (a) The owner of improved property on the  
18 date of its acquisition by the Secretary may, as a condition  
19 of such acquisition, retain a right of use and occupancy of  
20 the improved property for noncommercial residential pur-  
21 poses for a definite term of not more than twenty-five years  
22 or, in lieu thereof, for a term ending at the death of the  
23 owner or the death of his spouse, whichever is later. The  
24 owner shall elect the term to be reserved. Unless this  
25 property is wholly or partially donated to the United States,

1 the Secretary shall pay the owner the fair market value of  
2 the property on the date of such acquisition, less the fair  
3 market value retained pursuant to this section. Any such  
4 right so retained shall be subject to termination by the Sec-  
5 retary upon his determination that it is being exercised in a  
6 manner inconsistent with the purposes of this Act. Upon the  
7 Secretary's notifying the holder of any such right of such a  
8 determination and tendering to him an amount equal to the  
9 fair market value of that portion of the right which remains  
10 unexpired, such right shall be deemed terminated.

11 (b) As used in this Act, the term "improved property"  
12 means a detached, one-family dwelling, construction of which  
13 was begun before June 1, 1973, which is used for noncom-  
14 mercial residential purposes, together with not to exceed  
15 three acres of the land on which the dwelling is situated,  
16 such land being in the same ownership as the dwelling, to-  
17 gether with any structures accessory to the dwelling which  
18 are situated on such land.

19 **ADMINISTRATION BY THE SECRETARY**

20 **SEC. 4. (a)** The area within the boundaries depicted  
21 on the map referred to in section 2, or as such boundaries  
22 may be revised, shall be known as the Big Thicket National  
23 Biological Reserve, and shall be administered by the Secre-  
24 tary in accordance with the laws applicable to the National



1 Park System, and in a manner consistent with the purposes  
2 of this Act.

3 (b) The Secretary shall permit hunting, fishing, and  
4 trapping on lands and waters under his jurisdiction within  
5 the reserve in accordance with the applicable laws of the  
6 United States and the State of Texas, except that he may  
7 designate zones where and periods when no hunting, fishing,  
8 or trapping may be permitted for reasons of public safety,  
9 administration, fish or wildlife management, or public use  
10 and enjoyment. Except in emergencies, any regulations pre-  
11 scribing such restrictions shall be put into effect only after  
12 consultation with the appropriate State agency having juris-  
13 diction over hunting, fishing, and trapping activities.

14 COURT REVIEW

15 SEC. 5. (a) Any owner of any right terminated on the  
16 basis of a determination by the Secretary under section 3 (a)  
17 may obtain review of such termination in the District Court  
18 of the Eastern District of Texas, or in the United States  
19 district court for the district in which he resides, by filing  
20 in such court within ninety days following the receipt of the  
21 notification of termination a written petition praying that the  
22 determination of the Secretary be set aside. If the determi-  
23 nation by the Secretary is not in accordance with this Act or  
24 if he has acted upon factual determinations which are not

1 supported by substantial evidence, the court shall set aside  
2 the termination.

3 (b) The commencement of proceedings under this sub-  
4 section shall operate as a stay of the termination of such  
5 right. Upon a showing that irreparable harm may be done  
6 to the reserve pending the final judicial determination, the  
7 court having jurisdiction of the principal case shall have  
8 jurisdiction to grant such injunctive relief as may be appro-  
9 priate.

#### 10 COMPENSATION FOR TAX LOSSES

11 SEC. 6. (a) In order to provide compensation for tax  
12 losses to taxing jurisdiction sustained as a result of any  
13 acquisition by the United States, on and after the date of the  
14 enactment of this Act, of privately owned real property for  
15 the reserve, the Secretary shall make payment to an officer  
16 designated for such purpose by the Governor of the State of  
17 Texas for distribution to the local body which assessed taxes  
18 on the property immediately prior to its acquisition by the  
19 United States, in accordance with the following schedule:

20 (1) For the fiscal year in which the real property  
21 is acquired and the next following five fiscal years, there  
22 shall be paid an amount equal to the full amount of an-  
23 nual taxes last assessed and levied on the property by  
24 public taxing bodies, less any amount, to be determined

1 by the Secretary, which may have been paid on account  
2 of taxes during such period; and

3 (2) For each of the four succeeding fiscal years fol-  
4 lowing such six-fiscal-year period referred to in para-  
5 graph (1) of this section, there shall be paid an amount  
6 equal to the full amount of taxes referred to in paragraph  
7 (1), less 20, 40, 60, and 80 per centum, respectively,  
8 of such full amount for each fiscal year, including the  
9 year for which the payment is to be made.

10 (b) For purposes of paying such compensation under  
11 this section, the assessed value of such real property shall be  
12 that so determined as of June 1, 1973.

#### 13 AUTHORIZATIONS

14 SEC. 7. There are authorized to be appropriated such  
15 sums as may be necessary to carry out the provisions of this  
16 Act.



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

FEB 4 1974

Dear Mr. Chairman:

This responds to the request of your Committee for the views of this Department on S. 1981, a bill "To authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes", and S. 314, a similar bill. There is also pending before your Committee, H.R. 11546, a bill passed by the House of Representatives on December 3, 1973, which would authorize the establishment of a Big Thicket National Preserve.

We recommend enactment of S. 2286, which is identical to the legislation proposed by this Department to the Congress by a letter dated July 14, 1973, in lieu of S. 314, S. 1981, or H.R. 11546.

S. 1981 would establish a Big Thicket National Biological Reserve of a maximum of 100,000 acres, consisting of seven units and three river corridors. S. 314 would establish a Big Thicket National Park of 100,000 acres in the general area described in the bill. H.R. 11546 would establish a Big Thicket National Preserve of eight units and four river corridors which would total approximately 84,550 acres, using the device of legislative taking. The taking would be effective 6 months after enactment of the bill or at such time as a boundary map is published by the Department, whichever occurs earlier.

The Department's legislation, S. 2286, would authorize the Secretary of the Interior to establish the Big Thicket National Biological Reserve, consisting of not to exceed 68,000 acres, in eastern Texas. The biological reserve would be managed in accord with the laws applicable to the National Park System, and emphasis would be placed on preserving and interpreting the biological values in the Reserve. Property could be acquired for the Reserve by purchase, donation, transfer from any other Federal agency, or exchange, provided that property of State or local governments could be acquired only by donation. Owners of improved property could retain a right of use and occupancy for noncommercial residential purposes for 25 years or, alternatively, for the lifetime of the owner or his spouse, whichever is a longer period. The language concerning rights of use and occupancy is the same as that used in a number of recent pieces



Let's Clean Up America For Our 200th Birthday

of legislation dealing with acquisition of lands for addition to the National Park System, and we recommend its use in this case as well. Hunting and fishing are to be allowed, in accord with applicable State and Federal laws, except that the Secretary may designate periods when and zones where these would not be allowed for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. The language in the bill concerning hunting and fishing is also the same as that used in other recent National Park System legislation, and we recommend its use. We would recommend permitting hunting, trapping and fishing in the Big Thicket Reserve subject to limitations such as those contained in our proposal.

The Department's proposal contains a provision which authorizes the Secretary to decline to acquire interests in, or all or any part of the oil and gas minerals and other minerals on lands or waters in the Reserve. The Secretary shall allow, subject to regulations promulgated by him, reasonable use of Reserve lands to extract such minerals. Easements are also preserved under the provisions of the bill. We believe that any bill dealing with the Big Thicket should include a provision such as section 6 of our proposal, to make it clear that the Secretary is not obligated to acquire the extremely expensive rights to oil and gas resources situated in the Reserve.

The Department's proposal, of about 68,000 acres, is the result of careful evaluation of the resources of the Big Thicket, weighing costs of acquisition against the resources to be preserved and interpreted, and taking into account administrative requirements. The seven units of the Reserve are representative of the diverse ecosystems found in the Big Thicket area. River corridors were considered for inclusion in the Reserve, but these were not included because of the large number of homesites along these waterways and because of the difficulty of administering the extensive boundaries along these corridors.

As a general matter, we recommend the specific provisions contained in our proposal in lieu of those contained in the other bills which are the subject of this report. A number of the provisions found in these bills restate existing policy on management and acquisition priorities and are not necessary if reference is made to a general

statutory authority such as the Act of August 25, 1916. We would, however, have no objection to the provision in H.R. 11546 requiring recommendations pursuant to the Wilderness Act to be made within 5 years. We have the following specific comments:

1. H.R. 11546 provides that a person electing continued use and occupancy waives benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Such a provision is apparently based on the theory that since persons retaining a right of use and occupancy experience no sudden dislocation, they are not entitled to benefits under the Act in the same degree as persons who are forced to move immediately. We have no objection to such a provision, and would suggest use of the following language:

"Whenever an owner of property elects to retain a right of use and occupancy pursuant to this Act, such owner shall be deemed to have waived any benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894)."

2. S. 1981 provides for district court review of decisions by the Secretary to terminate a right of use and occupancy. The owner must file for review within 90 days of receipt of notification of termination. We would oppose such a provision on the ground that it imposes an added burden on the owner of the property that he would not otherwise have. We interpret language concerning termination such as that contained in our proposal, as requiring court action before the Secretary can acquire full title, unless, of course, the owner willingly surrenders his right of use and occupancy. The Secretary must initiate such court action. Under the provisions of S. 1981, on the other hand, the Secretary would not have this obligation and the owner would automatically waive his rights if he did not come forward and file for review within 90 days. We believe that, in fairness to the owner, the burden of initiating court action should continue to be on the Secretary.

3. S. 1981 contains provisions for in lieu of tax payments. We oppose such payments to State and local governments as a general matter, because there is, in fact, generally no net loss to such governments. Although property will be taken off the tax rolls by being included in the reserve, acquisition will take place over several years. During this period, visitation to the area will increase, providing increased income to the area. Increased tax revenues resulting from visitation have been found to more than off-set loss of real property tax revenues.

4. H.R. 11546 provides for creation of the preserve through legislative taking. We strongly recommend against this approach. Legislative taking can result in greater costs, because the Government is obligated to make interest payments to the owner during the period between taking and payment, and these interest rates can substantially exceed the inflation rates in the area during this same period. Further, legislative taking reduces budget flexibility, because payment must be made at the time that a final judgment is rendered, rather than according to an orderly acquisition schedule. While a taking may be justified in some instances where an area is in immediate danger of irreparable harm and where funds are not available for purchase of that area, we do not believe that such conditions exist in Big Thicket. Sufficient funds will be budgeted in the first year so that if any particular tracts are endangered, they can almost certainly be acquired through normal acquisition procedures.

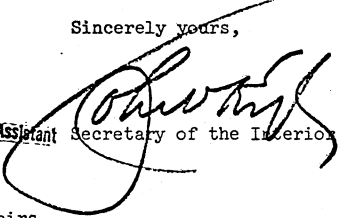
In addition, we are concerned about the constitutionality of the provisions of section 2(b) of H.R. 11546 that limit payment under the taking provisions to Land and Water Conservation Fund moneys, subject to appropriation authorization ceilings under section 6. It is possible that the appropriation ceiling might be reached before all valid claims for compensation by persons whose property was acquired by legislative taking were paid. The Federal Government would then be in the position of holding title to lands for which it could not, because of the restrictions of section 2(b), legally compensate the former owner. The taking arguably would be an unconstitutional taking without compensation. A similar problem could conceivably arise if the Land and Water Conservation Fund were not adequate to cover obligations created by the taking provisions.

5. We recommend the following perfecting amendments to S. 2286: On page 1, line 9, amend "purpose" to read "purposes"; on page 2, line 17, amend the phrase "law. Federal" to read "law, federal"; on page 5, line 6, amend "hte" to read "the" and on line 9, amend "reseve" to read "reserve".

We urge prompt and favorable action by the Congress on our proposal for the Big Thicket National Biological Reserve, because we believe that time is running out for this valuable national resource.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program, and that S. 2286 is in accord with the program of the President.

Sincerely yours,

  
Assistant Secretary of the Interior

Honorable Henry M. Jackson  
Chairman, Committee on  
Interior and Insular Affairs  
United States Senate  
Washington, D.C.



93<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 2286

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## IN THE SENATE OF THE UNITED STATES

JULY 30, 1973

Mr. JACKSON (for himself and Mr. FANNIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

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## A BILL

To authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That in order to preserve for scientific study and for the  
4 education and benefit of present and future generations cer-  
5 tain unique areas in the Big Thicket of eastern Texas which  
6 contain vegetational types and associations of national sig-  
7 nificance, there is hereby authorized to be established the  
8 Big Thicket National Biological Reserve.

9       SEC. 2. In order to effectuate the purpose of this Act  
10 the Secretary of the Interior (hereinafter referred to as the

1 "Secretary") is authorized to acquire by donation, purchase,  
2 transfer from any other Federal agency or exchange, lands,  
3 waters, and interests therein within the areas generally de-  
4 picted on the map entitled "Big Thicket National Biological  
5 Reserve", numbered NBR-BT 91,023, and dated July 1973,  
6 which shall be on file and available for public inspection in  
7 the Office of the National Park Service, Department of the  
8 Interior. The Secretary may from time to time make minor  
9 revisions in the boundaries of the area by publication of a  
10 revised map or other boundary description in the Federal  
11 Register, and he may acquire property within the revised  
12 boundaries in accordance with the provisions of this section:  
13 *Provided*, That the boundaries of the area may not encompass  
14 more than sixty-eight thousand acres of land. Property owned  
15 by the State of Texas or any political subdivision thereof  
16 may be acquired only by donation. Notwithstanding any  
17 other provision of law. Federal property within the bound-  
18 aries of the area may, with the concurrence of the head of  
19 the administering agency, be transferred to the administra-  
20 tive jurisdiction of the Secretary for the purposes of this  
21 Act, without a transfer of funds.

22 SEC. 3. (a) The owner of improved property on the  
23 date of its acquisition by the Secretary may, as a condition  
24 of such acquisition, retain for himself and his heirs and assigns  
25 a right of use and occupancy of the improved property for

1 noncommercial residential purposes for a definite term of  
2 not more than twenty-five years or, in lieu thereof, for a term  
3 ending at the death of the owner or the death of his spouse,  
4 whichever is later. The owner shall elect the term to be  
5 reserved. Unless this property is wholly or partially donated  
6 to the United States, the Secretary shall pay the owner the  
7 fair market value of the property on the date of acquisition  
8 less the fair market value on that date of the right retained  
9 by the owner. A right retained pursuant to this section shall  
10 be subject to termination by the Secretary upon his deter-  
11 mination that it is being exercised in a manner inconsistent  
12 with the purposes of this Act, and it shall terminate by  
13 operation of law upon the Secretary's notifying the holder  
14 of the right of such determination and tendering to him an  
15 amount equal to the fair market value of that portion of the  
16 right which remains unexpired.

17 (b) As used in this Act the term "improved property"  
18 means a detached, one-family dwelling, construction of which  
19 was begun before July 1, 1973, which is used for noncom-  
20 mercial residential purposes, together with not to exceed  
21 three acres of the land on which the dwelling is situated,  
22 such land being in the same ownership as the dwelling, to-  
23 gether with any structures accessory to the dwelling which  
24 are situated on such land.

25 SEC. 4. The area within the boundaries depicted on the

1 map referred to in section 2, or as such boundaries may be  
2 revised, shall be known as the Big Thicket National Biologi-  
3 cal Reserve, and it shall be administered by the Secretary in  
4 accordance with the laws applicable to the national park  
5 system, and in a manner consistent with the purposes and  
6 provisions of this Act.

7       SEC. 5. The Secretary shall permit hunting, fishing, and  
8 trapping on lands and waters under his jurisdiction within  
9 the reserve in accordance with the applicable laws of the  
10 United States and the State of Texas, except that he may  
11 designate zones where and periods when no hunting, fishing,  
12 or trapping may be permitted for reasons of public safety, ad-  
13 ministration, fish or wildlife management, or public use and  
14 enjoyment. Except in emergencies, any regulations prescrib-  
15 ing such restrictions shall be put into effect only after consul-  
16 tation with the appropriate State agency having jurisdiction  
17 over hunting, fishing, and trapping activities.

18       SEC. 6. When acquiring lands, waters, and interests  
19 therein, the Secretary may decline to acquire all or any part  
20 of, or interest in, the oil and gas minerals or other minerals  
21 in such land or waters, and shall allow, under such regula-  
22 tions as he may prescribe, occupation and use of so much  
23 of the surface of the lands and waters as may be required for  
24 all purposes reasonably incident to the mining or removal of  
25 such from beneath the surface of these lands and waters and

1 the lands and waters adjacent thereto. Any acquisition here-  
2 under shall exclude and shall not diminish any established  
3 right of occupation or use of the surface pursuant to grants,  
4 leases, or easements executed on or before the date of enact-  
5 ment of this Act, which are determined by the Secretary to  
6 be reasonably necessary for the exploration, development,  
7 production, storing, processing, or transporting of oil and gas  
8 minerals that are removed from outside the boundaries of the  
9 reserve, and the Secretary may grant additional rights of occu-  
10 pation or use of the surface for the purposes aforesaid upon  
11 the terms and under such regulations as may be prescribed  
12 by him.

13 SEC. 7. There are authorized to be appropriated such  
14 sums as may be necessary to carry out the provisions of this  
15 Act.



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JUL 14 1973

Dear Mr. President:

Enclosed is a draft of a bill "To authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill authorizes the Secretary of the Interior to acquire lands, waters and interests therein, within an area depicted on a map on file with the Department, to be known as Big Thicket National Biological Reserve. The Reserve, as depicted on this map, is 67,150 acres, most of which is in private ownership. The bill provides that the Reserve may not include more than 68,000 acres.

The Big Thicket of East Texas contains eight different biological habitats, ranging from savannah, to bald-cypress swamp, to upland mixtures of American beech, southern magnolia, white oak and loblolly pine. This biological crossroads is unique in the United States. Changes in elevation from 400 feet on the north to a few feet above sea level on the south, as well as changes from well-drained to swampy areas, and from fertile soil to intrusions of less fertile soil types, account for the variety of plant communities in the Big Thicket area. In addition to its extraordinary diversity of flora, the area contains a wealth of animal life, and magnificent specimens of individual tree species. The larger mammals include the Texas whitetail deer, red and gray fox, raccoon, ringtail, mink, otter, skunks, opossum, bobcat, mountain lion, armadillo and on occasion, black bear. Three out of four species of insectivorous plants occur there. Over 300 birds have been listed for the Big Thicket, including the American egret, roseate spoonbill and the relatively rare red-cockaded woodpecker. The ivory-billed woodpecker, which was the largest woodpecker in North America, may survive in the area. The Thicket also contains the largest known specimens of American holly, black hickory and planer tree, as well as 40 wild orchid species, some found nowhere else.

The scientific resources of Big Thicket are outstanding, not only because a variety of biological communities are in close proximity, but because of the ecologic interplay between species. Explanation of these scientific values will be a major part of the interpretation by the Park Service of the Reserve. In addition to its scientific interest, the area is also one of great natural beauty, including park-like beech and magnolia stands, virtually impenetrable "thicket" areas, and picturesque bald cypress-water tupelo swamps.

The Big Thicket once comprised several million acres, but it has been greatly reduced by logging, clearing for agricultural uses and oil field operations, and more recently, vacation home subdivisions. It is now divided into strips and blocks of ecological islands and these islands are steadily being encroached upon.

Interest in preserving the Thicket as a part of the Park System began before the Second World War, and Congressional interest has been manifested since the 90th Congress. We have studied the area to determine which of the remaining parts of the Thicket would be suitable for inclusion in a unit of the park system intended to preserve and interpret the biological values of the Big Thicket. Specifically, studies of the area were made in 1965 and 1966, and in April 1967, the Advisory Board on National Parks, Historic Sites, Building and Monuments, found that "The Big Thicket, with its great variety of vegetational types, its magnificent specimens of individual tree species, its diversity of bird life.... and its unusual animal communities, is of national significance." In October 1972, the Board reaffirmed its position and endorsed the establishment of the area as a Big Thicket National Biological Reserve.

After review of the current status of the lands and waters in the Big Thicket, we are now proposing a Big Thicket National Biological Reserve, consisting of 7 units and encompassing outstanding representative sections of the remaining Thicket and neighboring ecosystems. The principal purpose of the Reserve would be to preserve key areas for scientific study, rather than to provide solely for outdoor recreational opportunities. Development of the area for visitor use would consist mainly of access roads to the edges of the units, trails, interpretive facilities, primitive campsites and boat launching facilities so that visitors could explore the Reserve from the numerous streams, rivers, and bayous. In preserving the area for a scientific purpose, the Big Thicket National

Biological Reserve is similar to the proposed Big Cypress National Fresh Water Reserve now before Congress, one of the purposes of which is to protect the unique natural environment of the Big Cypress area "from further development which would significantly and adversely affect its ecology". It is also similar to the joint federal-state effort at the Ice Age National Scientific Reserve in Wisconsin (16 U.S.C. 469d et seq), which was created to protect, preserve, and interpret nationally significant values of Wisconsin continental glaciation, including moraines, kettleholes, swamps, lakes, and other reminders of the ice age.

The seven areas we are proposing for inclusion in the Reserve, and their approximate sizes, are as follows. Descriptions of these areas are set out in an attachment accompanying this report.

<u>Unit</u>	<u>Acreage</u>
Big Sandy	14,300
Hickory Creek Savannah	668
Turkey Creek	7,800
Beech Creek	4,856
Neches Bottom and Jack Gore Baygall	13,300
Beaumont	6,218
Lance Rosier	<u>20,008</u>
Total -	67,150

Under the terms of the proposed bill, owners of improved property acquired for the Reserve could retain noncommercial residential rights of use and occupancy for 25 years, or in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. Hunting, fishing and trapping on lands and waters under the Secretary's jurisdiction within the Reserve will be permitted, in accordance with applicable state and federal laws, except that the Secretary may designate zones where, and periods when, no hunting, fishing or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. In addition, the bill authorizes the acquisition of the Reserve without purchase of oil, gas and other mineral rights. It is not our intention to acquire existing oil and gas leases or to acquire any other oil and gas rights.



It is expected that, based on June 1973 prices, total development costs will be approximately \$4,572,000, of which \$4,221,000 would be expended during the first five years following enactment. These costs will be primarily attributable to a visitor center, interpretive shelters, comfort stations, nature and hiking trails, boat launching facilities, maintenance unit construction, rehabilitation and restoration of a pioneer farm in the Turkey Creek Unit, parking areas, and access roads.

Annual operating costs will range from \$94,000 in the first year to \$853,000 in the fifth year following enactment. A man-year and cost data statement is enclosed.

Estimated land acquisition costs are expected to be \$38,000,000. Of the land to be acquired, 66,987 acres are in private ownership, 25 acres in state ownership, 8 acres are owned by the City of Beaumont, and 130 acres by the Lower Neches Valley Authority. Under the terms of the bill, lands belonging to the state or a political subdivision of the state could be acquired only by donation.

At the present time we anticipate substantial new 1975 funding for the Land and Water Conservation Fund, which would be used to acquire lands for the Reserve, and we hope to approach full funding for this important program. Assuming this occurs, we can move ahead aggressively in the land acquisition program for Big Thicket.

We estimate that visitation to the reserve will be 190,000 visitor days during the first year and by the tenth year following enactment should reach 600,000 per year.

Time is running out for the Big Thicket, as development encroaches on the few areas remaining of this nationally significant resource. We urge prompt and favorable action by the Congress on this proposal for a Big Thicket National Biological Reserve.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,



Acting Assistant Secretary of the Interior

Honorable Spiro T. Agnew  
President of the Senate  
Washington, D.C.

Enclosures

A B I L L

To authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for scientific study and for the education and benefit of present and future generations certain unique areas in the Big Thicket of eastern Texas which contain vegetational types and associations of national significance, there is hereby authorized to be established the Big Thicket National Biological Reserve.

Sec. 2. In order to effectuate the purpose of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase, transfer from any other Federal agency or exchange, lands, waters, and interests therein within the areas generally depicted on the map entitled "Big Thicket National Biological Reserve," numbered NBR-BT 91,023, and dated July 1973, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the Federal Register, and he may acquire property within the revised boundaries in accordance

with the provisions of this section: Provided, That the boundaries of the area may not encompass more than sixty-eight thousand acres of land. Property owned by the State of Texas or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

Sec. 3(a). The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent

with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b). As used in this Act the term "improved property" means a detached, one-family dwelling, construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

Sec. 4. The area within the boundaries depicted on the map referred to in section 2, or as such boundaries may be revised, shall be known as the Big Thicket National Biological Reserve, and it shall be administered by the Secretary in accordance with the laws applicable to the national park system, and in a manner consistent with the purposes and provisions of this Act.

Sec. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted

for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities.

Sec. 6. When acquiring lands, waters, and interests therein, the Secretary may decline to acquire all or any part of, or interest in, the oil and gas minerals or other minerals in such land or waters, and shall allow, under such regulations as he may prescribe, occupation and use of so much of the surface of the lands and waters as may be required for all purposes reasonably incident to the mining or removal of such from beneath the surface of these lands and waters and the lands and waters adjacent thereto. Any acquisition hereunder shall exclude and shall not diminish any established right of occupation or use of the surface pursuant to grants, leases, or easements executed on or before the date of enactment of this Act, which are determined by the Secretary to be reasonably necessary for the exploration, development, production, storing, processing, or transporting of oil and gas minerals that are removed from outside the boundaries of the reserve, and the Secretary may grant additional rights of

occupation or use of the surface for the purposes aforesaid upon the terms and under such regulations as may be prescribed by him.

Sec. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
BIG THICKET NATIONAL BIOLOGICAL RESERVE (PROPOSED)

	<u>19CY</u>	<u>19CY+1</u>	<u>19CY+2</u>	<u>19CY+3</u>	<u>19CY+4</u>
<u>Estimated Expenditures</u>					
Personnel Services	\$ 51,000	69,000	218,000	408,000	491,000
All Other	<u>16,068,000</u>	<u>11,415,000</u>	<u>12,627,000</u>	<u>1,904,000</u>	<u>1,254,000</u>
Total	<u>\$16,119,000</u>	<u>11,484,000</u>	<u>12,845,000</u>	<u>2,312,000</u>	<u>1,745,000</u>
 <u>Estimated Obligations</u>					
Land and Property					
Acquisition	\$16,000,000	11,000,000	11,000,000	-	-
Development	25,000	354,000	1,425,000	1,524,000	892,000
Operation & Management					
(Protection, Maintenance					
Planning, Dev. & Oper.					
of Rec. Facilities	<u>94,000</u>	<u>130,000</u>	<u>420,000</u>	<u>788,000</u>	<u>853,000</u>
Total	<u>\$16,119,000</u>	<u>11,484,000</u>	<u>12,845,000</u>	<u>2,312,000</u>	<u>1,745,000</u>
 <u>Total Estimated Man-Years</u>					
of Civilian Employment	<u>3.0</u>	<u>5.0</u>	<u>19.0</u>	<u>38.0</u>	<u>45.0</u>

## DESCRIPTION OF UNITS

## BIG THICKET NATIONAL BIOLOGICAL RESERVE

## 1. Big Sandy Unit - size, 14,300 acres

The Big Sandy Unit is located in the northwestern portion of the Big Thicket area and extends from the Alabama-Coushatta Indian Reservation southwest along Big Sandy Creek approximately 12 miles.

The unit is a wild, well-watered, relatively unaltered area containing some of the finest examples of the Thicket's recognizable subtypes, ranging from the drier upland community to the stream bank and baygall community. Such diversity has its counterpart in the many kinds of mammals, birds, amphibians, and reptiles which inhabit the area. Thus the tract has outstanding possibilities for nature-trail interpretation and wilderness hiking.

## 2. Hickory Creek Savannah - size, 668 acres

While not strictly Thicket-type vegetation, the longleaf pine-grassland association comprising the savannah is a distinctive threshold community bordering the true Thicket and bears an important relationship to it. The Hickory Creek example occupies part of a discontinuity in the Big Thicket type. This hiatus owes its existence primarily to an intrusion of soils that do not support the Thicket ecosystem. The contrast between the savannah and the actual Thicket is so marked that it serves admirably to illustrate the strength of the influence exerted by soil types on plant distribution, particularly in the case of the Big Thicket.

This unit is of outstanding value to botanists and naturalists because of the great variety of herbaceous plants it contains. The many different species here include many rare forms. Dominating the association is the dignified longleaf pine, one of the characteristic trees of the drier parts of the Big Thicket, here displayed in solitary prominence.

## 3. Turkey Creek Unit - size, 7,800 acres

The Turkey Creek Unit extends from State Route 1943 south to State Route 420. The area illustrates a remarkable diversity of Upper Thicket



vegetation types, including the largest known field of insectivorous pitcher plants in the region. The Southern portion of this tract is a locally important botanical study area and many regard it as the most beautiful area in the Big Thicket Region. In this area will be located the only visitor center development for the Biological Reserve. All other areas will be devoted to hiking trails, self-serving information exhibits, and comfort facilities only.

The unit embraces several miles of the lower reaches of Turkey Creek down to and including its confluence with Village Creek. Along its length are found splendid examples of the Big Thicket's "upper division" vegetative types. Two particular portions of the unit highlight its qualities. First, near the north end is a tract displaying perhaps the greatest variety of subtypes, each in outstanding condition, to be found within any comparable acreage in the Thicket. The series begins with what may be the largest known field of the fascinating insectivorous pitcher plant in the region, followed in quick succession by areas containing the savannah, upland hardwood, baygall, cypress swamp, stream bank, and beech-magnolia communities. Also, the northern end contains the now record Shagbark Hickory tree. The second outstanding portion of the Turkey Creek Unit is that containing the Village Creek confluence. It is an unusually well-preserved tract of mixed hardwoods typifying the stream bank community.

#### 4. Beech Creek Unit - size 4,856 acres

The rolling uplands at the head of Beech Creek support some of the best examples of mixed hardwood forest in the Big Thicket. The area extends South of Highway 1746 and along the west side of Highway 97.

This unit lies in the heart of what may be considered the richest expression of the Big Thicket's "upper division." It occupies a well-drained, gently rolling benchland bordering the Neches River valley. The deep, fertile soils of this area support fine stands of the beech-magnolia-white oak-loblolly pine association which is the symbol of the Thicket. The entire unit has been subjected to some logging, but is believed to have the potential to recover fully once protection is instituted. It is selected on the basis of inferred quality, in both vegetative properties and wilderness values.

#### 5. Neches Bottom Unit and Jack Gore Baygall - size, 13,300 acres

The broad channel of the Neches River closely follows the eastern border of the Big Thicket Region. Its flood plain supports mature lowland hardwood forest that contain many species not found elsewhere in the Big Thicket. The Neches Bottom and Jack Gore Baygall Unit includes bottomland areas along the Neches River, which provide valuable habitats for endangered wildlife species.

It is laced with sloughs connecting with the river, and these contain immense specimens of bald cypress and water tupelo. The slightly elevated lands between the sloughs support equally large trees of many species representative of the Big Thicket's streambank community. The area has sustained some cutting and a few pine plantations exist between the Jack Gore Baygall and the river. Authorities consider this area to have promising potential to be one of the finest stands of lowland hardwood forests in the gulf coastal region. It, too is a good wildlife area and lies in the expected range of the ivory-billed woodpecker.

6. Lance Rosier Unit - size, 20,008 acres

Located near the southern end of the Big Thicket, the Lance Rosier Unit is a relatively isolated and undisturbed example of the Lower Thicket vegetation type. This is the only representative of the Lower Thicket communities. This large area will facilitate preservation of wildlife species that might become endangered in the smaller tracts. This 20,008-acre unit is the largest of the eight units, which comprise the National Biological Reserve.

7. Beaumont Unit - size, 6,218 acres

This unit is an irregular wedge of land at the confluence of Pine Island Bayou and the Neches River, immediately north of the city of Beaumont. The western boundary of the unit is formed in part by the Neches Canal, which starts at the Neches River and then passes underneath Pine Island Bayou on its southward course; thus the major portion of the unit is literally an island, surrounded by streams--both natural and manmade. The unit is a superlative representation of the Thicket's flood plain forest and stream bank communities. It is doubtful if a finer stand of the various hardwoods comprising these types exists. From all evidence, at least the southern third of the unit is that extreme rarity--an area which has never been logged, unless a few bald cypress were removed many years ago. This inviolate condition is probably attributable to the difficulty of access across the many sloughs and fingers of swampland which penetrate the area.

Its isolation and size give the Beaumont Unit the highest rank in wilderness quality in the entire area studied. It abounds with varied bird and animal life. Alligators have persisted in its interior sloughs, and the rare ivory-billed woodpecker was recently reported there.

93<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 11546

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IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 1973

Read twice and referred to the Committee on Interior and Insular Affairs

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## AN ACT

To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That (a) in order to assure the preservation, conservation,  
4       and protection of the natural, scenic, and recreational values  
5       of a significant portion of the Big Thicket area in the State  
6       of Texas and to provide for the enhancement and public  
7       enjoyment thereof, the Big Thicket National Preserve is  
8       hereby established.

9       (b) The Big Thicket National Preserve (hereafter  
10       referred to as the "preserve") shall include the units gen-  
11       erally depicted on the map entitled "Big Thicket National

1 Preserve", dated November 1973 and numbered NBR-BT  
2 91,027 which shall be on file and available for public in-  
3 spection in the offices of the National Park Service, Depart-  
4 ment of the Interior, Washington, District of Columbia, and  
5 shall be filed with appropriate offices of Tyler, Hardin,  
6 Jasper, Polk, Liberty, Jefferson, and Orange Counties in  
7 the State of Texas. The Secretary of the Interior (hereafter  
8 referred to as the "Secretary") shall, as soon as prac-  
9 ticable, but no later than six months after the date of  
10 enactment of this Act, publish a detailed description of the  
11 boundaries of the preserve in the Federal Register. In  
12 establishing such boundaries, the Secretary shall locate  
13 stream corridor unit boundaries referenced from the stream  
14 bank on each side thereof and he shall further make every  
15 reasonable effort to exclude from the units hereafter de-  
16 scribed any improved year-round residential properties  
17 which he determines, in his discretion, are not necessary for  
18 the protection of the values of the area or for its proper  
19 administration. The preserve shall consist of the following  
20 units:

21 Big Sandy Creek unit, Polk County, Texas, com-  
22 prising approximately fourteen thousand three hundred  
23 acres;

24 Menard Creek Corridor unit, Polk, Hardin, and  
25 Liberty Counties, Texas, including a module at its con-

1 fluence with the Trinity River, comprising approxi-  
2 mately three thousand three hundred and fifty-nine  
3 acres;

4 Hickory Creek Savannah unit, Tyler County, Texas,  
5 comprising approximately six hundred and sixty-eight  
6 acres;

7 Turkey Creek unit, Tyler and Hardin Counties,  
8 Texas, comprising approximately seven thousand eight  
9 hundred acres;

10 Beech Creek unit, Tyler County, Texas, compris-  
11 ing approximately four thousand eight hundred and  
12 fifty-six acres;

13 Upper Neches River corridor unit, Jasper, Tyler,  
14 and Hardin Counties, Texas, including the Sally Withers  
15 Addition, comprising approximately three thousand  
16 seven hundred and seventy-five acres;

17 Neches Bottom and Jack Gore Baygall unit, Har-  
18 din and Jasper Counties, Texas, comprising approxi-  
19 mately thirteen thousand three hundred acres;

20 Lower Neches River corridor unit, Hardin, Jasper,  
21 and Orange Counties, Texas, except for a one-mile seg-  
22 ment on the east side of the river including the site of  
23 the papermill near Evadale, comprising approximately  
24 two thousand six hundred acres;

25 Beaumont unit, Orange, Hardin, and Jefferson

1 Counties, Texas, comprising approximately six thousand  
2 two hundred and eighteen acres;

3 Loblolly unit, Liberty County, Texas, comprising  
4 approximately five hundred and fifty acres;

5 Little Pine Island-Pine Island Bayou corridor unit,  
6 Hardin and Jefferson Counties, Texas, comprising ap-  
7 proximately two thousand one hundred acres; and

8 Lance Rosier Unit, Hardin County, Texas, com-  
9 prising approximately twenty-five thousand and twenty-  
10 four acres.

11 (c) The Secretary is authorized to acquire by donation,  
12 purchase with donated or appropriated funds, transfer from  
13 any other Federal agency, or exchange, any lands, waters, or  
14 interests therein which are located within the boundaries of  
15 the preserve: *Provided*, That any lands owned or acquired  
16 by the State of Texas, or any of its political subdivisions,  
17 may be acquired by donation only. After notifying the Com-  
18 mittees on Interior and Insular Affairs of the United States  
19 Congress, in writing, of his intention to do so and of the  
20 reasons therefor, the Secretary may, if he finds that such  
21 lands would make a significant contribution to the purposes  
22 for which the preserve was created, accept title to any lands,  
23 or interests in lands, located outside of the boundaries of  
24 the preserve which the State of Texas or its political sub-  
25 divisions may acquire and offer to donate to the United

1 States or which any private person, organization, or public  
2 or private corporation may offer to donate to the United  
3 States and he may administer such lands as a part of the  
4 preserve after publishing notice to that effect in the Federal  
5 Register. Notwithstanding any other provision of law, any  
6 federally owned lands within the preserve shall, with the  
7 concurrence of the head of the administering agency, be  
8 transferred to the administrative jurisdiction of the Secretary  
9 for the purposes of this Act, without transfer of funds.

10 SEC. 2. (a) Effective six months after the date of the  
11 enactment of this Act or at such time as the Secretary  
12 publishes the detailed description of the boundaries of the  
13 preserve in the Federal Register as required by subsection  
14 1 (b) of this Act, whichever is earlier, there is hereby vested  
15 in the United States all right, title, and interest in, and the  
16 right to immediate possession of, all real property, except  
17 the mineral estate, lands or interests in lands owned by the  
18 State of Texas or its political subdivisions, or existing ease-  
19 ments for public utilities, pipelines, and railroads, and except  
20 as provided in subsection (c) of this section. The Secretary  
21 shall allow for the orderly termination of all operations on  
22 real property acquired by the United States under this sub-  
23 section, and for the removal of equipment, facilities, and  
24 personal property therefrom.

1       (b) The United States will pay just compensation to  
2 the owner of any real property taken by subsection (a) of  
3 this section and the full faith and credit of the United States  
4 is hereby pledged to the payment of any judgment entered  
5 against the United States pursuant to the provisions of this  
6 Act. Payment shall be made by the Secretary of the Treasury  
7 from moneys available and appropriated from the Land and  
8 Water Conservation Fund, subject to the appropriation  
9 limitation contained in section 6 of this Act, upon certifica-  
10 tion to him by the Secretary of the agreed negotiated value  
11 of such property, or the valuation of the property awarded  
12 by judgment, including interest at the rate of 6 per centum  
13 per annum from the date of taking to the date of payment  
14 therefor. Any action against the United States for just  
15 compensation for any lands or interests taken pursuant to  
16 this subsection shall be brought in the district court of the  
17 United States for the district in which such property is  
18 situated. In the absence of a negotiated agreement or an  
19 action by the owner within one year after the date of  
20 enactment of this Act, the Secretary may initiate proceed-  
21 ings at any time seeking a determination of just compensation  
22 in the district court of the United States for the district in  
23 which the property is situated. In the event that the Secre-  
24 tary determines that fee title to any lands taken pursuant  
25 to this provision is not necessary for the purposes of this



1 Act, he may, with the concurrence of the former owner,  
2 revest title in such lands to such owner subject to such terms  
3 and conditions as he deems appropriate to carry out the  
4 purposes of this Act and he may compensate the owner for  
5 no more than the fair market value of the rights so reserved:  
6 *Provided*, That the Secretary shall not revest title to any  
7 lands for which just and full compensation has been paid.

8 (c) This section shall not apply to any improved prop-  
9 erty as defined in subsection 3 (b) of this Act: *Provided*,  
10 That the Secretary may, in his discretion, initiate eminent  
11 domain proceedings if, in his judgment, such lands are sub-  
12 ject to, or threatened with, uses which are or would be detri-  
13 mental to the purposes and objectives of this Act. The district  
14 court of the United States for the district in which such prop-  
15 erty is situated shall have jurisdiction to hear evidence and  
16 determine just compensation for any lands taken pursuant to  
17 the provisions of this subsection.

18 SEC. 3. (a) The owner of an improved property on the  
19 date of its acquisition by the Secretary may, as a condition of  
20 such acquisition, retain for himself and his heirs and assigns a  
21 right of use and occupancy of the improved property for non-  
22 commercial residential purposes for a definite term of not  
23 more than twenty-five years or, in lieu thereof, for a term  
24 ending at the death of the owner or the death of his spouse,  
25 whichever is later. The owner shall elect the term to be re-

1 served. Unless this property is wholly or partially donated to  
2 the United States, the Secretary shall pay the owner the fair  
3 market value of the property on the date of acquisition less  
4 the fair market value, on that date, of the right retained by  
5 the owner. A right retained pursuant to this section shall be  
6 subject to termination by the Secretary upon his determina-  
7 tion that it is being exercised in a manner inconsistent with  
8 the purposes of this Act, and it shall terminate by operation  
9 of law upon the Secretary's notifying the holder of the right  
10 of such determination and tendering to him an amount equal  
11 to the fair market value of that portion of the right which  
12 remains unexpired.

13 (b) As used in this Act, the term "improved property"  
14 means a detached, one-family dwelling, construction of which  
15 was begun before July 1, 1973, which is used for noncom-  
16 mercial residential purposes, together with not to exceed  
17 three acres of land on which the dwelling is situated and to-  
18 gether with such additional lands or interests therein as the  
19 Secretary deems to be reasonably necessary for access thereto,  
20 such lands being in the same ownership as the dwelling,  
21 together with any structures accessory to the dwelling which  
22 are situated on such land.

23 (c) Whenever an owner of property elects to retain a  
24 right of use and occupancy as provided in this section, such  
25 owner shall be deemed to have waived any benefits or rights

1 accruing under sections 203, 204, 205, and 206 of the Uni-  
2 form Relocation Assistance and Real Property Acquisition  
3 Policies Act of 1970 (84 Stat. 1894), and for the purposes  
4 of such sections such owner shall not be considered a displaced  
5 person as defined in section 101 (6) of such Act.

6 SEC. 4. (a) The area within the boundaries depicted on  
7 the map referred to in section 1 shall be known as the Big  
8 Thicket National Preserve. Such lands shall be administered  
9 by the Secretary as a unit of the National Park System in a  
10 manner which will assure their natural and ecological integ-  
11 rity in perpetuity in accordance with the provisions of this  
12 Act and with provisions of the Act of August 25, 1916  
13 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supple-  
14 mented.

15 (b) In the interest of maintaining the ecological integ-  
16 rity of the preserve, the Secretary shall limit the construc-  
17 tion of roads, vehicular campgrounds, employee housing,  
18 and other public use and administrative facilities and he  
19 shall promulgate and publish such rules and regulations in  
20 the Federal Register as he deems necessary and appropriate  
21 to limit and control the use of, and activities on, Federal  
22 lands and waters with respect to:

- 23 (1) motorized land and water vehicles;
- 24 (2) exploration for, and extraction of, oil, gas,  
25 and other minerals;

1 (3) new construction of any kind;

2 (4) grazing and agriculture; and

3 (5) such other uses as the Secretary determines  
4 must be limited or controlled in order to carry out the  
5 purposes of this Act.

6 (c) The Secretary shall permit hunting, fishing, and  
7 trapping on lands and waters under his jurisdiction within  
8 the preserve in accordance with the applicable laws of the  
9 United States and the State of Texas, except that he may  
10 designate zones where and periods when, no hunting, fish-  
11 ing, trapping, or entry may be permitted for reasons of  
12 public safety, administration, floral and faunal protection  
13 and management, or public use and enjoyment. Except in  
14 emergencies, any regulations prescribing such restrictions  
15 relating to hunting, fishing, or trapping shall be put into  
16 effect only after consultation with the appropriate State  
17 agency having jurisdiction over hunting, fishing, and trap-  
18 ping activities.

19 SEC. 5. Within five years from the date of enactment of  
20 this Act, the Secretary shall review the area within the pre-  
21 serve and shall report to the President, in accordance with  
22 section 3 (c) and (d) of the Wilderness Act (78 Stat. 891;  
23 16 U.S.C. 1132 (c) and (d)), his recommendations as to  
24 the suitability or unsuitability of any area within the pre-  
25 serve for preservation as wilderness, and any designation of

1 any such areas as a wilderness shall be accomplished in ac-  
2 cordance with said subsections of the Wilderness Act.

3       SEC. 6. There are authorized to be appropriated such  
4 sums as may be necessary to carry out the provisions of this  
5 Act, but not to exceed \$63,812,000 for the acquisition of  
6 lands and interests in lands and not to exceed \$7,000,000  
7 for development.

Passed the House of Representatives December 3, 1973.

Attest:

W. PAT JENNINGS,

*Clerk.*

Senator BIBLE. Let the record show that I have marched over all of this Big Thicket land, not all of it but I guess most of it, a rather thorough inspection in a very thorough hearing, I think, in Texas during the last Congress.

So I am hopeful that we can see this bill through to final passage during the session. The first witness this morning is the senior Senator from the State of Texas, the Honorable John G. Tower.

Senator Tower.

#### STATEMENT OF HON. JOHN G. TOWER, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator TOWER. Thank you, Mr. Chairman. I have accompanying me this morning Miss Melanie McCoy and Miss Rachel Seffrey of my staff who have been working on the Big Thicket matter.

Senator BIBLE. Happy to have them here.

Senator TOWER. They have extremely explored the area. Before I start I would like to note that I am glad to see our old friend and colleague, Senator Yarborough here, who has been a real pioneer in the effort to get Big Thicket legislation.

Senator BIBLE. I can certainly testify to that.

Senator TOWER. He really has. He has laid the foundation, Mr. Chairman, on which I hope we can build a superstructure.

Before discussing specific aspects of the Big Thicket legislation, I would like to emphasize why I am testifying here today. During my tenure in the Senate, I repeatedly supported efforts to establish a Big Thicket Preserve. Years have passed and the Congress has yet to enact this vital legislation.

I have a deep interest in this matter. My family lives near this famous area of Texas and I am quite familiar with it. When I speak of the need for preserving the Big Thicket I am not merely jumping on the bandwagon, nor am I setting myself up as an expert on the basis of a mere one-time flying visit to the area.

I know it well. I have sent members of my staff recently to once again go over the area, to be sure that there is, indeed, a Big Thicket worthy of preservation. The Big Thicket is ecologically unique, not only to Texas but to the entire North American continent.

Once the Big Thicket stretched westward from the Sabine River almost to the banks of the Brazos, an area as large as many of our smaller States. Although this legendary wilderness no longer exists in its original state, the Big Thicket does remain and is worthy of preservation.

Located at the crossroads between the forests of the south and east and the vegetation of the west, the Thicket contains elements from all convergent zones. A wet climate, and a water storing soil combine to nurture these elements to lushness.

Fully 15 of the trees designated as national champions are in the Thicket. It is a place of bayou, bald-cypress, semijungle, arid sandylands, and hardwood forests. It is full of legend and folklore.

The Thicket has a reputation as a sanctuary. In the Civil War conscientious objectors hid there and escaped convicts fled from Huntsville Prison to disappear into the uncharted Thicket. Texas' only Indian reservation lies on the northwest border of the area.

The Thicket provides one of the last havens for the alligator, the golden eagle, and the Texas red wolf. There are even some who still insist that there are bear and panther there. When I was a boy there were bear and panther there.

But I cannot attest to it at the moment. I had my staff photograph a number of representative scenes of the Big Thicket, and I thought it might be helpful to you if you could visualize exactly the nature of the area we are considering.

Another point that I would like to emphasize is that this matter is of interest nationally, not only to the people of Texas. Two recent articles pointed out this national interest. Environmental Action stated that this Nation must preserve the Big Thicket and that any preserve should include acreage in the arid sandylands area.

The National Parks and Conservation magazine stated that the Big Thicket is a unique area dwindling away while agreement is sought on the best method for protecting it. I would like to request that these articles be placed in the record.

Senator BIBLE. That will be the order.

[The articles referred to above follow:]

# THE BIG THICKET

## A TEXAS TREASURE IN TROUBLE

*A unique natural area is dwindling away  
while agreement is sought on the best  
method for protecting it*

article and photographs by

JOHN L. TVETEN

THE BIG THICKET of southeast Texas is a treasureland of biological diversity. Within the Big Thicket can be found every plant community known to exist in the entire southern evergreen forest range. This "biological crossroads," as the Big Thicket is often termed, is a transition area between the moist eastern woodlands, the arid southwest, the tropical coastal marsh, and the central prairie. Plants of the East meet those of the West. Northern species grow next to tropical ones. Such a mixture of plant forms occurs nowhere else. Forests of pine, oak, magnolia, and beech contain world-record trees of many species covered with Spanish moss and flowering vines. Swamps of cypress and tupelo are flanked by stands of giant palmetto. About thirty species of ferns carpet the forest floor. Botanists identify some forty orchids and find fascination in four types of carnivorous plants. The Big Thicket, too, is the land of alligators, bobcats, deer, and snakes. The endangered red-cockaded woodpecker makes its home in the mature pines, and reports of ivory-billed woodpeckers—once thought to be extinct—persist. The now rare red wolf has been reported here.

Transcending the plight of any single endangered species found in the Big Thicket is the threatened extinction of the Big Thicket itself. Big Thicket is perhaps the most ecologically significant region in the United States that remains unprotected, and it is dwindling fast.

The persistent song of the chickadee and the ringing call of the pileated woodpecker are drowned out by the whine of chain saws. The life of an opossum crossing a forest trail is ended by a speeding truck loaded with logs. A wet bog, the home of wild orchids and carnivorous

plants, is drained of water and its diversity of life and becomes a cultivated field. Deer trails beneath towering pines and spreading magnolias are bulldozed into streets for another rural subdivision or secondary housing development.

The relentless destruction goes on and on while the timber industry, local residents, conservationists, bureaucrats, and politicians continue their decades-long search for a mutually acceptable plan for protecting a portion of the Big Thicket for future generations.

From an original virgin expanse of 3.5 million acres before the onslaught by the timber industry in the 1850s the Big Thicket has been reduced to somewhat less than 300,000 acres that have not been destroyed by the chain saw and the bulldozer. The uniquely diverse forest of the Big Thicket is being destroyed and replaced by single-species tree plantations of slash or loblolly pine at a rate of nearly fifty acres a day.

Claims that the Big Thicket is virtually the same today as it was in 1935 or earlier are made because the total number of forested acres, 2,100,000 has remained the same. However, this argument ignores the fact that less than 300,000 acres of this total are of the same varied and diverse character as the original Big Thicket; the remainder of the area is now either a barren desert of slash pine or individual pockets of housing developments. Scientists have said that the monotonous forest of pine plantations in the Big Thicket area cannot support the diversity of mammal, bird, reptile, amphibian, and insect life found throughout the other Big Thicket areas still covered by their native plant species. Pine plantations are operated for the maximum yield of the species



# NATIONAL PARKS Conservation Magazine

The Environmental Journal Vol. 48, No. 1, January 1974

NPCA • National Parks & Conservation Association • NPCA

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**COVERS** Treasures of the Big Thicket, *by John L. Tveten*  
A dazzling variety of plant and animal life and scenery is on display in Big Thicket country in southeastern Texas. Winter sunrise along a quiet bayou silhouettes trees draped with Spanish moss (front cover). Eight major plant associations have developed in the region during thousands of years of ecological succession. The small-mouthed salamander can be found under fallen logs and among moist leaves (back cover). Reptiles and amphibians proliferate in the Big Thicket, as do more than 300 species of birds and a profusion of mammals and insects. This area has been proposed for many years for some kind of federal protection. (See page 4.)

#### EDITORIAL STAFF

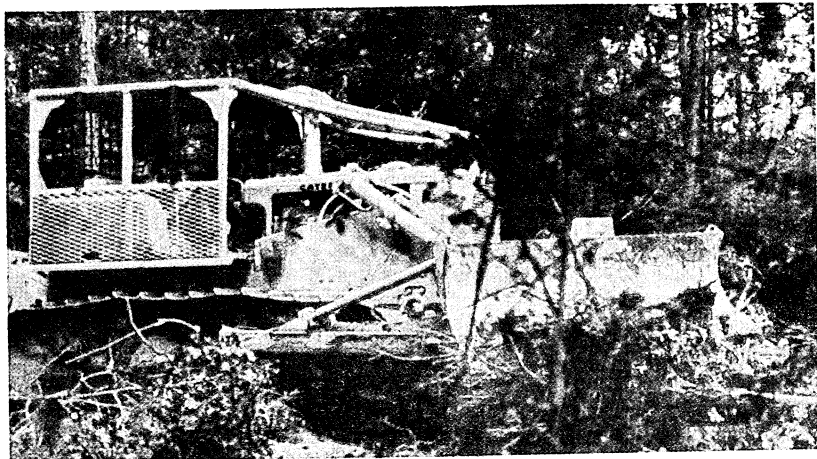
Eugenia Horstman Connally, *Editor*

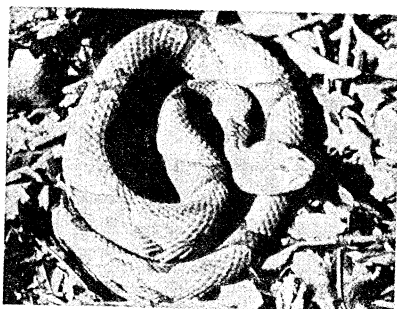
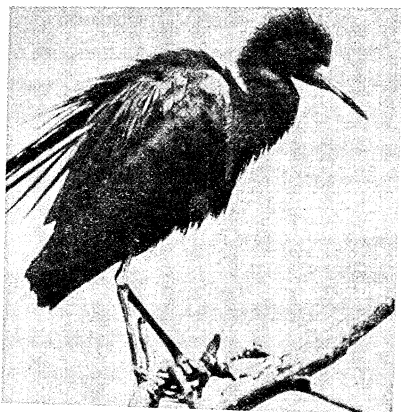
Kathryn Rushing, *Assistant Editor* □ Pamela Ann Smith, *Assistant Editor*

National Parks & Conservation Association, established in 1919 by Stephen Mather, the first Director of the National Park Service, is an independent, private, nonprofit, public service organization, educational and scientific in character. Its responsibilities relate primarily to protecting the national parks and monuments of America, in which it endeavors to cooperate with the National Park Service while functioning as a constructive critic, and to protecting and restoring the whole environment. Life memberships are \$500. Annual membership dues, including subscription to National Parks & Conservation Magazine, are: \$100 sustaining, \$50 supporting, \$15 contributing, and \$10 associate. Student memberships are \$8. Single copies are \$1.50. Contributions and requests are needed to carry on our work. Dues in excess of \$10 and contributions are deductible from federal taxable income, and gifts and bequests are deductible for federal gift and estate tax purposes. Mail membership dues, correspondence concerning subscriptions or changes of address, and postmaster notices or undeliverable copies to Association headquarters in Washington. When changing address, please allow six weeks' advance notice and send address label from latest issue along with new address. Advertising rates and circulation data are available on request from the Advertising Manager in Washington.



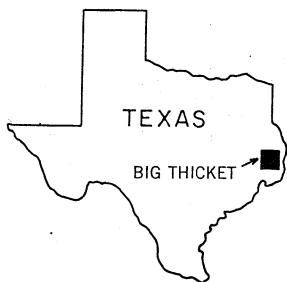
*In the areas of the Big Thicket that have not yet been spoiled by man a feeling of peace and solitude pervades. Above, a quiet pond flanked by feathery cypress trees dozes through a hot summer afternoon. At right the wide bases of a stand of tupelo trees are mirrored in a Big Thicket swamp. The area pictured below was once a quiet place where endangered plants and animals made their home. Now the stillness has been disrupted by the roar of a bulldozer clearing pines and oaks for a new subdivision. Such destruction takes place in Big Thicket on a daily basis. And as each new home is built and each new tree is felled, the prospects for preserving even a portion of this remarkable and ecologically significant area are that much dimmer.*





## BIG THICKET A BIOLOGICAL CROSSROADS

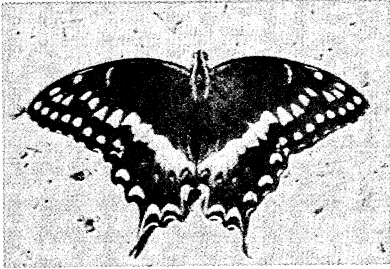
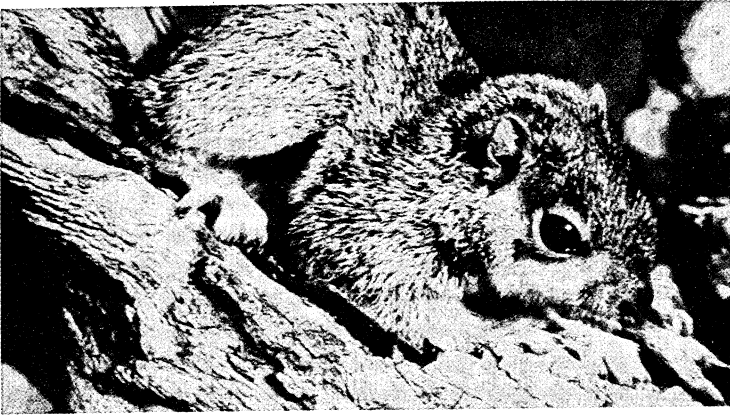
A diversity of animal life is found in the Big Thicket. At left a little blue heron perches atop a tree and displays his nuptial plumage. The copperhead at center has such effective camouflage that he poses an ever-present danger around fallen logs and in dry leaves. The Virginia opossum, bottom left, is the only marsupial found in North America. This species is a common sight throughout the Big Thicket region. A baby fox squirrel searches for food in an old stump in the picture at top on the opposite page. Center right a palamedes swallowtail rests on the sand. This butterfly is one of seven species of large swallowtails readily found in the Big Thicket. The Carolina chickadee below and right is just out of the nest and has some growing yet to do, but there is no question as to its identity. The fight to save Big Thicket is a fight to save the habitat of the many animals, birds, reptiles, and insects that live there. Because there is such a variety of life in the Big Thicket, the area is an invaluable study ground for scientists and students. In addition to being the home of the animals pictured on these pages, Big Thicket is the home of two endangered species—the ivory-billed woodpecker, once thought extinct, and the red-cockaded woodpecker.



planted to the nearly total exclusion of other plant life, with the possible exception of some grasses.

The effort to ensure preservation of at least a part of the Big Thicket has been a study in futility and frustration. The concept of a Big Thicket National Park goes back at least as far as 1927 with the formation of the East Texas Big Thicket Association. Upon conclusion of a biological survey of the region in 1938, local conservationists and state politicians conceived a plan to preserve 430,000 acres of wooded land in the region. In addition, the National Park Service concluded its own study in 1939 and recommended inclusion of the Big Thicket in the national park system. However, the outbreak of World War II interrupted normal congressional activities, and the recommendation fell by the wayside.

It was not until the early 1960s that the Big Thicket park concept again began to gain strength. The Department of Interior's 1961 West Gulf Coastal Plain Type Study again recommended consideration of Big Thicket as a possible addition to the national park system. The



Big Thicket Association of Texas was formed in 1964 out of the remains of the old East Texas group, but it seemed that the new association's efforts would be lost in the depths of Texas politics when former governor Price Daniel, a park supporter, was defeated by John Connally, a man known to be sympathetic to the timber company interests.

It is probable that the Big Thicket park concept would have been forgotten had it not been for the timely intervention of the federal government, primarily in the person of former Texas senator Ralph Yarborough, one of the few successful conservationist-politicians in Texas history. He introduced a bill in October 1966 to establish a Big Thicket National Park not to exceed 75,000 acres—later increased to 100,000 acres. However, at the same time the National Park Service was concluding a study of the region in which they recommended a 35,000-acre "string of pearls" park of widely dispersed tracts that represented the various plant communities and would be connected by scenic highways.



*Big Thicket is not only the home of rare and unusual animal life, it is also the meeting place of northern and tropical species of plants and of arid species of the West and plants found in moist eastern woodlands. At top are water hyacinths whose shiny green leaves cover many of the bayous and ponds in the area. The pitcher plant, center, is one of several kinds of carnivorous plants that can be seen; the tall pitcher stands waiting quietly for lunch to come along. The delicate fringed orchid at left is one of approximately forty species of orchids that dwell within Big Thicket.*

The lumber companies immediately endorsed the plan and began to campaign for the smaller park in an effort to undercut Senator Yarborough's bill. Conservationists' jubilation at this new apparently affirmative stance of the lumbermen ended when they realized that the 35,000-acre concept was not ecologically feasible for preservation and when they recognized that the lumber companies had stepped up cutting schedules and were even cutting over some of the areas that had been endorsed for preservation.

Senator Yarborough campaigned vigorously for passage of a Big Thicket National Park bill until he left the Senate in 1971. As a result of his efforts a bill finally had passed the Senate on December 16, 1970, but Congress adjourned before Congressman Bob Eckhardt's similar bill could make it through the House. From that point to the present several diverse Big Thicket bills have been introduced, including a total of ten separate bills in the ninety-second Congress. Among these bills was Congressman Eckhardt's 191,000-acre park proposal, which was well conceived and ecologically sound, though it never received serious attention.

Recently, during the ninety-third Congress, the House Parks and Recreation Subcommittee reported a Big Thicket bill that apparently has the support of the National Park Service. The bill would establish a protected area of some 84,000 acres to be called the Big Thicket National Biological Reserve. The bill seems to have the support of the Office of Management and Budget, a seemingly necessary prerequisite these days. Many local as well as national conservationists still hope that the acreage to be protected can be increased to at least 100,000 acres. Establishing a "biological reserve" seems to be a compromise between the absentee timber company owners and the real estate developers on one hand and the National Park Service and conservationists on the other. The timber interests have been very effective in resisting the establishment of a large single tract as a national park in East Texas. Yet they have recently begun to realize that the pressure for some form of protection in the Big Thicket is inevitable. The reserve concept embodies the designation of seven tracts of several thousand acres each connected by ribbons of land following stream basins. This "string of pearls" concept protects worthy tracts essential for preservation of the unique character of the Big Thicket as well as the streams essential to the life of the Big Thicket ecosystems. The main purpose of the reserve would be to preserve outstanding representative sections of the Big Thicket for scientific study rather than to provide solely for outdoor recreation opportunities.

The Big Thicket of East Texas deserves to be seen and savored by all who love the world around them. It can be saved only by a concerted effort of all who share these values—or it may be destroyed by those who do not. ■

John L. Tveten holds a Ph.D. in organic chemistry. He presently works as a freelance nature photographer and writer. He has photographed wildlife across much of North America as well as in Mexico and parts of South America. His Texas residence provides ready access to the Big Thicket where he spends much of his time photographing the plants and animals found there.

# Big Thicket: park or tree farm?

By Pete Gunter

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While Congress looks the other way, a unique area of jungle, swamp, woodland and desert is being bulldozed to death.

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**T**exas conjures up an image of desert, dry creeks and sagebrush. But the Big Thicket of southeastern Texas is far removed from this image: it is a place of bayou bald cypress and semi-jungle.

The Thicket's proximity to the Gulf of Mexico provides both a stable semi-tropical climate and over 50 inches of rainfall a year. Its soils are ideally suited to the storage of water and the growing of trees, at least 15 of which are the largest of their species in the United States.

But while the region has the climate and the ecosystems of the deep South, it also has a northern and a western exposure. Beech, sugar maple and witch hazel are found there, sometimes in plant growth patterns almost identical with those found in the southern Appalachians, many miles to the east. Other areas, the "arid sandyland" communities, contain the wild flowers, mesquite trees, post oak, yucca and cactus of the American Southwest. Other areas resemble jungles in the Mexican states of Tamaulipas and Vera Cruz.

The Big Thicket is also a place of legend and folklore. Long cut off from the nearby cities of Beaumont and Houston, it has a reputation as a sanctuary for "outsiders" of every stripe. During the Civil War, conscientious objectors hid there to avoid conscription, in spite of the persistent efforts of Confederate troops to root them out. Escaped convicts used to flee from a nearby state prison in Huntsville, Texas, to the Thicket a step ahead of the baying hounds. East Texas's lone Indian reservation is on the northwest border of the Thicket which has traditionally afforded the Indian a refuge. The region provides one of the last havens for the alligator, the golden eagle and the Texas red wolf, and some people insist that a few last bear and panther still exist there too.

But the Big Thicket is in danger. The unique area's abundant natural resources are coveted by lumber companies and developers.

Efforts to preserve the Big Thicket date back as far as 1927, when the first Big Thicket Association was formed. At that time the ecological importance of the sprawling wilderness was barely beginning to be realized, although conservationists asked for a contiguous block of 440,000 acres as a minimum wilderness preserve. Unfortunately, the drive to create a Big Thicket National Park in the 1930s was destroyed by the Second World War. Today, as the remarkable ecological diversity of the Thicket becomes more apparent, conservationists are pleading for 100,000 acres of wilderness — before the region is lost forever.

**R**ecent controversy over the Thicket began in the mid-1960s and has consisted largely of a struggle between conservationists and lumber interests. The lumber companies and their supporters originally argued that the Big Thicket deserved no environmental protection. But as public interest grew they opted for a 35,000 acre park, the "String of Pearls," made up of widely separated tracts.

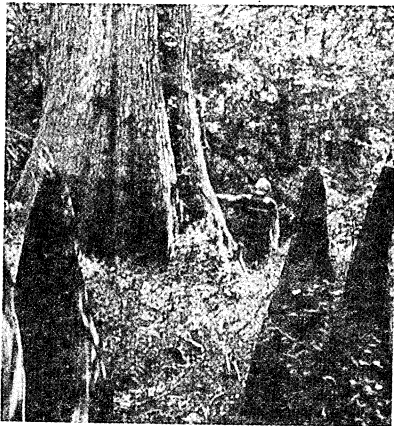
In the meantime, conservationists had gradually united behind a park configuration of 100,000 acres, or at a high point of optimism, 191,000 acres. Conservationists found little to complain about in the individual tract concept proposed by lumber interests, but they did object to the fact that these isolated areas would be cut off from their natural water supply and would soon die, as they were surrounded by sprawling subdivisions. In contrast to the lumber com-

panies' "postage stamp" proposals, conservationists opted to run corridors between the pearls based on existing streams, and add acreage to the pearls wherever possible.

The original lumber-interest proposal included several ecosystems: a longleaf pine savannah, a virgin loblolly pine forest, two beech groves, a virgin river-bottom forest, a river-bottom swamp area noted for its heron and egret rookeries, a virtually untouched swamp-bottomland forest and a corridor ranging from the hills at the Thicket's northern limits to the poorly drained cypress-palmetto-hardwood ecosystems on its southern edge.

However, soon after the industry proposal was made, two of the areas were cut by private lumber operators and a third was bulldozed to create a vacation subdivision. Subsequently the lumber companies imposed a cutting moratorium on 35,000 acres, but since they owned or controlled only 18,000 acres of the total, as much as one-third has been cut by smaller lumber operators and local land owners.

**M**eanwhile the movement to create a park continued to grow. While lumber company lobbyists toured the state insisting that their 35,000 acre plan was an environmentalist proposal, conservationists protested loudly, insisting that new areas had to be added or the park could not survive. To preserve the Thicket, they argued, it would be necessary to protect its major watercourses: the Neches River Valley, the Big Sandy-Village Creek corridor and the Big Pine and Little Pine Island Bayou. Besides saving three completely different types of streams, such a system of corridors would ensure the water supply of the isolated "pearls" and would provide uninterrupted hiking and canoeing opportunities. Along with the proposed stream corridors, three biological units were envisioned: Jack Gore Baygall (semi-swamp), the Saratoga Triangle (lowlands laced with streams and



Inside The Big Thicket. The author is standing beside what is believed to be the largest cypress in North America. (photo by Roy Hamric)

sloughs) and the Turkey Creek Mini biome (an area which includes all of the Thicket's ecosystems).

But while the conservationists made the rounds of television and radio talk shows and argued their case before service clubs and newspaper bigwigs, they felt the pressure of time. The Thicket cannot last forever because the lumber companies that were once willing to cut selectively in the area now propose to convert the great majority of the area into monoculture: row after row of nothing but pines. In such "pine plantations" only one species of tree, the pulp or slash pine, would be allowed to exist, and the ferns, vines, wading birds, owls, mushrooms, orchids and small game of the original Thicket could not survive.

**S**ome of the giants of American industry are heading the assault on the Thicket: Santa Fe Industries (Chicago) which owns Kirby Lumber Company; International Paper (New York); Owens-Illinois (Toledo); Champion International (New York); Southland Paper Mills (Lufkin, Texas, but 40 percent owned by St. Regis of New York); and Time Inc., now the third largest land owner in Texas (1,060,000 acres) after a merger of its Eastex subsidiary with locally-owned Temple Industries. In the past, Temple avoided bulldozer and monoculture timber technology while Eastex planned to turn at least 80 percent of its 600,000 acre Texas holdings into slash pine. It is unclear whether the two contradictory policies will be maintained in the two divisions or whether one of the two will prevail.

Student boycotts of Time Inc. Magazines (*Time*, *Sports Illustrated* and *Fortune*) have made that corporation more sensitive to public opinion and the addition of Texas's most rational and far-sighted lumberman, Temple Industries' Arthur Temple Jr., to Time's ranks may foster a more balanced land-use policy in the region. Temple, for example, has offered to protect all rare or endangered species on Time's Texas lands.

Whatever the future may hold, conservationists concede ruefully that the Thicket's remaining 300,000 acres are being irretrievably lost at the rate of 35,000 acres per year to sterile pine monoculture. The problem with sterile pine monoculture — a term which is liable to send lumbermen into fits of frustrated rage — is that it does not permit multiple use. During the first few years a pine plantation constitutes essentially a prairie ecosystem and in such an ecosystem quail, rabbits and deer manage to survive. And, assuming a rotational system of cutting and replanting, a certain amount of the original pine-hardwood forest would be kept in prairie, and thus be available to hunters. But besides this minimal multiple use, pine plantations are as mono-usage as they are monoculture. They are not attractive for hiking, photographing or picnicking. After they are bulldozed right up to the stream-banks and the resulting brush, refuse and debris are pushed into the stream (as used to happen in the Thicket with regularity), the stream is no longer a good place to canoe, fish, swim or camp.

Most of the scientific value is also lost in a monoculture. Virtually every major university in the United States has at one time or another sent scientists to the Big Thicket looking for biological specimens. More recently biologists have used the Thicket to study those intricately interrelated groups of species known as ecosystems, such as a series of ponds in different stages of ecological succession, or a swamp containing several species of aquatic fauna not known to co-exist

elsewhere, or a hill whose slope contains four different ecosystems in 100 feet. But in a pine plantation there is little to interest the scientist except the pine bark beetle and pine "root rot."

**F**ormer Texas Senator Ralph Yarborough, one of the Thicket's staunchest defenders, scored a big victory in 1970 with the Senate passage of a bill to establish a 100,000 acre Big Thicket National Park. Tragically, the House did not act in time to pass a similar bill because Wayne Aspinall, then the Chairman of the House Interior Committee, got married and went on a vacation which lasted until the Congressional session ended. This made it necessary to start all over again with new legislation. Equally tragic for the Thicket's prospects was Senator Yarborough's defeat at the polls and subsequent retirement from Congress. Though he continued to fight from the political sidelines, it became necessary for Rep. Bob Eckhardt (D-Tex.) to take up the crusade.

On December 3, 1973, the House passed a new compromise bill (H.R. 11547) to establish a 84,500 acre park. The compromise, worked out last summer between Rep. Eckhardt and newly-elected Rep. Charles Wilson (D-Tex.) whose district contains the Big Thicket, drops the magnificent Big Sandy-Village Creek corridor from the park while picking up a corridor along heretofore neglected Menard Creek, which flows west into the Trinity River. The compromise was necessary to pass the bill, but valuable acreage was lost in the process and an entire ecosystem, the arid-sandyland community, was left out of the national area. Since the

point of the Big Thicket National Preserve is to safeguard specimens of each ecosystem in the area, this is a serious omission.

A Senate Interior Committee staff member told *Environmental Action* the Committee may reinstate the Big Sandy-Village Creek corridor in the Senate bill, scheduled for hearings in late January or early February. If the Senate passes a bill which includes the corridor, the dispute would be settled in a House-Senate conference.

Texas's two senators, Lloyd Bentsen (D) and John Tower (R) have both committed themselves to passage of Big Thicket legislation. But failure to pass a bill early in 1974 could cause the Big Thicket to be swept aside as congressmen rush home to begin Senate and House election campaigns. If no bill has been enacted by the time the 93rd Congress adjourns, all current efforts will be erased from the lawmaking process, and by the time new bills have cleared all the nooks and crannies of Congress again, there may be little left of the Big Thicket.

For its diversity, richness and sheer abundance of life, the Thicket may not be equalled on the surface of the planet. It must be preserved. ■

#### WHAT TO DO:

*Write your Senator, as well as Texas Senators Bentsen and Tower, and Senator Henry Jackson (D-Wash.) who heads the Interior Committee to express your support for the Big Thicket National Park. Urge them to include Big-Sandy Village Creek corridor in the Senate version of the bill. Don't delay - hearings may be held before the end of January.*



Senator Tower. As you know, I introduced legislation for the preservation of the Big Thicket in the first session of the Congress, S. 1981. I am happy to see the House has passed a bill similar to mine in many respects.

To simplify the situation, I would like to state that I support the House bill, H.R. 11546, with certain important exceptions and will particularly refer to this legislation during the remainder of my testimony.

I encourage the committee to include 100,000 acres of any preserve established. This is only 15,450 acres more than the 84,550 called for in the House version. The majority of scientists, conservationists, and the Texas delegation who have been working on this issue for a number of years, feel that 100,000 acres is the absolute minimum amount of acreage needed to preserve the area.

After reading the testimony before the House, I have not changed my mind or been convinced that the amount of acreage should be reduced. I am certainly not inflexible on this issue, but I cannot stress enough that I think the Senate should stand by the 100,000-acre concept and should go into conference with a 100,000-acre preserve.

The Menard Creek Unit of 3,359 acres should be deleted. Nothing I have read has stated that it is either unique or even a part of the ecological unit which we are trying to preserve. This is not an attempt to downgrade this specific area.

However, we have the problem of trying to preserve that which is most unique while keeping the amount of acreage and funding down. Consequently, I think that there are many other areas that are more worthy of inclusion than is Menard Creek. For the same reasons stated above, I have decided that there is excessive acreage included in the Lance Rosier unit, both in H.R. 11546 and in my own S. 1981.

The House version contains 25,024 acres and my bill contains 29,000 acres. Acreage should be added in the area of Village Creek. This area is completely different than other streams in the Big Thicket. It flows under bluffs 30 to 50 feet high for most of its distance.

Beyond the bluffs the arid sandylands lie flat and well-drained except for a series of ponds, from hundreds to thousands of years old. It is the only stream which cuts through six separate geological formations.

The arid sandylands is one of the eight major plant associations of the Thicket. Three hundred and forty-one species of wildflowers have been collected there. Additionally, 24 species of freshwater clams, the river otter, and the alligator all live in the area.

The succession ponds in this area are probably the world's best example of ecological succession ponds, ranging from a relatively young abandoned channel lake, through Cleark Lake, Yellow Lake, Mud Lake, and a spatterdock pond.

Alligator Grass Pond, Sedge Marsh, Devils' Pocket Acid Bog to finally Sweetpire Baygall, a closed acid bog. The ponds lie within 24 miles of each other. Scientists have found no other such series of ponds in such a small area.

Needless to say, the inclusion of this area would provide protection to other areas of the preserve and would provide unusual opportunities for canoeing and hiking. At this point I would like to quote from a

number of letters written to me and to the Senate Interior Committee which express an interest in this area.

Biology Prof. Paul A. Harcombe of Rice University wrote:

There are sandy bluffs along Village Creek which support oak woodlands, which are distinct from the other forest or woodlands types I have observed in south-east Texas.

Also, there is a series of oxbow lakes south of the Hardin County Dump which offer an interesting and possibly unique opportunity for study of hydrarch succession, the process of gradual filling of a lake bed and conversion to a big thicket or a tupelo swamp.

Biology Prof. Peter Marks of Cornell University wrote:

It is my opinion that the bill for a Big Thicket Biological Reserve would be significantly enriched by the inclusion of the land near the Hountze Dump that contains both a representative example of the driest, most desert-like vegetation characteristic of southeast Texas and a series of lakes and various stages of gradually being filled in by natural processes and converted to forest. It is because this desert-like vegetation is one of the distinctive features of the vegetation of that part of the state that I believe it would be short-sighted to omit the area from the National Reserve.

The series of lakes would be an added bonus. The lakes and vegetation together make this a most attractive package, in my opinion, as a plant ecologist.

Mr. George Alderson of Friends of the Earth states:

Friends of the Earth wishes to urge the inclusion of a key area that was omitted from the House-passed bill, the Sandylands-Ponds Unit.

This area is important for its arid sandyland plant community and it would allow the Interior Department to provide a long, dry trail for public use. The area, as proposed by Texas citizen groups, contains no private residences.

Mr. Lloyd Tupling of the Sierra Club wrote:

The House bill leaves out one of the major plant communities in the Big Thicket, the Sandylands-Ponds Unit. One of the major purposes for preserving the Big Thicket is the number and diversity of plant communities which exist in close proximity, making it a biological crossroads of America.

The House hearings also pointed out the necessity of preserving this area. Congressman Steelman tried to include this area during markup but was defeated. It is, therefore, the Senate's responsibility to assure this area's preservation.

I did not include this area in my original bill, S. 1981. However, after seeing the interest in this area, I sent two members of my staff to the Big Thicket to check the various areas proposed.

After receiving their report I became convinced that the arid sandylands-succession ponds was one of the most impressive and unique areas. It is central to the preserve and should be included.

The testimony before the House brings up the question of acquisition cost of this area. I think the committee must look into this closely because there seem to be conflicting views.

The National Parks Service cost estimates seem vague. Also, I understand that it figures the price based on the highest and best use formula. An independent real estate appraisal that I have seen submitted a much lower figure. I am in no position to judge the validity of either appraisal.

However, it seems to me that essentially the same average price paid for other land in the preserve would apply to this area. After reviewing the House testimony, I conclude that the higher price tag was put on the area because of the number of improved residences.

The evidence my staff has accumulated discloses very few residences in the area. To remedy this, I would suggest that the committee instruct the National Park Service to draw the boundaries of this area to insure that no residences or as few as possible are included.

I do not believe that opposition to the area's inclusion can be realistically based on cost alone.

Senator BIBLE. Can I ask a question there? How many residences do you have in the taking area of the House bill approximately? We can develop that through Mr. Reed of the Park Service.

Senator TOWER. I think we would have to find an answer for you and submit that for the record, Mr. Chairman.

Senator BIBLE. We will ask the Park Service. They should have that figure.

Senator TOWER. I am not so sure that they have an accurate figure either.

Senator BIBLE. Well, we will ask them. We will question them and ask them to get the information if they don't have it.

Senator TOWER. I don't believe opposition to this area's inclusion can be realistically based on cost alone. At this time I would like to depart from the statement I have already submitted, to add another additional word. The timber industry is heavily invested throughout much of the area which is included within the bounds of the proposed preserve. The wood products industry is the mainstay of my State's economy, in this portion of east Texas.

Some concern as originally in my proposal that acreage along Village Creek be added to the preserve, the fear being that prime timber under indeed the various wood products interests would thus be absorbed by the Government and ruled out of bounds for cutting.

I have studied my maps of the area and it appears that a great deal of this acreage could not include prime stands of timber, especially in the arid sandylands succession ponds area.

It is possible that some prime timber might be included at the north end of Village Creek. I do think the timber industry deserves consideration and I encourage the subcommittee to consider the economic impact if such losses did occur.

If acreage is included in the Village Creek area it could certainly be drawn so as to exclude most of the prime timber, if that is the wish of the subcommittee.

Senator BIBLE. How did the House pass the bill? Did they include it or exclude it?

Senator TOWER. It is excluded in the House bill. The whole area is excluded in the House bill. We are talking about an area that we wish to have included.

Senator BIBLE. You want to add it but you don't want to add it all; is that what it boils down to?

Senator TOWER. We want to include the important parts of it. As we look at the map it really doesn't impact with much adversity on the timber industry.

Senator BIBLE. All right.

Senator TOWER. If acreage is included in the Village Creek area it could certainly be drawn to exclude most of the prime timber. The purpose of this legislation is not punitive, neither are we attempting

to detrimentally affect the economy of the area or dispossess homeowners.

But some homes in tracts of timber have to be included in any preserve. The powers of the subcommittee will, I know, be as equitable as possible to all interests. This 100,000 acre proposal, which essentially agrees with the acreage and configurations of the House bill is, in my opinion, the best method of preserving the area.

It might be well to mention why I chose to include acreage in the area of Joe's Lake. It is an ancient forest. Ancient oaks and black gums thrive in this dense closed-canopy forest in the Big Thicket. It contains the only stand of jewel flower in the entire area.

It also contains the heaviest population of white-tailed deer in the thicket. It has all the aspects of a virgin forest.

At this point in my testimony I would like to speak to some elements in H.R. 11546 which I hope the subcommittee will support. I believe that the House provision that allows for immediate possession by the United States is essential because of the documented evidence that between 30 and 50 acres of the thicket is being destroyed every day.

Without such a provision, I fear that by the time the major parts are acquired the ecological value of the preserve will be considerably diminished.

As this committee well knows, there is precedent for such a provision in Public Law 90-545, the Redwood National Park Act. The provision will allow the Government to enter into negotiations immediately with the private interests.

Additionally, the provision will limit Government cost by requiring negotiation and subsequent purchases without undue delay thereby avoiding the effect of quickly escalating land values.

Let me mention briefly that I think that traditional hunting and fishing rights within limits should continue to be allowed. I think that every effort should be made to protect the homeowners in the area.

The legislation should require the National Park Service to draw its boundaries to exclude as many homes as possible and to investigate closely the contention that some areas within the proposed boundaries are possibly more densely populated than some research has shown.

Although I am well aware that the Federal Government has no program in such cases as this to restore lost tax base to local governments, I ask that the subcommittee consider this and that the National Park Service be asked to explain, as it did to me, that these areas usually become more prosperous not less as a result of visitors and the services they require.

It has been estimated that 190,000 visitors will come to the preserve the first year and up to 600,000 after 10 years.

Senator BIBLE. Have you any idea how many came there in 1973, an estimate?

Senator TOWER. We don't have it, but we can submit it for the record.

Senator BIBLE. We can ask the Park Service.

Senator TOWER. For your information, the Texas Legislature did pass a resolution in support of the preserve and the Texas Department of Parks and Wildlife is favorably disposed towards it. I strongly encourage the State of Texas to join in the efforts to preserve the area and to acquire acreage in the area to complement that acquired by the Federal Government.

I urge you to consider my views favorably, to act expeditiously on this legislation and to report out a bill which will preserve, to the best of our abilities, the unique and magnificent area which is the Big Thicket.

Mr. Chairman, I thank you for letting me come up first this morning. I have to report a meeting of the Armed Services Committee that I must attend now. I appreciate the opportunity to testify before the committee.

If the committee has any additional questions of me I will be glad to submit them in writing.

Senator BIBLE. We will be happy to query you if they arrive during the course of the 2-day hearing. But most of the questions I ask I will ask of the Park Service people who should have more of the statistical information available.

Senator TOWER. Thank you very much. But if you have any additional questions I will be happy to take the opportunity of answering them.

Senator BIBLE. That's a fine statement. We were happy to have you here this morning.

Senator TOWER. Thank you, Mr. Chairman.

Senator BIBLE. Our next witness will be Senator Bentsen. Is Senator Bentsen here yet? We will return to him as soon as he does arrive. Our next witness is—is Congressman Steelman here? I have a memorandum he is unable to be here.

Apparently his son had an accident. He has sent in his statement. Without objection, Congressman Steelman's statement will be incorporated in full in the record at this point.

[The statement of Congressman Steelman follows:]

STATEMENT OF HON. ALAN STEELMAN, A U.S. REPRESENTATIVE FROM THE STATE OF TEXAS

Thank you, Mr. Chairman, for the opportunity to appear here today to speak in support of legislation to create a Big Thicket National Preserve. Regarding the size of the Big Thicket, I introduced a bill for 100,000 acres, supported the House-passed version consisting of 84,000 acres, and realize that both Texas United States Senators sponsored legislation calling for 100,000 acres. Therefore I feel that this will be resolved in Conference and would like to limit my remarks this morning to why it is important to include legislative taking and a sandy-land unit in this legislation.

Only 100 years ago, the Big Thicket covered more than three million acres. In 1938 there were still one million acres of the Thicket. Today there are hardly 300,000 acres remaining of the Big Thicket, and it is disappearing at the rate of 30 to 50 acres daily.

H.R. 11546 has a provision included that I feel is essential to any legislation establishing a Big Thicket National Preserve. Because the Big Thicket is being destroyed by up to 50 acres daily, time becomes very important to its preservation. If, and I respectfully hope when, a Big Thicket bill becomes enacted into law, I hope the usual time lag between the date of enactment and the actual date of land acquisition by the United States will not see destruction of the forests continue. To eliminate this time lag, H.R. 11546 has a provision to give the United States the right to immediate possession of most land included. This provision excludes all public lands and all tracts of less than fifty acres used for residential or agricultural purposes. Precedent is taken from the land acquisition procedure in the Redwood National Park Act, P.L. 90-545.

There are two major benefits from this "redwoods" provision. With the United States acquiring title to the land on the date of the President's signing the bill into law, large private interests will be required to immediately cease their operations in the forests. Negotiations for compensation for the land taken will then proceed between the federal government and the private concerns, or through the appropriate courts if agreement cannot be reached.

The second benefit concerns the rapidly escalating estimated values of lands involved. The lengthy delays in negotiating settlements with private owners would probably be followed by increases in the value of the property sought. This was precisely what was prevented by the Redwoods National Park Act. President Johnson had warned in 1966 that the public must not "be burdened" by "artificial price spirals" caused by speculation on lands to be acquired by the Government. An example of such an increase in land prices occurred in the Point Reyes National Seashore, authorized in 1962, where there was a 30-percent increase in prices over a 12-month period. Today, with President Nixon attempting to hold the lid on public spending, this provision will most likely save the federal government a substantial amount of money.

I would like to emphasize that the "redwoods" provision does not interfere with the right of homeowners to live on their property. Residents are guaranteed the right to occupy their homes for 25 years, or for their entire life. The owner elects the option he or she prefers. It is also important to note that *all* property acquired by the United States will be paid for at fair market value.

I believe an arid sandy land-ponds unit, one of eight major plant associations in the Big Thicket, is most important in accomplishing the intent of this legislation. Certainly an integral part of the Biological Crossroads of North America would be the best documented series of ecological succession ponds in the world. As you are probably aware, there are also over three hundred species of wildflowers in this proposed unit.

Not only would this unit protect the waters from pollution and insure the biological integrity of downstream units, it also provides outstanding canoeing.

Mr. Chairman, I thank you for allowing me to give my views on the Big Thicket. In closing I would like to let this Subcommittee know that the mail I have received on the Big Thicket has been overwhelmingly in favor of enacting Big Thicket legislation. It would be a great loss to not only Texas, but to the entire nation, if we allow the Big Thicket to be decimated.

Thank you very much.

Senator BIBLE. Is Congressman Wilson here? Charles Wilson. I understand the Congressman has been delayed but will be here shortly.

I would like to ask Senator Yarborough if he would like to appear now or if he would like to hear Nat Reed, and then appear.

Senator YARBOROUGH. Mr. Chairman, if it suits the convenience of the Chair better, I will present mine now. If Mr. Reed is ready, of course—

Mr. REED. No, Senator; please go ahead.

Senator BIBLE. Whichever way you want it. However you gentlemen want to handle it is all right with me. Now we will hear from Nat Reed, the Assistant Secretary of Fish, Wildlife, and Parks, U.S. Department of the Interior. Secretary Reed.

**STATEMENT OF NATHANIEL P. REED, ASSISTANT SECRETARY,  
FISH, WILDLIFE, AND PARKS, DEPARTMENT OF THE INTERIOR**

Secretary REED. Good morning, Mr. Chairman.

I am pleased today to recommend enactment of S. 2286, which incorporates this administration's proposal to establish the Big Thicket National Biological Reserve in the State of Texas. The President, in his recent state of the Union message, described the Big Thicket area of east Texas as "a biological crossroads unique in the United States" and urged prompt enactment of legislation to preserve it.

Mr. Chairman, I need not detail before this committee the magnificent resources of the Big Thicket or stress the necessity of acting now to preserve it from continuing threats to its integrity.

The Senate recognized these facts long ago, having decisively passed Big Thicket legislation on December 16, 1970. What we need to do now, Mr. Chairman, is to address two fundamental issues squarely.

First, why are we in the Big Thicket? Is our concern preservation for scientific purposes, recreation, land use management, or perhaps river basin planning? Second, having defined our objectives, what will it cost the taxpayer to accomplish them and how much should we expend?

This administration believes that the Federal interest in the Big Thicket is biological and scientific in nature. Consequently, we have recommended use of the term "reserve" to designate this potential unit of the national park system rather than one of the more traditional designations suggesting other management philosophies.

Over a period of years this Department has carefully studied the Big Thicket for possible inclusion in the national park system. As a result, we transmitted a proposal to the Congress on July 14, 1973, recommending establishment of a Big Thicket National Biological Reserve consisting of 68,000 acres in seven units.

They represent outstanding segments of the diverse biological communities encountered in the area. The big Sandy unit of 14,300 acres contains some of the finest examples of the Big Thicket's recognizable subtypes ranging from the drier upland to the streambank and baygall communities. The Hickory Creek Savannah unit, comprising 668 acres, is of outstanding value because of the great variety of herbaceous plants it contains.

It represents the Longleaf Pine-Grassland Association, a distinctive threshold community bearing an important relationship to the true Big Thicket. The Turkey Creek unit illustrates a remarkable diversity of upper Big Thicket vegetation types, including the largest known field of insectivorous plants in the region.

This unit comprises 7,800 acres. The Beech Creek unit, consisting of 4,856 acres, contains some of the best examples of mixed hardwood forest, especially the Beech-Magnolia-White Oak-Loblolly Pine Association which is the symbol of the Big Thicket.

The Neches Bottom and Jack Gore Baygall unit comprises 13,300 acres. Its flood plain supports mature lowland hardwood forests, that contain many species not found elsewhere in the Big Thicket. It is laced with sloughs containing immense specimens of Bald Cypress and Water Tupelo.

The Lance Rosier unit is a fine representative of the lower Big Thicket communities. Its 20,008 acres will facilitate preservation of wildlife species which may be threatened in the other smaller units.

The seventh unit, Beaumont, contains 6,218 acres of superb wilderness. It is an outstanding representation of the Big Thicket's flood plain forest and streambank communities.

Mr. Chairman, these seven units truly are representative of the Big Thicket. The primary purposes of the reserve will be the preservation of the biological systems represented and interpretation of their values to visitors.

Recreational opportunities would primarily be associated with those purposes. This is preservation of the highest order, Mr. Chairman, and will provide the American taxpayer the greatest return on his investment.

H.R. 11546, passed by the House on December 3, 1973, would establish a Big Thicket Natitonal Preserve of 84,550 acres. S. 314 and S. 1981 would establish a 100,000-acre national park and biological reserve, respectively.

The administration proposal does not include corridor areas along streams, as do these three proposals. Certainly, Mr. Chairman, the streamsidess of east Texas are as lovely as any I have ever seen.

But why must the Federal Government acquire them in order to assure their preservation? We are convinced that the State should take some role in this preservation, particularly in light of the recreational benefits to be derived, and we believe strongly that provision of recreational opportunities and river basin management are State responsibilities.

Senator BIBLE. At that point, have you ever explored this with the proper representatives in the State of Texas? Whatever their department is, department of natural resources—

Secretary REED. It's the parks and wildlife service.

Senator BIBLE. Has that been explored with proper officials of the State of Texas?

Secretary REED. Yes, sir.

Senator BIBLE. With what result?

Secretary REED. We expect some news from the Governor's office and from the Texas Parks and Wildlife Commission as to what they think their proper role should be in the Big Thicket.

They recognize some role. They do not recognize as extensive a role as we have indicated in our report.

Senator BIBLE. Where is the title to these corridor areas which are excluded from the administration bill but which I understand are included within the bill at least of Senator Tower and possibly Senator Bentsen?

Are they included in both of them? The corridor areas?

Secretary REED. Yes, sir.

Senator BIBLE. Where is the title to the corridors now?

Secretary REED. They are in private ownership, sir.

Senator BIBLE. Would it have to be acquired voluntarily or by combination?

Secretary REED. Voluntary or combination; correct, sir.

Senator BIBLE. Do you have any idea of when you will hear from the proper board of the State of Texas?

Secretary REED. We were hoping today, sir.

Senator BIBLE. I see. But that hasn't come up, as of 10:30, is that right?

Secretary REED. Correct, sir.

Senator BIBLE. We are going to be in session again tomorrow on this bill. Maybe you will have an answer by tomorrow. It might be well for you to say that this bill will be delayed until you get the answer. Would that help you?

Secretary REED. I would hate to have a contingent on this excellent bill in this great area of Texas. But it is one that we could certainly press to get an answer on.

Senator BIBLE. Tell them that the chairman is most anxious to have that because of his affection for the great State of Texas. My private secretary is a Texan and she won't let me in the office until I get this thing resolved.



So I hope you will evidence the continuing interest I have in trying to move this forward. We passed it once in the Senate and I hope we can pass it again without too much delay. OK.

Secretary REED. In accord with this policy, and consistent with the recommendation of the Advisory Board of National Parks, historic sites, buildings, and monuments, made in October 1972, that a Big Thicket National Biological Reserve be established, I recommend enactment of S. 2286.

This legislation incorporates the administration's biological reserve proposal. We estimate that the cost of acquiring the 68,000 acres involved will total \$38 million, which of course does not include acquisition of lands in corridor areas along streams.

It is instructive to note that acquisition of the 11,800 acres of stream corridors included in the House-passed proposal would represent approximately 30 percent of the total land acquisition cost involved, but that those corridors would constitute only about 14 percent of the total acreage.

For these reasons we have not included in our proposal the Neches and Little Pine Island Bayou corridors which at one time we contemplated acquiring. Furthermore, we never considered including the Menard Creek Corridor which is of relatively unknown quality and has substantial subdivision development along its banks.

S. 2286 would permit acquisition of real property for the reserve by purchase, donation, exchange, or transfer from any other Federal agency, except that property could be acquired from State and local governments only by donation.

We strongly recommend against enactment of the legislation taking provision of H.R. 11546, as passed. While such takings may be advisable in some situations, the fact that this project would entail acquisition of many tracts from numerous owners over a period of years precludes the efficacy of that procedure here.

In addition, we believe that deletion of year-round homesites from the reserve, as proposed in the House-passed measure, would seriously compromise preservation and complicate administration of the Big Thicket.

Mr. Chairman, S. 2286 would permit owners of noncommercial residential property to retain rights of use and occupancy for periods of 25 years or life, whichever is longer. In addition, hunting and fishing would be permitted in the reserve, subject to State and Federal laws and to regulation by the Secretary.

Senator BIBLE. At that point, are you in a position to indicate how many noncommercial residential properties are included within the administration proposal?

Secretary REED. Yes, sir. We are able to give you a full breakdown of the areas. The total is 58 improvements worth \$403,493 by our estimates.

They include 4 farm units, 24 year-round dwellings, 26 cottages and cabins, 3 house trailers, and 1 boat ramp.

Senator BIBLE. Are those all covered under the so-called, and we have used it frequently in this committee over the years in these park proposals, they are exempt and under the Cape Cod formula. I mean the residential properties.

Secretary REED. The provisions are similar to Cape Cod formula, indeed. Owners will have the 25 years or life occupancy option. That is correct, Mr. Chairman.

Senator BIBLE. Whichever is the longest.

Secretary REED. Whichever is the longest. Correct, sir.

Senator BIBLE. That has worked out extremely well as you know in Cape Cod and other areas around the United States, so I think we have built in a fine concept there.

The total number that would be under the Cape Cod formula is 58, you say?

Secretary REED. Yes, sir; 58.

Senator BIBLE. Well, you have a boat landing in there. Do you exclude that?

Secretary REED. Fifty-seven, sir, without the boat landing.

Senator BIBLE. And you said how many farming?

Secretary REED. Four, sir, and that compares with 297 in the House passed bill.

Senator BIBLE. Do they have a Cape Cod formula in the House passed bill, same as you do in the administration bill?

Secretary REED. Yes, sir.

Senator BIBLE. All right. You may proceed.

Secretary REED. A provision is included in S. 2286 to make it clear that the Secretary may decline to acquire rights to oil and gas and other minerals when acquiring surface rights.

Senator BIBLE. Will you explain that?

Secretary REED. Yes, sir. We feel very strongly about this provision and I speak to it later in the testimony—

Senator BIBLE. If I anticipate you, go ahead and develop your full statement.

Secretary REED. All right, sir.

The bill also preserves a right of reasonable access to mine or extract these minerals and preserves existing oil and gas easements and rights-of-way across the reserve. We have no intention of acquiring the prohibitively expensive oil and gas rights in this fossil fuel rich area.

Although the House passed measure would exempt the mineral estate and existing pipeline easements from legislative taking, we believe that any Big Thicket bill should contain a provision specifically allowing the Secretary to decline to acquire mineral rights.

Senator BIBLE. Explain that. What does that mean?

Secretary REED. The legal reason for that, Mr. Chairman, is that the area has been heavily drilled for oil. It has been a big producer of oil for almost 60 years.

Senator BIBLE. Not within the taking area.

Secretary REED. Certain parts of the taking area have been—

Senator BIBLE. Certain parts of the taking area have been oil producing?

Secretary REED. Yes, sir, and we don't want to get in a long hassle in the court as to what the value or potential value of mineral rights are on the lands chosen for the American people.

We feel very strongly that legislation should include the provision for the Secretary to specifically deny the opportunity to buy those mineral rights, or the charges that he must buy those mineral rights, or a legal action requiring him to buy those mineral rights because they will be very expensive and difficult to prove in a court of law.

Senator BIBLE. Are there any actually producing oil wells in the taking area today?

Secretary REED. Yes, sir, there are.

Senator BIBLE. Within the areas marked in red?

Secretary REED. Yes, sir.

Senator BIBLE. How many?

Secretary REED. There are not many, sir. I do not have the exact number of wells, but I think there are fewer than a dozen.

Senator BIBLE. How much oil do they produce a year?

Secretary REED. On the entire Big Thicket or out of the areas of taking?

Senator BIBLE. Out of the taking areas.

Secretary REED. Not a substantial amount, sir.

Senator BIBLE. What does that mean?

Secretary REED. I would have to get the production figures.

Senator BIBLE. Would you supply that for the record, because we are in an energy crunch or crisis or shortage. But anyway, we have a problem. So I think it is well that we rather thoroughly explore the potential that is here for oil and gas.

Is it more important for oil and gas or is it more important for a biological reserve?

Secretary REED. We think both can be accommodated at the same time, Mr. Chairman. This is an area of unusually high rainfall. An area that recovers very quickly. We think both can go along together very nicely.

They have been going along together very nicely for a long time and with some simply understood rules that the oil industry and National Park Service can live as happily as they are on Padre Island.

Senator BIBLE. Are they happy on Padre Island?

Secretary REED. They are very happy on Padre Island, sir.

Senator BIBLE. I have heard some different versions, but we have made them simpatico on Padre Island. I think it has worked out reasonably well with the few problems that always come up in any type of a national park.

But I would like to have, for the record, the statistical information.

Secretary REED. Fine, sir. We will furnish that.

[The information follows:]

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., February 28, 1974.

HON. HENRY M. JACKSON,  
Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At the November 5-6, 1973, hearing before the Subcommittee on Parks and Recreation on the proposed Big Thicket National Biological Reserve, this Department's witness was asked to provide to the Committee the current oil production within proposed units of the Administration's 68,000-acre Big Thicket proposal.

We have been advised by the Texas Railroad Commission, Division of Oil and Gas the production records are kept by oil field and pool. These pools may be separated horizontally or vertically with from several to hundreds of wells operating on each pool. They were, therefore, unable to provide production data on specific wells. We did, however, receive the following information:

East Village Mills Oil Field—262,000 barrels per year (Estimated 5 percent of field production is within Turkey Creek Unit)

Gulf Teel Oil Field—No current production (60 percent of field is within Lance Rosier Unit)

Silsbee Oil Field—198,000 barrels per year (Estimated one percent of field production is within Neches Bottom—Jack Gore Baygall Unit)

We were advised that the oil fields in the vicinity of the proposed Big Thicket National Biological Reserve were average producers with a downward production trend.

We are pleased to be of assistance regarding this matter.

Sincerely yours,

KEN M. BROWN,  
*Legislative Counsel.*

Senator BIBLE. You may proceed.

Secretary REED. As a general matter, Mr. Chairman, we recommend the language contained in S. 2286 in lieu of differing language in other Big Thicket proposals. For example, we recommend use of the Department's standard language concerning retained rights of use and occupancy, and regulation of hunting and fishing.

In addition, as discussed in our report to your committee, we recommend deletion of the provisions in certain proposals providing for initiation by owners of district court review of termination of their rights of use and occupancy, and for in-lieu-of-tax payments as well as deletion of provisions that restate existing policy on management and acquisition.

We recommend inclusion of authority for the Secretary to make minor future revisions in the boundaries, such as that found in our proposal.

Senator BIBLE. I hope you define that a little better than we defined it in the Golden Gate National Recreation Area, because I have been wrestling with that problem ever since we passed the basic bill.

We did allow the Secretary to make minor future revisions but we failed to define what minor was. They included a certain rather substantial acreage, just north of the Golden Gate, generally in the Point Reyes area.

We have been hassling about it ever since. I hope that that can be spelled out. I see no objection to having the Secretary make minor future revisions as long as I understand what minor future revisions are. Do you have any idea of what a minor future revision is?

Secretary REED. I see your point, sir, and we will have to go back to the drawing boards and define that. I understand your concern.

Senator BIBLE. Because it gave us trouble in the Golden Gate, and we are still having problems with it, so I wish you would take a close look at that.

Secretary REED. Yes, sir. And I have been told that we may have the opportunity to exclude some year-round residences which we feel would be so expensive to purchase that it would not be worthwhile. We will come back to the committee with a reasonable definition of "minor".

Senator BIBLE. You say not only that but you are going to come back with some exclusions of some residences that you now have included in the taking area; did I understand you to say that?

Secretary REED. Yes, sir.

Senator BIBLE. How many residences will you total as a result?

Secretary REED. I will have to give the chairman and the committee a further definition of that.

Senator BIBLE. It is not a definition problem as I see it. You say you are going to exclude certain residences. The last figure you gave me was that there would be 57 residences in the taking area.

If you exclude some, how many will there be when you come back with your revision?

Secretary REED. Mrs. Bonney corrects me. We refined our proposal to exactly what I have testified to; namely, 57 and one boat landing.

Senator BIBLE. Fifty-seven and one boat landing.

Secretary REED. As we go into the field, if there is anything else we would have to come back to the committee.

Senator BIBLE. We hope to move this along rather expeditiously. If you are going to make revisions you had better start making them right now.

Secretary REED. Understood, sir.

Senator BIBLE. You may proceed.

Secretary REED. We have no objection to inclusion of provisions, such as those contained in the House passed measure, providing that persons electing continued use and occupancy rights waive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or that the area be studied to determine its wilderness potential.

Development of the reserve for visitor use, consisting mainly of access roads and trails and interpretive facilities, is expected to cost \$4,572,000. Estimated annual operating costs will total \$853,000 in the fifth year following establishment.

As previously indicated, the cost of acquiring lands is expected to total \$38 million, in the administration's proposal. We are proposing to acquire those lands over a 3-year period, expanding \$16 million in the first year and \$11 million in each of the 2 subsequent years.

As you know, Mr. Chairman, the President wisely called for full funding of the Land and Water Conservation Fund at \$300 million for fiscal year 1975. You and the concerned members of this committee are to be commended for your strong expressions of support for funding at that level.

Because those funds will be available, some land acquisition for this project could occur in that year if this legislation is enacted soon.

Senator BIBLE. What does it mean, "in that year"?

Secretary REED. That means in this year now, sir.

Senator BIBLE. Fiscal year 1975 coming up?

Secretary REED. Yes, sir. We have not got a line item as you see when we come for appropriations for Big Thicket in 1975. We have been able to go and have a look at our funding for 1975 and see there is a strong possibility that we will be able to put \$3 million by coming and asking for reprogramming, \$3 million to work in fiscal 1975 and go to \$13 million in fiscal 1976 and whatever it takes to conclude.

Senator BIBLE. Over a 3-year span?

Secretary REED. Yes, sir.

Senator BIBLE. I am happy to see that you have built that into your official presentation. One of the most difficult problems I have had, and I have handled these for 13 or 14 years is the fact that we create these parks and recreation areas and lake shores and sea shores. The people expect us to get going and we don't carry out our promise to acquire the land.

The Indiana Dunes is a prime example of that. I don't know how many years that has gone on, and we still have not acquired it all. I think that is failing to keep faith with the American public.

So I am happy to see that you have built into your statement a realistic timetable, which you can rest assured, as far as I am personally concerned as chairman of the Interior Appropriations Committee that full funding will be granted.

I think it was a terrible, terrible mistake and I expressed it to you and the Secretary a number of times, that it was almost catastrophic really to reduce the land and water conservation fund from \$300 million to \$55 million.

We will pay for that. We are paying for it now. So I am delighted it will be funded at the full level.

Secretary REED. We also have some reserve funds that will be spent. As you can see, when we come to testify in appropriation. So it's even a brighter picture this morning than it was when this testimony was finalized and cleared.

Senator BIBLE. I am happy to hear that. I have no specific questions of you. You are opposed to the legislative taking—

Secretary REED. We have a hard time with it from the Redwood experience, sir. We still haven't settled there.

Senator BIBLE. I share that view. That, to me, that would end up in a conference if we cannot resolve it, because that Redwoods has been a miserable experience and you know it better than I do.

Secretary REED. Yes, sir. You asked me when I first came here to try to get that solved rapidly. I have put 3 years at it, and we are still arguing over the same things we were arguing over 3 years ago and the court seemingly cannot make up its mind as to the real valuation of certain lands.

Senator BIBLE. Do I not understand that some type of court decision is coming momentarily right around the corner?

Secretary REED. It was momentarily around the corner 90 days ago. I certainly don't want you to hold your breath, Mr. Chairman.

Senator BIBLE. I won't because I kind of like to breathe. But legislative taking I understand. But was I given to understand that in the House-passed bill there was some specific earmarking of the land and water conservation funds for this particular project, or was that an erroneous impression?

Secretary REED. I think that was an erroneous impression, sir. I have the bill.

Senator BIBLE. You don't have to look it up now. I can ask the staff on it. I could be in error. But in any event, I would not favor creating a new park today and then dipping in and giving Big Thicket preference over other demands and priorities that you have.

Secretary REED. Just the legislative taking, sir. Staff has told me that the legislative taking was the only thing that was in the bill.

Senator BIBLE. Well, I am glad to hear that. As you well know we have about a \$250 million backlog of acquisition.

Secretary REED. I brought Mr. Stewart with me in case there was a question on the backlog. I don't know whether you want it now, sir, but—or whether you will wait for Appropriations.

Senator BIBLE. I will ask him. How much money would it cost as of today to acquire all of the lands that have been authorized for parks and recreation areas, seashores and anything within the Interior Department dealing with parks and recreation areas?

Mr. STEWART. I believe that figure is around \$245 million.

Senator BIBLE. Well, I was in the ball park. I just wanted a round figure and I thought I had it right in my mind. I wasn't sure. Will you leave Mr. Stewart or one of your other men here, Mr. Reed, when these problems arise as we go through this bill and there will be problems arising as we go through the bill.

It will be unique if they didn't.

Secretary REED. Yes, sir.

Senator BIBLE. I have no further questions of you. I appreciate your appearance here today.

Secretary REED. Thank you, Mr. Chairman.

Senator BIBLE. Thank you very much.

Our next witness will be the Senator from Texas, Lloyd Bentsen. Senator Bentsen.

#### STATEMENT OF HON. LLOYD BENTSEN, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator BENTSEN. Thank you very much, Mr. Chairman. I apologize for arriving late, but I was chairing my own committee's hearings one floor below and I have to return to that.

Senator BIBLE. I understand, and we will understand when you leave.

Senator BENTSEN. I am very pleased to see Congressman Wilson here who has had a great interest in this. My predecessor, Senator Yarborough, who is a strong and ardent proponent of this legislation and was effective in this passage of your legislation with this committee some 3 years ago.

Senator BIBLE. Correct.

Senator BENTSEN. I heard the chairman say that we had other projects that had earlier funding authorization. I would want to assure the chairman that I have no objections to this particular project taking precedence over those others.

Senator BIBLE. I am sure that would be a typical Texas attitude, and it will be properly noted.

Senator BENTSEN. Mr. Chairman, it is a great pleasure for me to have this opportunity to be before you in support of my proposal to establish a Big Thicket National Park and others calling for a biological reserve.

This is a long-awaited day for the advocates of a Big Thicket Park or Reserve, and we owe you a great debt, Mr. Chairman, for your interest and steadfast support in that effort.

It is a testament to your foresight that this committee reported out some 3 years ago a bill that would have established a Big Thicket National Park, and it is an indication of the genuine quality of this natural wilderness area that after years of controversy it has advanced to the point where we can finally say that the Big Thicket will be saved and that this session of the 93d Congress is the time it will be done.

I plan to discuss today why I think the establishment of a Big Thicket Reserve is necessary and why certain features should be included in any bill to accomplish that purpose. When I think of the Big Thicket, I am reminded of the words John Muir once spoke concerning the great western forests of our country.

God has cared for these trees, saved them from drought, disease, avalanches and a thousand straining, leveling tempests and floods; but He cannot save them from Man's folly—only Uncle Sam can do that.

His words were true of the great forests of the Sierras at the turn of the century, and they are equally true of the dwindling remains of the Big Thicket of southeast Texas today. At one time, the Big Thicket was the westernmost part of a primordial forest system that spread from east Texas to the Atlantic seaboard.

It comprised almost 3.5 million acres of forests and streams extending across 12 counties in the southeast Texas area. Today that figure has been reduced to a little over 300,000 acres in the area proposed for protection, and even that is being reduced by constant development and lumbering which threaten it with total destruction.

Those who have visited the Big Thicket and studied its ecology call it the "Biological Crossroads of North America". This crossroad constitutes a joining of beech-white oak forest from the north, pines and magnolias from the south, and cactus and yucca from the west.

They come together in a stream-laden forest that contains an incredible range of plant and animal life. The Big Thicket is defined and supported by its bayous, streams, and rivers which is why so much attention has been given to the protection of these water corridors in the bills you have before you.

It would be difficult to save the Thicket without somehow protecting the water corridors that shape its development and sustain its natural life. I believe, in this regard, that a bill of 100,000 acres is necessary in order to provide full protection for the most elementary components of the Big Thicket Reserve.

I know the House has reported a bill of less acreage and that the National Park Service, under OMB constraints, has supported even a smaller figure than that endorsed by the House. While I am not in a position to recommend specific additional acreage to be included in the reserve, I do believe that experts at the National Park Service are in a position to do so and should be relied upon by this committee. In addition, you will receive considerable private testimony supporting a park of 100,000 acres.

I know how frequently you must hear calls for larger parks and other protected areas, but when one considers the growth and development that have taken place in the gulf coast region of Texas, I believe that saving 100,000 acres of the Big Thicket for the enjoyment of future generations will look like a very modest step indeed.

This is why I supported the establishment of a part of the size that I have suggested. You will be hearing their testimony and, as their representative here in the Senate, I would like to say a word about their opposition to the establishment of a biological reserve.

It is essential, I believe, that the establishment of a Big Thicket Reserve be accomplished in harmony with the basic economic activity and the individual rights of the citizens living in the Big Thicket area.

I think this can be done, and I believe language should be included in the final bill which will protect the rights of all property owners in the area, and which will provide fair value and treatment to those who are disturbed by the establishment of the reserve.

Senator BIBLE. How do you protect the property rights of all the owners? You have reference there to the insertion of the Cape Cod



formula allowing people who have homes there, these 57 homes, to stay for a period of their life—

Senator BENTSEN. You could have a life estate for them. You could do it in a variety of examples, as we have seen in previous instances in the country, Mr. Chairman.

Senator BIBLE. That's what you referred to?

Senator BENTSEN. Exactly.

Senator BIBLE. Very well.

Senator BENTSEN. I am particularly concerned that permanent homesites be avoided in establishing the boundaries of the reserve and that full Federal assistance be provided to local jurisdictions which will be affected by loss of tax revenue due to the establishment of a Federal reserve.

If the Big Thicket is to be saved, it will require a spirit of both cooperation and consideration on the part of all of the parties involved, cooperation among those who support the establishment of a reserve and consideration for the views of those who oppose it.

The spirit I refer to was expressed by our greatest conservation President, Teddy Roosevelt, when he said :

We have become great because of the lavish use of our resources and we have just reason to be proud of our growth. But the time has come to inquire seriously what will happen when our forests are gone, when the coal, the iron, the oil, and the gas are exhausted, when the soils have been still further impoverished and washed into the streams, polluting the rivers, denuding the fields, and obstructing navigation. These questions do not relate only to the next century or to the next generation.

They are with us now. It is time for us now as a nation to exercise the same reasonable foresight in dealing with our great natural resources that would be shown by any prudent man in conserving and wisely using the property which contains the assurance of well-being for himself and his children.

That is why we must save the Big Thicket, and when we do, those who will be most in our debt will be the future generations who will share in its beauty and applaud our foresight in leaving such a legacy.

Senator BIBLE. That is a splendid statement, and I appreciate it a great deal. You have my personal assurance as far as I am concerned that we will certainly get some type of Big Thicket out, whether it is a park or biological reserve or a preserve.

But we will do everything we can to measure up to our responsibilities and get this out very soon.

Senator BENTSEN. Thank you very much for the assistance of your secretary and some of us needling you. I know we will get your continued attention.

Senator BIBLE. You sure have a lot of Texas around here. Thank you very much for coming, and I understand you have to preside over another meeting.

Senator BENTSEN. Thank you, Mr. Chairman.

Senator BIBLE. We will next hear from Congressman Wilson. Mr. Congressman it is good to see you. Sorry to have kept you waiting.

#### STATEMENT OF HON. CHARLES WILSON, A U.S. REPRESENTATIVE FROM THE STATE OF TEXAS

Congressman WILSON. Thank you, Mr. Chairman.

Mr. Chairman, I am not going to make a very formal statement, you have my prepared statement and I ask that it be incorporated in

the record. I am not going to talk too much about the great attributes of the biological preserve because you know those as well as I do.

I do want to make one suggestion to you, though, and that is if you are going to wait for the State of Texas to take any positive action in this particular controversy, I think you might as well adjourn the hearings now and consider reconvening them maybe in 3 or 4 years.

Senator BIBLE. You don't share the views of the secretary that they will be here by tomorrow morning?

Congressman WILSON. I certainly don't and the Department of the Interior has made many efforts in this regard, and I commend them for their efforts. But the local opposition to the preserve is such that the State legislature in my view would never allow the Texas Parks and Wildlife Department to do such a thing.

Senator BIBLE. We will not wait an undue length of time.

Congressman WILSON. In Texas also, the State legislatures are far more sensitive to the wishes of the people who have been elected from those particular areas than Congress tends to be. For that reason I would not advise waiting for the State to act.

I would like to give you just a little background, which again I am afraid I am redundant and you already know. But the National Park Service has refused through the years to consider the Big Thicket as a national park, or has refused to recommend it, because the Big Thicket, of course, does not meet national park standards, due to the fact that in the view of the Department the Big Thicket lacks the recreational potential that is necessary for a national park.

Therefore, I think we should realize that since it does not meet national park criteria that it does lack recreational redemption. So all of this effort we are making is not for something for a broad segment of the population to enjoy.

But the effort we are making is for rather narrow academic group and for preservation of a natural resource for future generations. I think that we should keep this in mind as far as priorities are concerned.

I personally support the preservation of the Big Thicket, but I think that we should never lose sight, there simply is not enough money to do everything we have to do. I think we should not lose sight of priorities. I think we should not lose sight of the fact that in the House bill we are spending \$70 million for the enjoyment of, again, a rather narrow segment, but one that I believe is worthy.

But we are spending \$70 million for this, and we are spending not a cent for development of the great recreational areas that exist in this very area, Sam Rayburn Dam and Reservoir, Toledo Bend Reservoir, Big Livingston. Areas that are in my district also, as is 95 percent of the Big Thicket and areas that are in great demand by the vast broad scope of the public who are turned away every weekend because there is not money spent for boat ramps and camping facilities and for sanitary facilities.

So it would seem to me that \$70 million being spent for academic preservation is a rather generous amount, when we consider that we are spending nothing for all of the people who do not have the benefit of the great sophistication that enjoys unique ferns and bogs.

I would like to tell you also a little bit about the House bill when it passed. I personally introduced a bill of 75,000 acres which was

far more than my constituents wanted. I introduced the bill for 75,000 acres because that was the amount that the Department of Interior was going to recommend.

I did not feel that anything more than the Department would recommend could possibly be justified, from a fiscal standpoint, or from a political standpoint, in my case. As it turned out I had a very difficult time justifying the 75,000 acres.

Then the Department which was prepared to recommend 75,000 acres had to come down to 68,000 from 75,000, under pressures of the Office of Management and Budget. However, I still felt that if there was any recreational redemption at all in the Big Thicket that it was along the Neches River.

I wanted something for my less enlightened constituents to enjoy. So I stuck with the 75,000. I was determined to go no higher. Through the months that ensued we, of course, reached an impasse and a deadlock.

I think that Congressman Eckhardt who in the House has long been the leading advocate of the Big Thicket—

Senator BIBLE. He appeared before us at Beaumont.

Congressman WILSON. Whose environmental credentials are without question realized that if we were going to pass a bill in the House and we understood you said you were not going to pass one over here until we did, we—

Senator BIBLE. That is exactly what I said.

Congressman WILSON. I am glad I understood correctly. Then Congressman Eckhardt and I understood, although we were quite emotional about our positions, we both understood that perhaps the public good would be better served if we would make some effort to reach some kind of compromise.

This was very difficult for both of us. In addition to that, it was extremely difficult for us to understand—

Senator BIBLE. Would you carve out your district for me—is the Big Thicket completely in your district?

Congressman WILSON. The Big Thicket is completely in my district, which makes very little difference to some of my colleagues, except for that small—

Senator BIBLE. Where is Jack Brooks' district?

Congressman WILSON. He has this little strip along Pine Island Bayou and Congressman Brooks is completely in support of an 84,000-acre compromise as were 21 of the 24-member Texas delegation in the House.

Now, to continue the history of the compromise a little bit. Included in the compromise were several of the more influential heads of the environmental groups and several of the groups who had been the strongest advocates for the Big Thicket.

They, too, represented that they understood the necessity for a compromise, that if we did not do something probably no bill would come out of the House committee. And if a bill did come out it would more likely be my bill than the 100,000-acre bill.

So we all got together in a spirit of harmony and got the 84,000-acre bill through the Interior Committee. We added 550 acres, making 84,500 that was not controversial. We were then able, because we were all in agreement, to put it on the suspension calendar in the House

which I, of course, easily could have defeated that move since it took two-thirds if I so desired.

Senator BIBLE. But you were for the bill.

Congressman WILSON. At that time, yes. Because we had the very reluctant agreement of some of the larger landowners. We had the apparently rather enthusiastic agreement of the environmentalists, and I felt it was in the public interest to go ahead and do it.

The ink was not dry on the Speaker's signature on the House-passed bill until all of those in the environmental field who had been a party to this agreement immediately denounced the bill as being too small, and suddenly attached themselves to the Village Creek Corridor as being the single, most important part of the Big Thicket.

And that the House had created a horrible sin against mankind in leaving it out, the very people who had participated in the compromise. The Village Creek Corridor, or the Sandylands, which have been made so much of and will be made so much of in the next 2 days.

In the House committee, Mr. Chairman, I want you to remember this, if you remember nothing else about what I say. In the House committee this amendment was offered by Congressman Steelman and was defeated 19 to 1 by the committee. It is absolutely unnegotiable, as far as the people of Hardin County are concerned. It is a great symbol that some concession will be made to the citizens who live in the district.

There are going to be three or four people here today who will dispute my analysis of the public opinion and the feeling of my constituents. But I would like to point out, and I think you will understand this, that in the Democratic primary, which is the only serious elective contest in east Texas, happily, that in the Democratic primary in this county against four opponents, I received 82 percent of the vote in Hardin County.

Happily, this time I do not have an opponent.

Senator BIBLE. Is the filing date passed?

Congressman WILSON. Yes, sir. Yesterday. I accept congratulations.

Senator BIBLE. Well, I will congratulate you, then. Those are the easiest elections.

Congressman WILSON. So I think you can't say that I am without credentials to estimate the opinion of the people who have elected me to represent them. They feel, and I think you will hear some of this testimony, the House testimony was very strong, because many of them at that time and they are not people of wealth, or people to whom airplane tickets come easily, but many of them pooled their resources.

I was able to borrow a DC-3 and help many of them come up. There was a vast number of them, and the intensity and sincerity of their committee was very impressive to the House committee. I do not think there are many of them here today because they can only make a trip like that once a year or every 10 years.

But they feel very much that the Federal Government has very little concern for their feelings. They are a small county in the light of representing an entire State, such as Senator Yarborough so ably did and as Senator Tower does and as Senator Bentsen so ably does.

Their voices are sometimes a little diluted. But for those of us who primarily represent them, who represent them in the commissioner's court, who are their sheriffs, who are their county judges, who are

their State senators, who are their State representatives, and who are their Congressmen, their voices are, indeed, important.

And we find in our own minds great resentment to the arrogance with which they are treated by their big city cousins.

Senator BIBLE. I suppose that is true anywhere in the U.S.A. That is true in my own State.

Congressman WILSON. It may be true, but it is certainly nothing that I like or will ever become used to.

Senator BIBLE. I understand. But it is a fact of life, I think it really is.

Congressman WILSON. Yes, sir. Now the attitude of some of the advocates is one of total contempt for these people. They simply do not know what they should have and what is good for them.

It is now focused on Village Creek Corridor. I want to point out to you that in neither Senate bill that was introduced in the Senate this year was that corridor specifically included. The corridor that runs from here to here.

Senator Bentsen's bill allowed the Department of Interior to decide what areas should be included. No Department of Interior recommendation that has ever been made has that Village Creek Corridor included.

Senator BIBLE. I think he took pretty much the same position this morning.

Congressman WILSON. That is right. And Senator Tower's bill that was introduced this year and his past bill that has been introduced, at no time has the Village Creek Corridor been included. So why has it suddenly become important?

It has become important because that was the one thing insisted on and demanded by the Dallas and Houston environmentalists that was left out by the House-passed bill in a spirit of compromise.

Senator BIBLE. Is that in the House-passed bill now or is it not?

Congressman WILSON. It is not. Now, if we had left out the Turkey Creek unit the same group of people would have delivered impassioned testimony that the ecological crossroads of the United States confluenced the Turkey Creek. If we left out the Lance Rosier unit it would have been Lance Rosier.

If we left out the Big Sandy unit it would have been Big Sandy. And in other words, if they do not get every single inch they want, it is the end of the world.

Senator BIBLE. I have heard lots of park proposals so it will not be the first time they have taken this approach.

Congressman WILSON. I am sure, but because of the fact that my meager influence as a freshman Congressman in the House primarily existed in the House Interior Committee, because they, of course, do have a certain amount of regard for the feelings of the local Congressmen, I allowed myself to be outsmarted because I believed them when they said that we needed to get this bill passed now.

That in a spirit of compromise we would all give a little. And I think now that they smell blood and they feel that I was outsmarted and outmaneuvered, and now the Senate will pass the 100,000 acres although the Department of Interior has only recommended 68,000.

That they can all come here today and testify that it is absolutely useful and we should not even have a park if we cannot have the

Village Creek Corridor, and that they will eventually prevail. But I would advise caution to them. The Senate has not yet passed the bill. I do not think the House conferees are going to be inclined toward the essential bogs along the Big Sandy.

Then the House still would have to include such a conference report, so to all of those who are willing to jeopardize the entire Big Thicket proposal to which we are all committed, for this one area, which was never included in an Interior Department report, which was never included in a Senate bill, which was left out of the compromise that was certainly agreed to by Congressman Eckhardt who has been the leading House advocate and which is a great emotional and important symbol to the people who live in Hardin County.

And which is the only concession that has been made to the local citizens. Again, I would advise caution.

Thank you very much.

Senator BIBLE. You sounded a caveat there. I understand what you are saying very clearly, and we will hear everybody fairly and impartially and then make an independent judgment.

Congressman WILSON. Thank you, Senator.

Senator BIBLE. Thank you, Mr. Congressman. I can guess why you got elected unopposed. You are to be complimented. Are you the first one there that has ever been elected unopposed from your district?

Congressman WILSON. Oh, I think Congressman Dowdy was elected unopposed. We have had precedents for this.

Senator BIBLE. It is a good precedent, if you happen to be on the winning side. Tell me this. Isn't this the general area from which Gov. Price Daniel and U.S. Senator Price Daniel comes?

Congressman WILSON. Yes. It is the general area. It is adjoining counties.

Senator BIBLE. Refresh my memory. What county is that?

Congressman WILSON. Liberty County.

Senator BIBLE. How far is Liberty from Big Thicket.

Congressman WILSON. It is an adjoining county. This is Liberty County right here and this is Hardin County right here, and the House-passed bill part of it goes through Governor Daniel's home county.

I might also add that his son is now the Speaker of the Texas House of Representatives and president of the constitutional convention in Austin.

Senator BIBLE. Is he a justice in the State Supreme Court of Texas?

Congressman WILSON. Yes, sir. He is associate justice on the State supreme court.

Senator BIBLE. He was an advocate of this in the last bill that appeared before Congress. He appeared here and in Baltimore. Thank you very much, Mr. Congressman. You are welcome to stay and hear all of the testimony. And I do appreciate your coming here today. Thank you.

[The prepared statement of Congressman Wilson follows:]

STATEMENT OF HON. CHARLES WILSON, A U.S. REPRESENTATIVE FROM THE STATE OF TEXAS

Mr. Chairman and members of the committee: I will be brief and make an effort to be calm. As most of you know, the entire boundaries of every Big Thicket Park proposal lie in my District with the exception of one creek bank

which is in Congressman Brooks' District. In the year that I have been in Congress this matter has required a major portion of my attention, probably to the detriment of other items of importance.

In my efforts to arrive at a reasoned and equitable proposal I have met on several occasions with environmental groups, held public meetings with the small landowners and homeowners, and met several times with representatives of the timber industry. Additionally, I have spent a great deal of time with the Department of Interior as well as organized labor and other interested parties.

As you can well imagine there is great emotional disagreement, as is probably the case with most new national parks or preserves. The vast majority of the local people whom I represent want no park larger than 35,500 acres which was the original recommendation of the Department of Interior. Many of them want no park at all. In the course of this testimony you will probably hear this assessment disputed, but I hope that you will give my judgment some weight in light of the fact that I estimated public opinion in the county principally involved well enough to receive 79 percent of the vote in the Democratic Primary in a field of five.

I do believe that the wishes of the people most affected are due some consideration by you. On the other side are the environmental groups who advocate no less than 100,000 acres. I have regard and respect for this viewpoint, but I strongly believe it to be excessive and without justification.

The original legislation introduced by me was for 75,000 acres and was the same as the Department of Interior's recommendations with the exception of the streambed corridors. According to the Department, the approximately 68,000 acres recommended is all that can be ecologically justified; it is all that is needed for the protection of that which is biologically unique, and the Department's recommendation is the result of many years diligent study. It is the only authoritative study we have which makes any claim to be impartial. As I understand it, the Department would have included the streambed corridors but were told by the Office of Management and Budget that scientific justification is the only acceptable justification, as opposed to recreational useage as with the corridors. However, the corridors would provide something in the preserve for those of us who are not quite as sophisticated as our urban brothers. I cannot think of a greater outrage than spending 60 to 70 million dollars on a project of very narrow appeal without adding something for the general public to enjoy.

H.R. 11546, which is the bill developed by my colleagues and myself and passed without opposition in the House, is a compromise between those who wanted a small preserve of no more than 68,000 acres and those supporting a preserve of 100,000 acres. The 68,000 acre proposal included no corridors and the 100,000 acre bills provided for the acquisition of some highly controversial corridors. Even the bill which was passed in the House of Representatives encompasses land with expensive homesites. To expand the preserve further and include such areas as Big Sandy Creek and Village Creek corridors would disrupt many existing homeowners and increase the cost to such a degree that the preserve might never be established.

The bill passed by the House limits the amounts authorized to be appropriated to \$63,812,000 for land acquisition and \$7,000,000 for development. In my view, this figure is conservative. The money is important for two reasons. The first being, of course, all of our concern about the large budget deficits and inflation. Secondly, it is important because of priorities. In my District there are three huge impoundments—Sam Rayburn, Toledo Bend, and Lake Livingstone. Every weekend in the late summer and fall working people from Beaumont and Houston, as well as my own District, are turned away because of the lack of roads and developed camping facilities. Certainly if federal dollars in excess of the 60 to 70 million are to be spent by the Park Service in East Texas, they should be spent on wholesome recreation potential for the working families of the entire area rather than on excessive biological preserve acreage which will be enjoyed by a very narrow academic clientele.

For twelve years in the State Legislature I maintained a perfect environmental voting record as determined by Texas environmental groups. I believe this bill extends that record. In my mind, I have given the benefit of every doubt in this instance to the environmental position. My instincts tell me that 84,550 acres are too many for this biological preserve, but recognizing and respecting the positions of my colleagues, I introduced and fully support the bill which we passed to the Senate. I again emphasize that this preserve lies almost wholly within my District. I am the one who must answer to those who are displaced from their family homesteads. I am the one who must answer to the labor unions who feel

that their jobs may be jeopardized. I am the one accountable to every civic club and every Chamber of Commerce in the area which is on record as favoring no more than 35,500 acres. Nevertheless, I have accepted the inevitable political damage accompanying support of the recommendations of the Department of Interior and my colleagues, and I do so enthusiastically. I hope in your deliberations you will put yourselves in my place and consider what your attitude would be if the Big Thicket was in your District, as it is in mine.

Thank you.

Senator BIBLE. The next witness will be the Honorable Ralph W. Yarborough, former U.S. Senator from Austin, Tex. I guess he is the first man who ever talked to me about the Big Thicket and he has been talking to me ever since. Go right ahead.

**STATEMENT OF HON. RALPH W. YARBOROUGH, FORMER U.S.  
SENATOR FROM THE STATE OF TEXAS**

Senator YARBOROUGH. Thank you, Mr. Chairman, and we are tremendously grateful for your patience and consideration. The fact that you went to Texas, held a hearing there, not only held a hearing but flew over the Big Thicket in a helicopter, landed, viewed it, went over part of it, and walked over a lot of it and know a great deal about it.

Senator BIBLE. I think I have a little feel for the area.

Senator YARBOROUGH. You know more about it than many people who speak for or against it. We appreciate very much that the chairman has set this hearing so early after the reconvening of Congress, the 21st of January, following the recess. And, shortly after, the passage of this bill in the House late in 1973. Mr. Chairman, the chairman has heard me a number of times, so I will make my statement very brief. In fact I have it written out here, and it is only half as long as the one we used in the House last July, in the interest of time.

I want to say this. The action of this chairman is appreciated not only by the few witnesses here but by the many thousands of people who have worked over the years for the creation of a Big Thicket National Park or Biological Reserve.

Mr. Chairman, just to illustrate the interest in eastern Texas, a book was printed last year by the University of Texas Press, "Impressions of the Big Thicket," with some paintings by Dr. Frary.

This book sells for \$17.50 and the University Press does not have the means of exploiting the book like the big book publishers of the country. Despite that fact, a month ago the director of the University Press told me that it had already sold over 3,000 copies of this book at \$17.50.

There is not a great market down there for art books, generally. There are just paintings of the Big Thicket. It has done so largely because of the fears of the people of east Texas that the Big Thicket will be destroyed, and it is being destroyed and destroyed very rapidly.

I want to say again that I disagree wholly with Congressman Wilson that he was the only one interested in this area. My people have lived in the Neches River watershed for 125 years. I was reared a little distance from the Neches, north of the Big Thicket.

If you will pardon a personal reference to my own campaigns, out of the 254 counties in Texas in one campaign or another I have been fortunate enough to receive, at different times in different counties, a majority and 249 of those 254.



But the only two counties I have ever carried in every campaign has been Henderson, my native county, and Hardin County, the county in which the bulk of the Big Thicket lies. Hardin gave me a majority both in 1970 when I failed to come back to the Senate, and in my last campaign in 1972.

When I started it was very strong, and my introduction to this Big Thicket bill was greeted with great hope in that country. It is true that has changed due to the propaganda of the lumber companies down there.

The agents infest the whole area. They have gone in and told people that if this bill passed their homes will be taken. But if you cut the lumber on it now, if you spoil it, they will not put it in a national park.

That is one reason for legislative taking. People have great fear—have been told the land will be seized. The chairman will remember in the case of Padre Island they had people so frightened they thought the Army was coming in to take the land away from them for nothing, and they would be driven out of their homes.

I am not going into deal. There are here from Big Thicket on both sides of this. Much of the opposition has grown up, since my bill was entered, by the great fear, but the chairman knows after national parks have been established no one in the area of the national park has ever sought to disestablish that after that.

They are delighted that it came and that they have got it when they see the great benefit of a national park to the area. They are told schools will close. There will be no money and resulting development around has always aided the country, so they are relieved when it came.

Mr. Chairman, the fine hearing that the chairman held at Beaumont, we have a copy here—

Senator BIBLE. It will be filed for reference. We have it available to us.

Senator YARBOROUGH. We had this fine hearing held in the House last year for 2 days here in Washington, a large volume. If this committee doesn't have copies of that, I would like to file this for reference.

Senator BIBLE. We have copies of that, Senator, so it will be readily available to us.

Senator YARBOROUGH. I did wish to pursue this with all the diligence at my command. I left the Senate in 1970. I was asked why I waited until 1966 to introduce the bill because former U.S. Senator Price Daniel was Governor.

He lived at the edge of the Thicket and was reared there. His people have been there under a Spanish grant since 1824, I believe. He wanted to have it. He was Governor for 6 years, three terms, he urged the legislature to do something about it, but he couldn't overcome the influence of certain lumber interests in there against it.

When he left the governorship he wholeheartedly endorsed this national park bill. He told me he had given it up, and he said, "Ralph, I am for your bill now—"

Senator BIBLE. He so testified. I am aware of that. Unless he changed his mind. He was for it the last time it came up.

Senator YARBOROUGH. That is right. He went down with us and met with us in the park to tell the people at Liberty that he was for the

national park. He was a very strong advocate. As the chairman said, he is now on the Supreme Court of Texas.

I think there is great cause for encouragement now. At the time the bill was passed by the Senate in 1970 the then Congressman Dowdy said that he would use all of his influence to kill any bill that provided for anything more than a 35,000 acre monument.

Of course, a monument is what the name implies. You build a monument to something dead. We wanted a living park. I had people urge me, "Why don't you take that, Ralph. Then your name will be on there. You will be known as the man who introduced the bill that was passed." I said "I don't want my name on a bill that kills the national park idea." I refused, and despite Congressman Wilson's statement here, in effect, killing anything more than 84,000, I want to compliment him for agreeing to that 84,550 acre park, biological reserve.

It is two and a half times as big as anything his predecessor would ever agree to. I hope that he will think better of his recommendation. When I recall one of the most strong willed men in the history of the United States, Chief Justice John Marshall.

In his autobiography he told of sailing back from Europe where he had been Ambassador on a special mission on a sailing boat. On the way he thought over and over of his status. He was in his thirties. He had nothing. He had to do something for his family.

He then resolved to quit politics. He was a Whig, and they were not exactly in the majority. He would quit politics and never again hold public office. He wrote letters when he came in. He was on a sailing vessel, landed at Philadelphia, the main port of entry for the Southern half of the country for sailing vessels from Europe.

When he got to Philadelphia there was a delegation from his home district in Virginia asking him to run for Congress. They talked to him 3 or 4 days and got him in the race for Congress which got him in his great service to serve the Supreme Court.

I hope Congressman Wilson will not be more firmminded than Chief Justice John Marshall was and will listen to this coequal branch, the Senate, his colleagues in the House. After all, I am certain he would be influenced by the other 534 Members of the Congress, if they had strong feelings on it.

A great deal has been talked about for recreation. For recreation you have a bunch of horses out there and be riding all the time. You have to set up great fields of something.

I point out to the chairman, who knows more about national parks than any other Member of the Congress since the passing away of John Sailor and the defeat of Senator Aspinall, but with their departure, no one in the Congress knows as much about parks as this chairman.

You establish great things for people to see. Most of the people who go to the Grand Canyon don't ride the mules to the bottom. They stand at the rim and look. The fact that this is mainly things to see, rather than get out there and have great exercise like you have on Lake Sam Rayburn or Lake Toledo Bend, or water skiing or fishing.

That is not what a national park is supposed to be. I don't know exactly what a biological reserve is, Mr. Chairman, and I do not know if anybody else does. It is undefined. The Secretary of Interior says

we will issue hunting permits. Hunting permits in this fragile environment where the endangered species, the red cockaded woodpecker, the Texas red wolf almost gone.

Hunting permits is a death warrant to some endangered species.

Senator BIBLE. You are opposed to the hunting section?

Senator YARBOROUGH. Yes, sir. These are just little narrow corridors and the animals need some breeding grounds, Mr. Chairman. If we open that up to hunting it means their death. That is one of the reasons for these endangered species. Now oil development has been mentioned.

Mr. Chairman, I am taking this up with the railroad commission of Texas, which is the oil regulatory agency in Texas. They said if we discovered more oil we don't think there ever will be, because they had a big field in 1960.

It was explored early. Some of the earliest oilfields in Texas, we do not think there will ever be any more oil development. But if there is with the size of this area, they have written the official letters with slant hole drilling.

You wouldn't have to drill a well any more in this. We can build a slant hole drilling and drill all the oil out. There would be no lost oil and they are not worried about that. So I want to point out this effort to frighten the people has been the main reason why people are frightened. They have been scared by these tales put out by the lumber companies.

I have here a map, Mr. Chairman, that I ask to introduce in evidence. It is a map of Texas. I have outlined in red the 34 lumber-producing counties in east Texas.

Senator BIBLE. We are very happy to have that adopted by reference.

Senator YARBOROUGH. I would like to offer, in addition to that map, this reprint from the Texas Almanac of 1974-75. It shows of those 34 counties, deleting Jefferson, Beaumont, Port Arthur, Harris, Houston, and Chamberlain, deleting those six, the 34 east Texas counties, in those counties 65 percent of all the land is in commercial timber production.

It is not lumber. It is pulp. Pine, mainly. In these counties where the Big Thicket lies, Tyler County, 94 percent in commercial lumber. The other counties there, Jasper County, 98 percent, and Hardin County is 87.6 percent.

Mr. Chairman, there are just enough areas left now in those commercial pine plantations for the county seats, the railroads, the roads, and these little remaining stream corridors that they want to destroy because they do not want people in there for recreation purposes.

They talk about no recreation and they do not want people in there. These maps of the area all are different proposals of the park, are little corridors along streams to let natural life have a chance to migrate, flow back and forth, and exist.

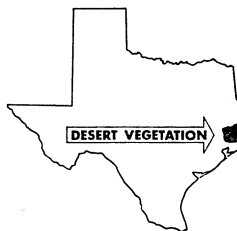
Senator BIBLE. Each of your exhibits can be made a part of the record.

Senator YARBOROUGH. I ask that these exhibits be placed in the record.

Senator BIBLE. They will be included in the record.

[The exhibits referred to above follow:]

## SANDYLAND-PONDS UNIT 16,000 ACRES



### BIG THICKET: BIOLOGICAL CROSSROADS

An influx of desert plants from the arid Southwest completes a biological crossroads at the Thicket.

The Sandyland-Ponds Unit contains the best examples of this arid sandyland plant association. Bluejack oak, yucca, and prickly pear cactus are the dominant vegetation. Over 340 desert wildflower species thrive here.

Grass ponds stand in clay pockets between the sandyland deposits. These marshes are filled with sedges and water lilies. They support a wide variety of aquatic life, including alligator.

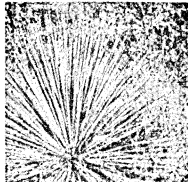
Several cutoff lakes, ranging in age over thousands of years, represent every stage of ecological succession from recently abandoned stream channel to closed acid bog. These mark the ancient stream bed of Village Creek and contain 24 species of clam, and other fresh water life.

No homes are located in this Unit.

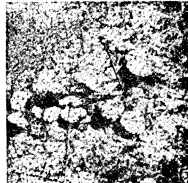
Bluejack Oak



Yucca



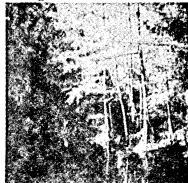
Cactus



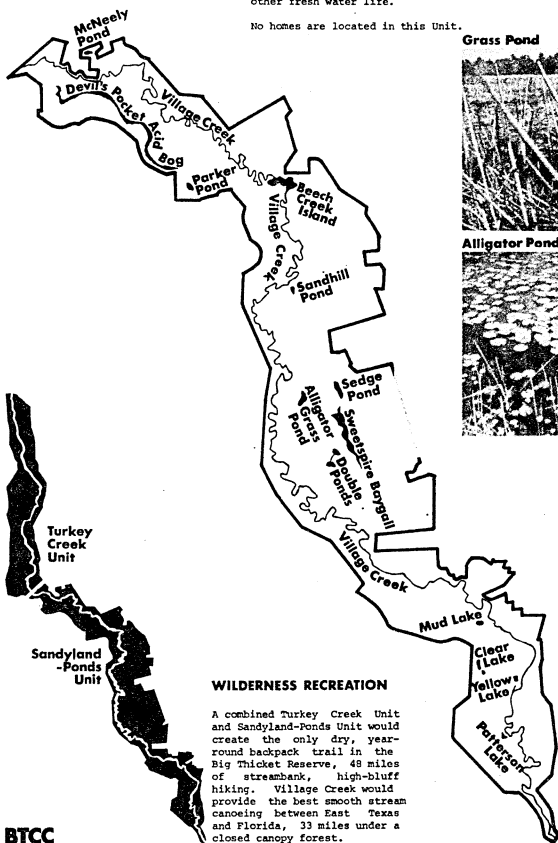
Desert Flowers



Village Creek



Cutoff Lake



Grass Pond



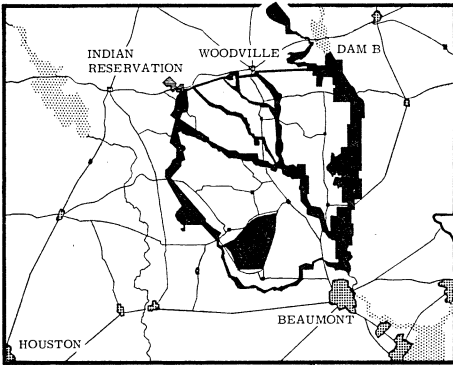
Alligator Pond



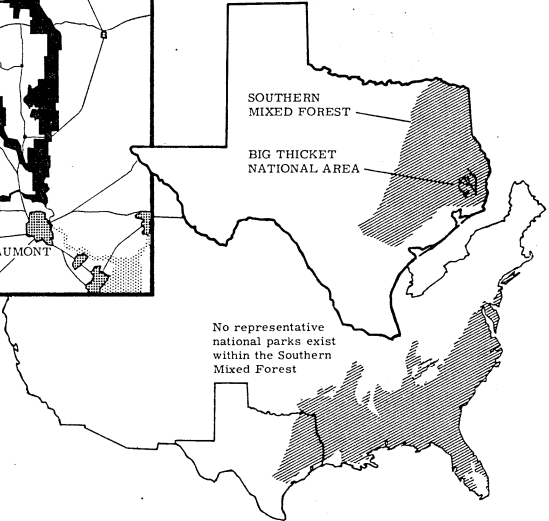
BTCC

### WILDERNESS RECREATION

A combined Turkey Creek Unit and Sandyland-Ponds Unit would create the only dry, year-round backpack trail in the Big Thicket Reserve, 48 miles of streambank, high-bluff hiking. Village Creek would provide the best smooth stream canoeing between East Texas and Florida, 33 miles under a closed canopy forest.



**A 300,000-acre National Area is necessary to preserve the Big Thicket**

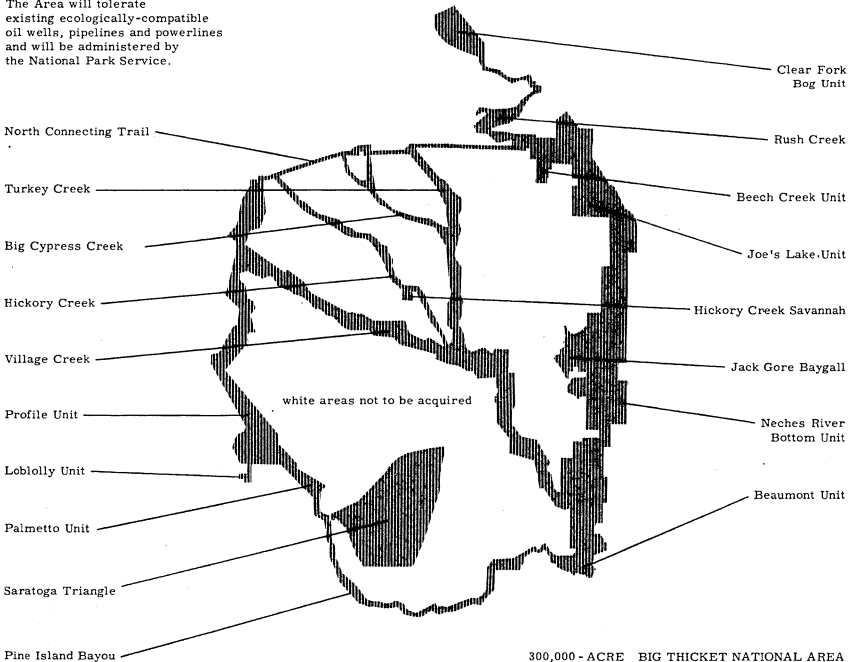


On December 13, 1970, the Big Thicket Coordinating Committee, a coalition of national and local conservation and civic organizations, adopted this 300,000-acre National Area proposal.

Preservation is based upon ecologically-diverse and unique areas, interconnected by waterways and scenic trails.

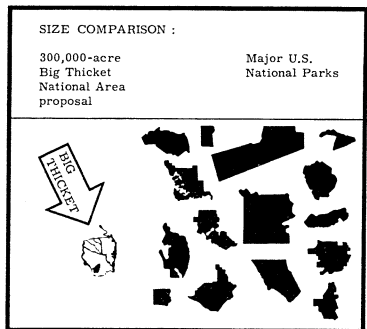
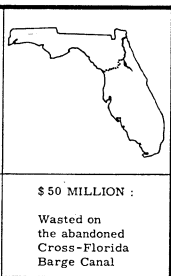
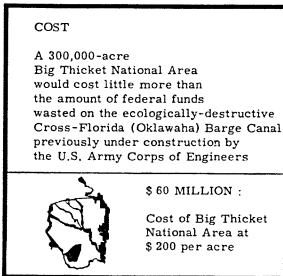
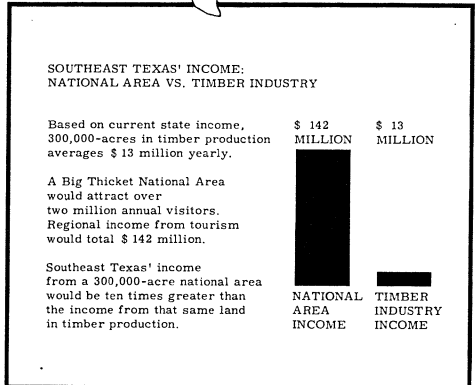
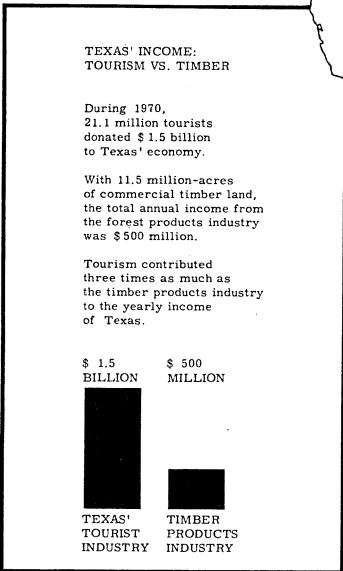
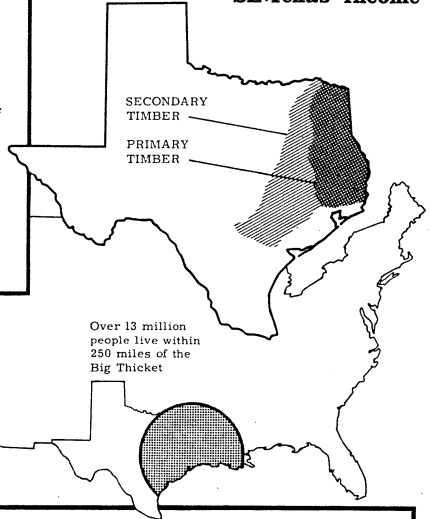
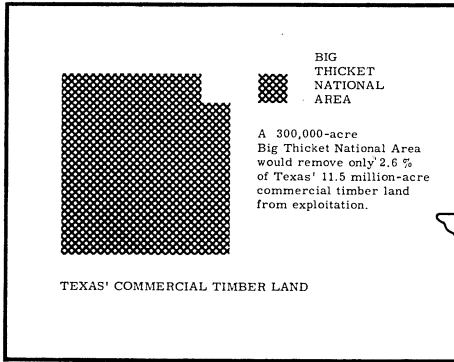
For maximum conservation, all concessions will be provided outside the National Area by private enterprise and the number of internal roads will be strictly limited.

The Area will tolerate existing ecologically-compatible oil wells, pipelines and powerlines and will be administered by the National Park Service.



300,000 - ACRE BIG THICKET NATIONAL AREA

**A Big Thicket National Area would increase SE Texas' income**



**Texas' Big Thicket is ecologically unique**

This biological crossroads is a transition area between the moist eastern woodlands, the arid southwest, the tropical coastal marsh, and the central prairie.

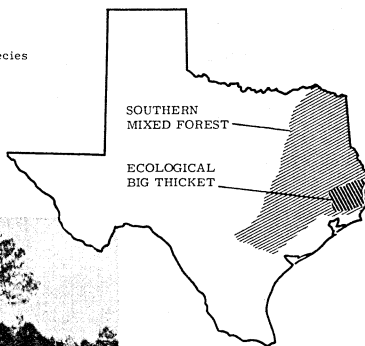
Its sixty-inch annual rainfall provides for a unique density, size and variety of plants and animals.

Over 300 bird species (shown in silhouette)

Over 200 tree and shrub species (several world champions)

40 wild orchid species

9 carnivorous plant species



STREAM BOTTOM HARDWOOD



PRAIRIE



WETLAND PINE SAVANNAH



PALMETTO FLATS

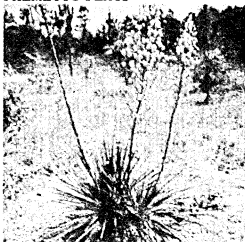
THE EIGHT MAJOR BIG THICKET PLANT COMMUNITIES



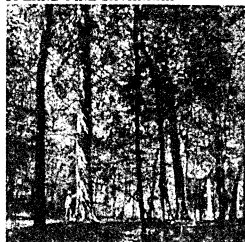
UPLAND PINE SAVANNAH



ACID BOG - BAYGALL

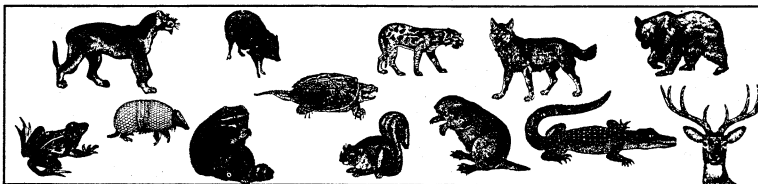


ARID SANDLAND



BEECH - MAGNOLIA - LOBLOLLY

POTENTIAL NATURAL ZOOLOGY



**How the Texas timber industry totally destroys the Big Thicket ecosystem**



STEP 1: CLEAR CUTTING NATURAL FOREST



STEP 2: DRAINED, BURNED & PLOWED

Texas has no federal public domain. All the Big Thicket is privately owned, mostly by six large timber companies. Under this industry's "new forests" program, natural areas of vegetation and wildlife are being converted into pulp pine plantations at the present rate of 100 acres per day. These genetically-artificial monocultures are biological deserts, representing a complete breakdown in the natural chain.



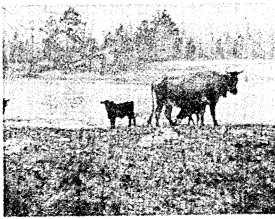
STEP 3: PULP PINE PLANTATION, BIOLOGICAL DESERT

**Texas provides no protection** Texas State Parks and Wildlife has no plans nor funds for Big Thicket preservation

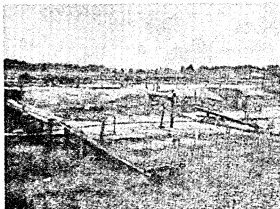
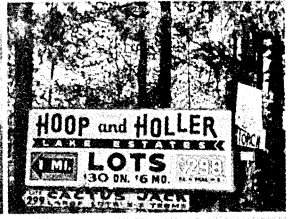
OIL POLLUTION



DOMESTIC OVERGRAZING



REAL ESTATE DEVELOPMENT



INDUSTRIAL ENCROACHMENT



250 YEAR OLD OAK



CULTIVATION & IRRIGATION FOR RICE



owners in Texas to conduct an intensive program of research on forest pests. A 250-acre experimental forest and laboratory are located near Sour Lake, Hardin County. Current research is directed at the Southern pine-bark beetle. The Texas Forest Pest Law of 1963 authorizes the Texas Forest Service to control forest pests if the landowner is unable or unwilling to do so.

Organized fire protection is provided by the Texas Forest Service with financial assistance from the federal government and from some landowners. Texas first qualified for federal assistance in protection against forest fires in 1916. A division of forest protection, now the Forest Fire Control Department, was established at Lukin in 1925.

From 1925 through 1969, 134,104 forest fires were reported and suppressed in East Texas. In 1969, 2,519 fires burned 30,601 acres, averaging 12 acres per fire. For the past 10 years, the acreage burned annually has averaged 0.3 per cent of the area protected.

Causes of the 2,519 fires in 1969 were: Debris burning, 40 per cent; smokers, 17 per cent; incendiary, 19 per cent; lightning, 0.8 per cent; campfires, 7 per cent; machine use, 6 per cent, and miscellaneous, 10 per cent.

Total area of private lands receiving forest fire protection by the Texas Forest Service in 1969 was 10,605,707 acres.

**Tree Seedlings For Reforestation**

Pine seedlings are required for reforestation where natural seeding is delayed or unavailable. The Indian Mound Nursery, near Slaton, Cherokee County, with an area of 72 acres, has a capacity of 22 million pine seedlings annually. Seedlings produced at this nursery are sold at cost of production. Applications for seedlings are made to the Texas Forest Service, county agricultural agents, and Soil Conservation Service district supervisors. The Magnolia Springs Nursery near Kirbyville, Jasper County, has been converted into a pine seed orchard.

**State Forests**

The first state forest, now known as the E. O. Slocke State Forest in Newton County, was purchased by the state in 1924. It contains 1,722 acres of pine land. An additional 100 acres were added by a 99-year lease in 1946. The W. Goodrich Jones State Forest, south of Conroe in Montgomery County, containing 1,725 acres, was purchased in 1926. A 20-acre adjunct was given to the state in 1969.

The I. D. Fairchild State Forest was transferred from the State Prison System in 1925. An additional 536 acres were added to the original 2,350 acres in 1963 from the Texas State Hospitals and Special Schools. The smallest state forest in Texas, the John Henry Kirby State Forest of 626 acres, was donated by the late lumberman, John Henry Kirby,

**FOREST RESOURCES, BY COUNTIES**

Estimated land area and commercial forest by county, East Texas, 1970.

County—	All Land Commercial Forest		
	Acres	Acres	Per Cent
Anderson.....	682,900	396,900	58.1
Angelina.....	511,400	3,979,000	70.4
Bowie.....	577,900	300,900	52.1
Camp.....	121,600	53,200	43.8
Cass.....	608,000	383,400	63.1
Chambers.....	394,900	38,400	9.0
Cherokee.....	670,700	386,400	57.6
Franklin.....	187,500	74,400	39.7
Gregg.....	180,800	84,000	46.5
Hardin.....	574,800	501,600	87.6
Harris.....	1,105,300	185,000	16.7
Harrison.....	570,900	360,000	63.1
Houston.....	788,400	442,400	56.1
Jasper.....	600,400	541,800	90.2
Jefferson.....	604,800	54,400	9.0
L.berly.....	750,700	453,600	60.4
Marion.....	240,000	192,000	80.0
Montgomery.....	679,300	551,900	81.2
Morris.....	166,400	84,500	50.8
Nacogdoches.....	597,100	400,400	67.1
Newton.....	599,900	557,900	92.0
Orange.....	227,800	145,000	63.7
Patton.....	557,000	348,300	62.5
Polk.....	654,500	578,000	87.0
Red River.....	640,500	338,000	51.2
Rusk.....	601,300	303,800	50.5
Sabine.....	305,900	254,500	83.2
San Augustine.....	352,600	285,200	80.9
San Jacinto.....	360,000	288,800	80.2
Shelby.....	500,000	343,600	68.7
Smith.....	597,900	237,900	39.8
Titus.....	267,200	105,600	39.5
Trinity.....	437,100	340,600	77.9
Tyler.....	587,500	552,000	94.0
Upshur.....	375,100	220,000	58.7
Walker.....	497,900	356,300	71.6
Wood.....	461,800	226,800	49.1
All Counties.....	18,665,800	11,324,400	60.7



**Annual Cut of Growing Stock by Products East Texas—1969**

Product—	Total Softwoods Hardwoods		
	(Thousand Cubic Feet)		
Sawlogs.....	153,553	125,939	27,614
Veneer logs.....	28,804	24,881	3,923
Pulpwood.....	139,597	117,688	21,909
Piling.....	813	813	.....
Poles.....	4,500	4,500	.....
Posts.....	1,658	1,658	.....
Fuelwood.....	2,214	704	2,010
Miscellaneous.....	3,916	2,796	1,120
Total Cut.....	335,055	278,479	56,576
Logging Residues.....	51,070	26,177	24,893
Total Cut.....	386,125	304,656	81,469

**Estimated Volume of Standing Timber, Annual Growth and Annual Cut in East Texas Forests for Year 1969**

Species Group—	Growing Stock (Millions Cu. Ft.)	Annual Growth (Millions Cu. Ft.)	Annual Cut (Millions Cu. Ft.)	Cut as Per Cent of Growth
Hardwood.....	2,837.6	92.0	81.5	89
Total.....	10,014.2	534.1	386.2	72

**Creating forests for the future**

**Southland PAPER**

Senator YARBOROUGH. What they are proposing to put in those 15,000 acres they have stated on there not a single home in there. They have excluded the homes. Just put the steam beds to tie these units together. That is the area right in the middle.

If you cut it out there is hardly enough for these ecosystems to survive. So we have not only a park for that purpose, Mr. Chairman, we have the very survival of the ecosystems there.

What is left is being butchered very fast. In the summer when it dries up, since the hearings before you in 1970, they have had eight bulldozers at a time out in one area, bulldozing away. They are telling the landowners, "Go cut yours, too.

They have new contracts. Where they used to cut lumber the biggest and leave the others to grow, they have little fine print now, for clear-cutting. That leaves the scorched earth. Everything is taken away.

I have here a reprint of an article from Audubon Magazine from Edward Way Teale, Pulitzer Prize winner. He calls a spade a spade. He tells what companies. He prints pictures of it the way it is.

Senator BIBLE. Without objection, it will be included in the record.  
[The article follows:]

# THE DESTRUCTION OF THE BIG THICKET

## An Audubon Magazine Report

By EDWIN WAY TEALE

*Portfolio* by JIM BONES

This reprint of an outstanding article by one of the great nature writers of America, Edwin Way Teale, and a rising young Texas photographer, Jim Bones, from the Audubon Magazine of May, 1971, is timely now because of the bills to create a Big Thicket National Park, now pending before the House Interior and Insular Affairs Committee in Washington.

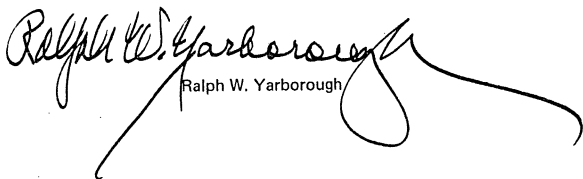
Edwin Way Teale, author of nature books that won him a Pulitzer Prize, tells of the beauties of The Big Thicket and its callous, systematic, and, I will add, planned destruction. Jim Bones graphically photographs it.

As the author of numerous Senate Bills, which I introduced in an effort to save The Big Thicket, I have obtained permission from the editors of Audubon to reproduce their stirring article.

We quote the closing paragraph:

"In this whole country — Alaska and Hawaii included — there is only one Big Thicket. If it is destroyed, an area unduplicated in America will be lost forever. We can rebuild an Empire State Building or an Eiffel Tower but not a Big Thicket. In the time that is left before all is gone, a time that is steadily decreasing, as much as possible should be preserved of this beautiful, vulnerable, unique, and irreplaceable remnant of the American wilderness."

Act now, before it is too late. Call on the Congress for action. Texas is about to lose its greatest ecological gem. Read the Teale-Bones article. Act — act now.



Ralph W. Yarborough

Austin, Texas  
Sept. 15, 1972

# Big Thicket

## CROSSROADS OF NATURE

story by EDWIN WAY TEALE

portfolio by JIM BONES

**A**S OUR LIGHT PLANE swung toward the sun its shadow curved in a great arc across the varied landscape below. It raced over brown bayous and cypress sloughs gray with Spanish moss, over the infinitely diversified greens of the forest, over backcountry roads of pale sand and red clay. In its swift advance, it traced a path across the heart of an area unlike any other in North America, a unique remnant of the original wilderness, the Big Thicket of East Texas.

North of Beaumont and just over the line from Louisiana, the Big Thicket once embraced an area of more than 3,000,000 acres. In a rough triangle, it extended across the basins of three rivers, the Sabine, the Neches, and the Trinity. Even as late as the 1930s, there remained nearly 1,000,000 acres. Today, after generations of exploitation and abuse, it has been reduced to hardly more than 300,000 acres, less than one-tenth its initial size. Yet this shrunken fragment of the great wilderness still contains green solitudes and untamed beauty and regions that are remote and mysterious, filled with contrast and surprise.

For the Big Thicket has well been called "The Biological Crossroads of North America." It is a meeting and mixing place for the fauna and flora of North and South, East and West. It contains, according to a National Park Service report, "elements common to the Florida Everglades, the Okefenokee Swamp, the Appalachians region, the Piedmont forests, and the open woodlands of the coastal plains."

Trees of the North, elm and beech, sugar maple and

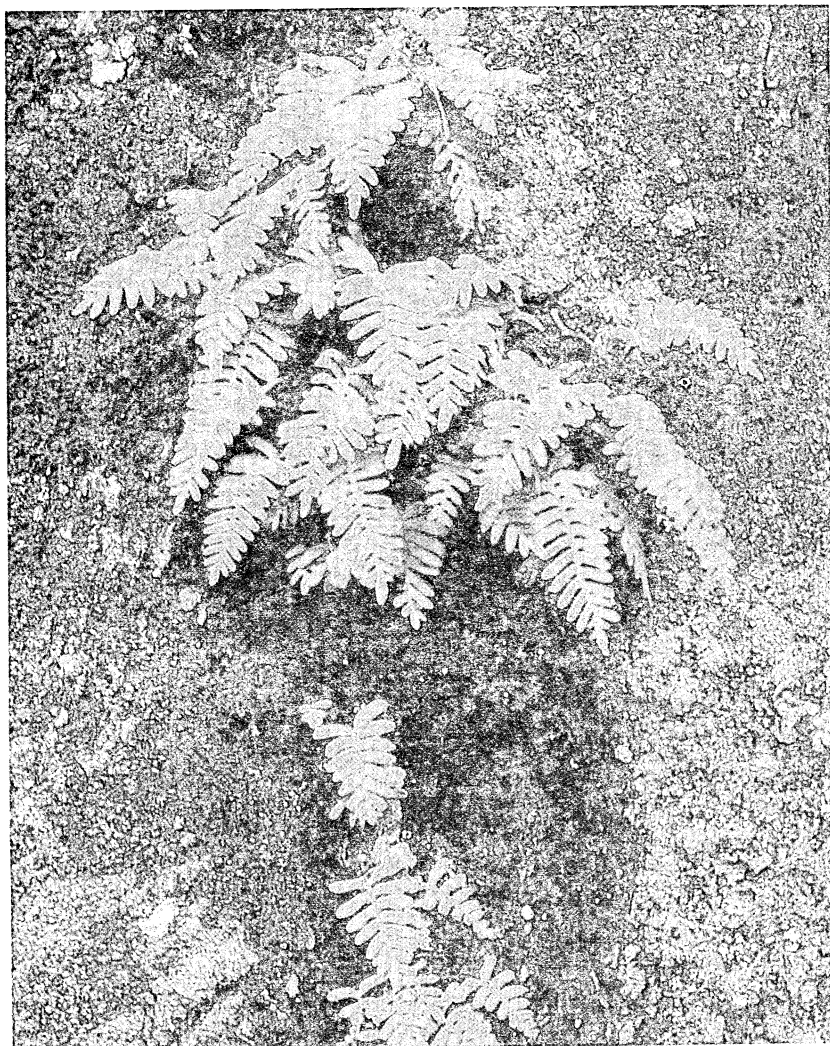
shagbark hickory, grow here as well as species of the South, cypress and magnolia, sparkleberry and two-wing silverbell. Deep sphagnum bogs, such as are characteristic of far-northern regions, are a feature of the area. Among the Big Thicket's twenty-six species of ferns are the sensitive fern, the royal fern, the New York fern, the Christmas fern, the ebony spleenwort, the cut-leaved grape fern, the cinnamon fern, and the bracken, all common to New England. Here you find the wood thrush, associated with damp northern forests, and the roadrunner, familiar to the dry desert country of the Southwest. Trillium, grass-of-Parnassus and Jack-in-the-pulpit bloom where also grow the western tumbleweed and mesquite, the palmetto, yucca, and several species of cactus.

On that spring morning of our aerial reconnaissance—at times flying high with the Thicket outspread below us and horizons far off, at other times slipping down for a nearer view in low-level flight—my wife, Nellie, and I ranged over all the amazing diversity of this land of orchids and will-o'-the-wisps and "wood rooters"—long-snouted hogs whose ancestors escaped into the wilderness generations ago. The first oil well in Texas was sunk in the Big Thicket in the 1860s. Pre-Civil War "dogtrot" cabins are still in use. And in its depths backwoods dwellers continue to embrace the culture of Elizabethan England.

On later days, for the better part of a week, we became acquainted with it on the ground, closeup, following its trails, its dirt roads, its bayous and streams. They  
(*Story continues on page 25*)







*Resurrection ferns on a magnolia trunk*

*Mossy cypress knees and rich, deep soil*







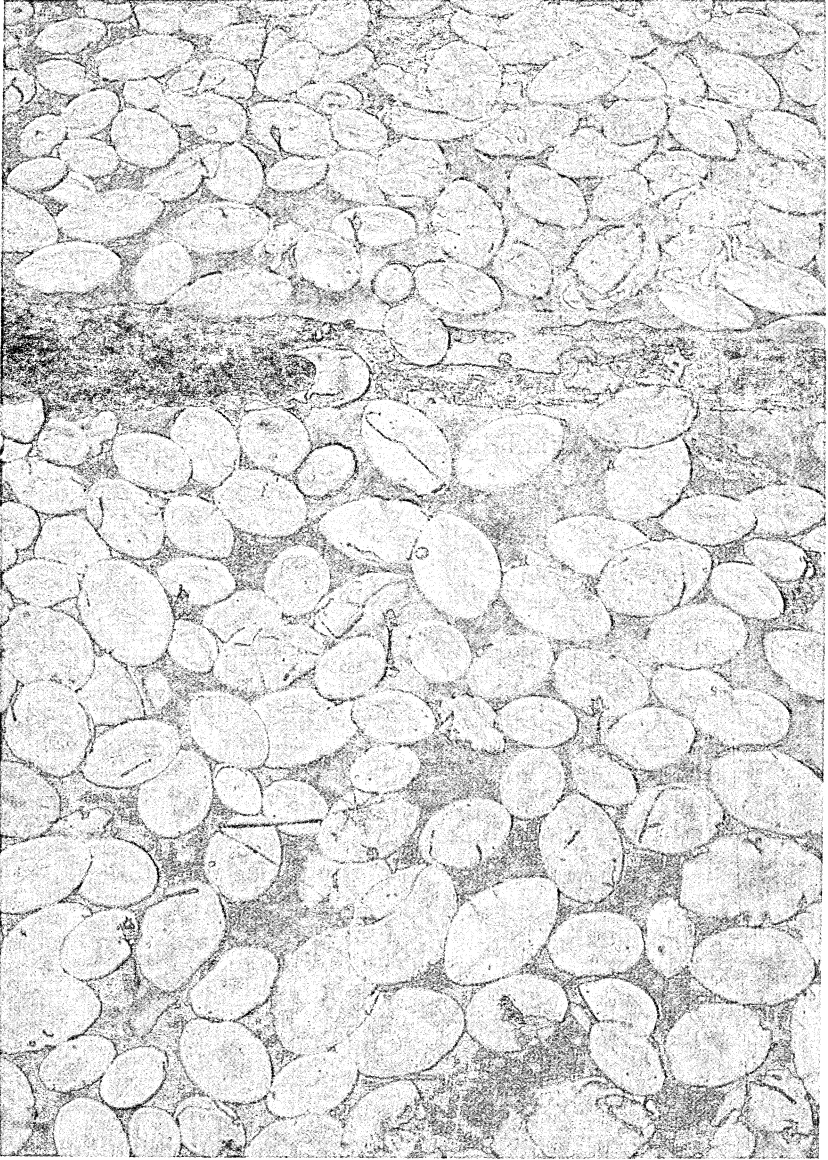
*The mirror of a Big Thicket bog*

*The erect fertile branches of clubmoss*



*Dawn's mist on Grass Lake*

*Water shield and a spider*



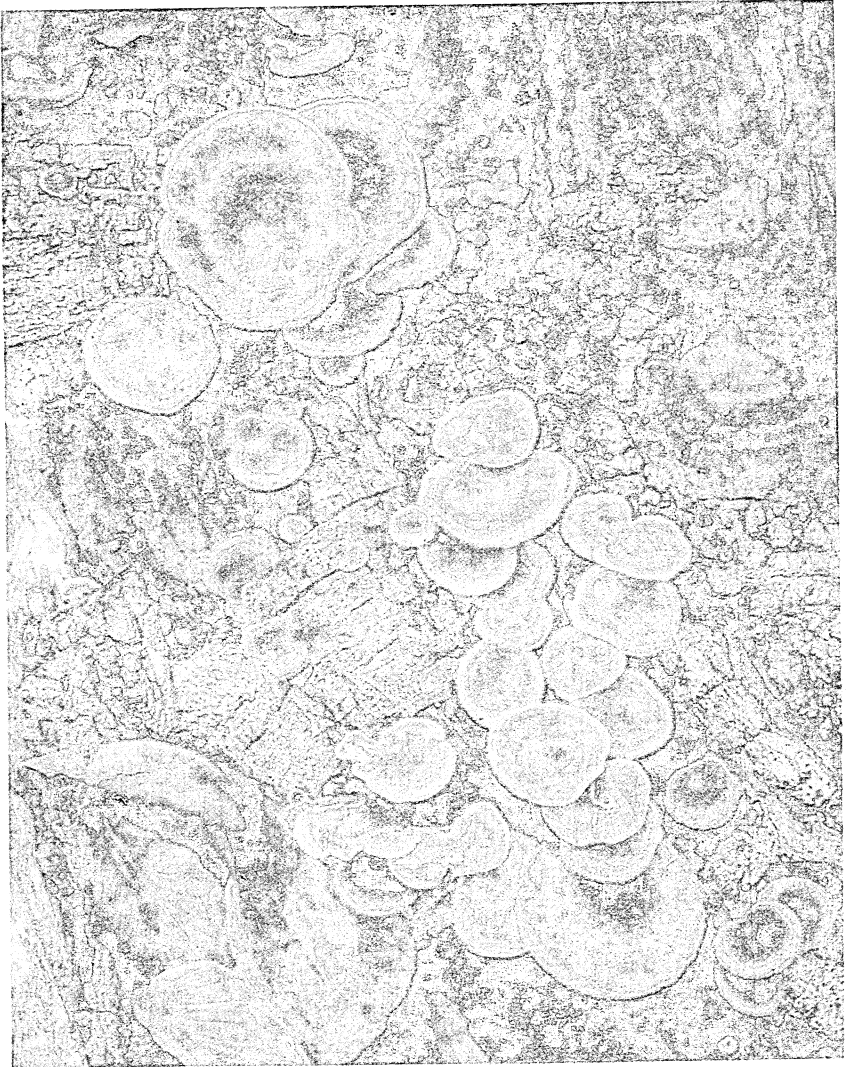




*Spent flowers of trumpet creeper*

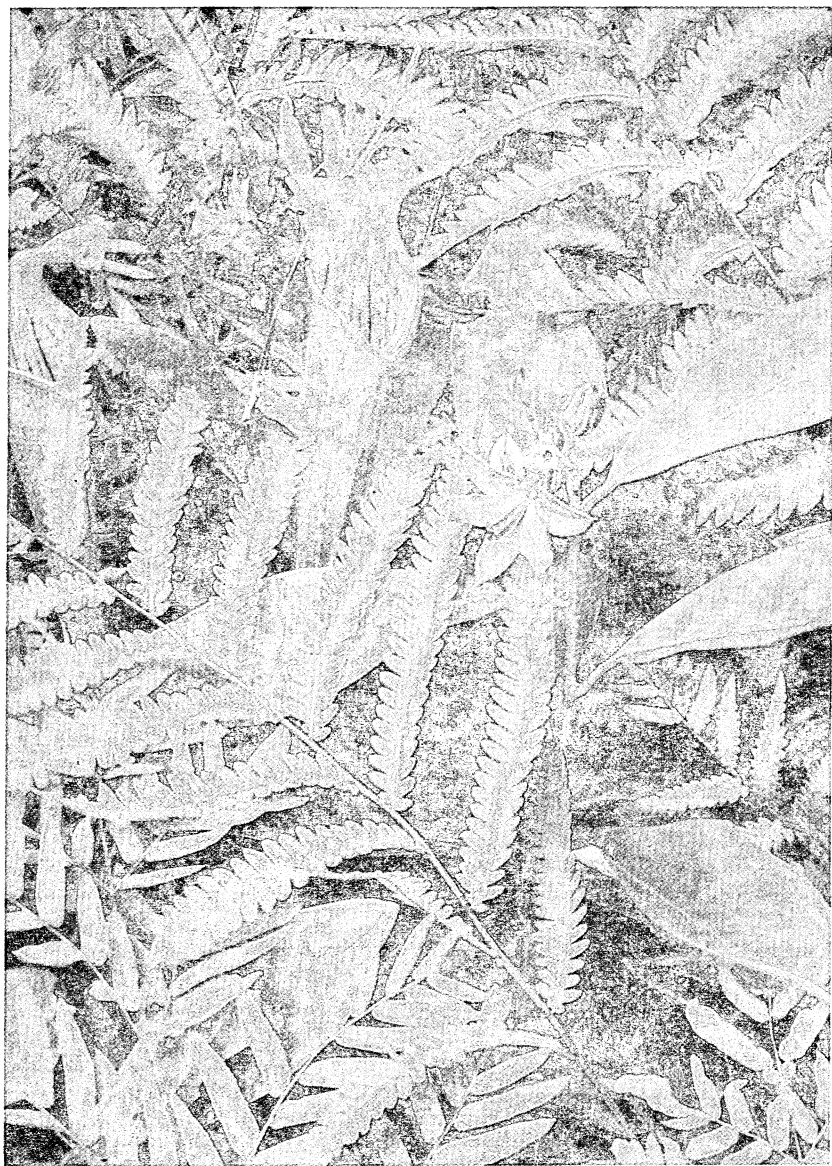
*The fallen bracts of dogwood*





*A beech stump and its fungi, hairy sterile*

*The new shoots of a pyramid magnolia*





*In a Big Thicket bog, a bouquet of the orchid called grass-pink; the insectivorous yellow trumpet, the only pitcher plant in Texas; and two closely related but quite dissimilar ferns, the cinamon and royal.*

carried us through a region of giant trees, champions of their kind. For the Big Thicket and its immediate vicinity contains not only the world's largest American holly and the world's highest cypress, but the world's largest red bay, yaupon, sweetleaf, planertree, black hickory, two-wing silverbell, sparkleberry, and eastern red cedar.

In all probability no other area of similar size in North America has so great a botanical diversity. Here are found four of America's five kinds of carnivorous plants and more than forty kinds of orchids and more than 1,000 kinds of fungi. Because many of the plants have reached the limit of their range, they tend to differ from others of their kind growing elsewhere. Such changes are sometimes sufficient to warrant classifying variant plants as new species. Botanists refer to an area of the kind where evolution is meeting the challenge of environment as "a region of critical speciation." As such the Big Thicket is of immense interest to science.

In spite of the great fascination of the area for scientists and nature observers in general, parts of it remain surprisingly unknown. Although it reaches almost to Beaumont and extends to within fifty miles of Houston, it is considered inaccessible and remote. Those who follow the few hardtop roads which traverse it see only commonplace second-growth woodland and keep asking: "Where is the Big Thicket?"

When old-timers speak of the Big Thicket they refer to the heart of this wilderness which is confined largely to the watershed of Pine Island Bayou. This is the traditional Big Thicket, the Big Thicket of ballad and legend. But there is a more modern concept—the ecological Big Thicket. This grew from the work of a survey team sent out in 1936 by the Texas Academy of Sciences. Its conclusion, based largely on indicator species of plants, was that the original area of more than 3,000,000 acres had possessed similar characteristics and similar plant and animal life. The wilderness, however, was never uniform. Different areas exhibit different conditions, elevations, types of soil, and amounts of water. Rather than one unique area, the Big Thicket is an assemblage of unique areas. Variety is the key word in considering the overall character of the region. Its habitats range from open beech woods of the higher land to the dense baygalls, swampy and low-lying.

Diaries dating from the early Spanish missions tell how all the trails skirted around the Big Thicket. Later, pioneers traveling west through the region were turned aside by this "impenetrable wood." Over a span of three centuries the Big Thicket provided a hideout, first for Indians and later for outlaws, runaway slaves, and army deserters. Sam Houston, during the Texas Revolution, planned, if he lost the Battle of San Jacinto, to disappear with his army into this wild sanctuary. In the time of the Civil War, whole families of Southern pacifists, who owned no slaves and refused to fight to preserve slavery, hid in the Big Thicket. Living largely on game and wild honey, they

took up stands on remote islands of higher ground deep in the lush and tangled vegetation.

Why is this growth so lush? What accounts for the unusual character of this particular portion of Texas?

Along its northern border runs a range of low hills. To the south of this ridge the Miocene rock slopes down to form a titanic basin filled to a depth of as much as 30,000 feet with rich soil, much of it deep, fine sandy loams deposited in the Pleistocene Period. The water table is high. Rainfall in the region is heavy, about sixty inches a year. The elevation of the land is low, between 100 and 400 feet above sea level. Winds from the Gulf maintain the moderate climate. The result is an area characterized by dense growth and an unusual variety of species.

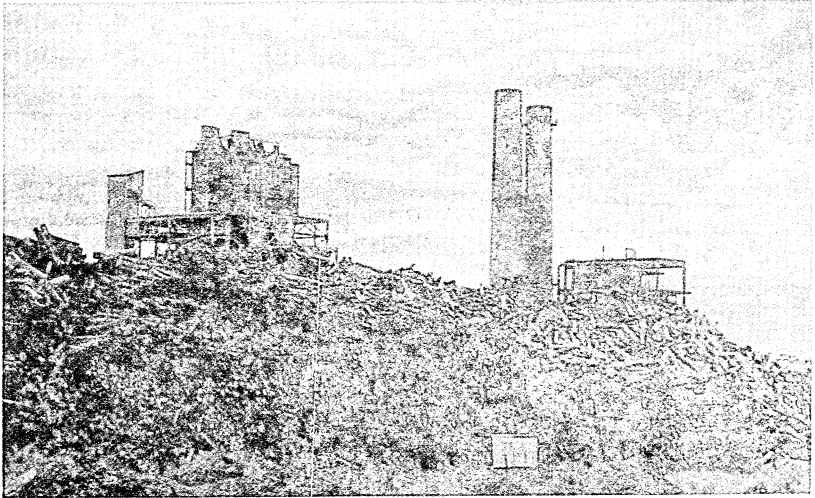
Among the innumerable wildflowers of the Big Thicket, more than 400 species have been studied while in bloom by the artist and botanist, Geraldine Watson, of Silsbee. Although she is only in her forties, Mrs. Watson's memory spans many of the changes that have overtaken the region. As a child, she recalls walking among the spring flowers of the open forests of longleaf pine near Woodville and later going that way and seeing only miles of blackened stumps left in the wake of lumbermen. With this knowledgeable and dedicated conservationist as our guide, we wandered day after day through the Big Thicket in its varied forms.

At times we found ourselves among palmettos that here grow high enough to hide a man on horseback. At other times we were in open woodland or among wet meadows dotted with the slender trumpets and yellow flowers of pitcher plants or in arid stretches where sand verbenas bloomed. Again we edged our way around dense baygalls, areas new to us, where sweet bay and gallberry holly are the dominant trees and where acid bogs are deep with sphagnum moss and cinnamon ferns lift six feet into the air. Most of these swampy, moccasin-haunted baygalls are surrounded by tangled vegetation, dense green walls of intertwining laurel-leaf smilax, poison ivy, and muscadine grape vines. They comprise some of the most impenetrable thickets of the Big Thicket.

One afternoon we followed a moist trail where "cut-ants" in a long procession were carrying bits of yaupon leaves to their nests. The trail ended at the top of an ancient plank stairway that dropped in an almost vertical descent. At the bottom of its fifty-six mossy steps we entered a secluded and magic place beside a forest stream.

Immense cypresses, sweet gums, and water tupelons lifted their tops far above a woodland floor blue with violets. Tree frogs called from among the resurrection ferns massed in the crotches and along the moss-covered limbs above us. This tract by Village Creek—a name derived from a long-ago Indian village on its bank—is one of the few, if not the only remaining fragment of the virgin forest. Often our path was white with the fallen bracts of flowering dogwood and the moist air was filled with a strange, sweet perfume; the fragrance of the tiny flowers of the holly trees. And all along the sunlit winding flow of Village Creek, from bushes and trees bordering its course, came the wild music of nesting songbirds.

For the Big Thicket is a meeting place for birds as well as for plants. The great Mississippi Flyway and the flyway along the Gulf Coast into Mexico intersect in its vicinity.



Smokestacks of the Eastex paper mill at Evadale tower over piles of hardwood logs and belch "the sweet smell of money."

Spring and fall, a host of migrants stream through, joining for a time the more than 300 species of resident birds. The latter include such rarities as the Swainson's warbler and the red-cockaded woodpecker. The ivory-billed woodpecker, given up for extinct by many ornithologists, has been reported here. Among the mammals, in remote portions of the Thicket the black bear and panther have made their last stands in eastern Texas. As late as the 1930s the jaguar and the Mexican ocelot were numbered among the inhabitants of the area. And here occasionally still is sighted the rare red wolf, a mammal close to extinction.

Fifteen hundred feet in the air, when we had flown down the Neches and were nearing Evadale, we had suddenly been enveloped in the sickish sweet stench of a vast pulp-paper mill. To local people this is "the sweet smell

*On his famous travels across the continent, following the American Seasons for the four books that earned him a Pulitzer Prize, Edwin Way Teale somehow missed the Big Thicket of Texas. He journeyed there recently on assignment for Audubon to tell the story of its wonders and its callous (and systematic) destruction. His most recent book is Springtime in Britain, and he is now working on the story of Trail Wood, his own sanctuary in northern Connecticut. Photographer Jim Bones is a young Texan who makes his national debut with this stunning essay for Audubon. His work promises the talents of an Eliot Porter or Bill Ratcliffe, and will be appearing frequently in these pages in the future.*

of money." This tells much about the attitude of the region. The main sources of employment here are associated with the destruction, rather than the preservation, of the Big Thicket. Most of the remaining acreage is in the possession of lumber companies—particularly such giants as the Kirby Lumber Company, owned almost entirely by the Atcheson, Topeka and Santa Fe Railroad, and the Southwest Timber Company, a division of Eastex, Inc., a subsidiary of Time, Inc. Many of the people of the region have become convinced that their welfare is dependent on maintaining the status quo, that any effort to preserve any substantial portion of the area is a threat to their livelihood and that any movement to halt the destruction of the Big Thicket would affect them adversely through lost jobs and raised taxes.

Let us consider taxes first. In the year before our visit, the timberland of the big corporations was valued at \$83.37 per acre in Hardin County, where figures are typical. The tax assessment rate was 20 percent, giving a tax assessment of \$16.68 per acre against which to apply a county tax of 42 cents per hundred dollars. At this rate, the total tax loss from removing even 65,000 acres from the tax rolls of the seven counties involved would average less than \$7,000 per county. This total, in counties where the budgets run in the millions, is an insignificant amount.

Even the favorable tax situation they had so long enjoyed was not enough to satisfy the timbermen. Last fall, before the 1970 elections, a heavily financed TV campaign urged at thirty-minute intervals the adoption of a constitutional amendment. It would have changed the

method of taxing so the timber corporations in East Texas would have paid taxes only on the production value of land being used. In a prevalent local method of harvesting, larger trees are cut out at intervals of about twenty years. All the rest of the time, between such harvesting, immense tracts of timber company land could have been tax-free. The blitz campaign failed and the amendment was defeated at the polls.

Ralph Nader, the consumer crusader, a few months ago, reported that millions of dollars had been lost to East Texas through special tax treatment for timber interests. As little as one-fifth the amount of taxes that should have been paid, based on market value in comparison to other properties, he pointed out, was being paid by timber companies of the area. Any loss of taxes resulting from setting aside part of the Big Thicket for all the people would be mere peanuts compared to what has been lost and is now being lost through special tax consideration for the large timber owners of the area.

As far as ultimate loss of jobs is concerned, innumerable instances have shown that, on the contrary, preserving the best of the remaining Big Thicket as a nationally protected area would bring to the region an income from tourism far greater than is derived from the present sources. And that income would be spread out to more people. It would provide more diversified forms of employment. The economy of the region would not rise and fall with one or two industries.

Such arguments have been used for years by the Big Thicket Association, whose membership has grown to more than 5,000. Ideas are slowly changing in the region and, as Justice William O. Douglas points out in his *Farewell to Texas*, there is hope that with increasing education "a new generation will realize the awful destruction

which the lumber companies, the oil companies, the real estate developers, the road builders and the poachers have wrecked on one of the loveliest areas with which God had blessed this nation."

We saw this loveliness from a new angle during the day we drifted down the winding miles of the upper Neches. This wilderness stream, with its chain of gleaming white sandbars that extend out from the inner curve of every loop of its serpentine advance, was to the Indians "The Snow River." You can float with its unpolluted flow for three days and never see a community of any kind. We came to no bridges. The only human being we encountered that day was a backwoodsman out with his horn calling a lost hound.

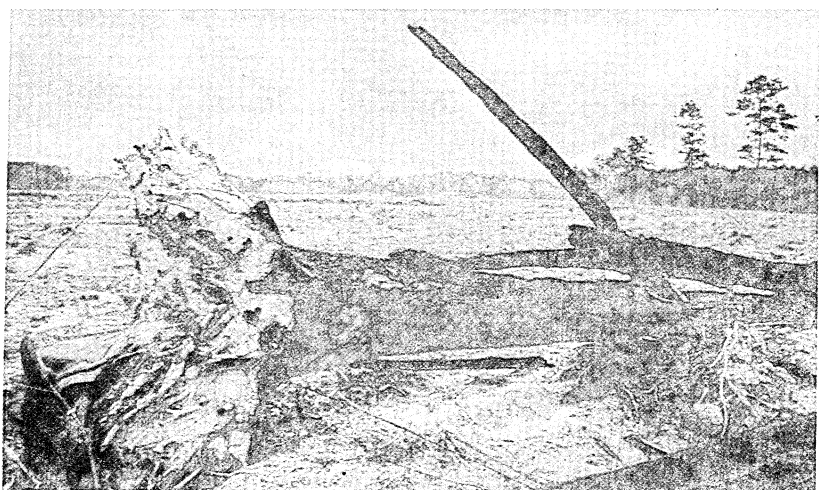
To reach the river at Timber Slough and launch our twelve-foot, flat-bottomed float boat, we bumped over eleven miles of dirt roads after we left the hard-top. When we pushed out into the current, I sat in the squared-off stern, Nellie sat in the middle, and Geraldine Watson, by paddling on either side of the narrowed, also squared-off bow, guided us around snags and fallen trees. In long arcs we swept around the curves on a current surprisingly strong for a stream so serpentine.

In high green walls, the Big Thicket pressed close on either hand. Often it was so dense our eyes could penetrate no more than a few feet. Vines clambered over the bushes or dangled from the trees—the heavy ropes of the muscadine grapes, the slenderer coils of the pepper vines and wild wisteria with massed blooms descending in cascades of purple. From time to time, over the river, from wall to wall, the white wings of common egrets and the slaty-blue wings of Louisiana herons passed in steady, silent flight.

We seemed a thousand miles from smoke and noise

*"The main sources of employment are associated with the destruction, rather than the preservation, of the Big Thicket."*





*"In the wake of immense machines that trample down, crush, and bury vegetation, only bare, cleared land remains . . ."*

and pollution. Each curve brought some fresh enjoyment. The most unexpected of them all, and the most ethereally beautiful, was the sudden appearance of a moth of the night, a pale-green luna. Shimmering and luminous in the backlighting of the midday sun, it fluttered above us over the river and into a clump of willows.

Except for the splash of leaping mullet and the plop of turtles dropping into the water from sunning-logs, almost the sum total of the sound we heard came from the spring music of the birds. For miles we were accompanied by the singing of prothonotary warblers. We could see them flitting from willow to willow along the sandbars. Back in the riverbottom forest we could hear the calling of pileated woodpeckers, the singing of parula warblers, tufted titmice, and white-eyed vireos. The Neches, that day, was a river of bird-song.

Sometimes only a foot of water—stained the color of tea by swamp leachings—lay beneath us as we skirted some bar of pure white sand. At other times, the depth increased to forty feet or more when we were carried by the river's flow close to the steep face of the outer bank where the current had scoured deeply. Along the lower reaches of the Neches, which Mrs. Cleve Bachman, of Beaumont, showed us on another day, the sandbars are gone and the wide, dark river, nearing sea level, mirrors the blue and yellow of wild iris and the massed white of spider lilies. But all along the upper stream, each curve brings its shining sandbar, some shaped like gigantic white clamshells, others like scimitars pointing downstream. When we pulled up on one at noon to eat our lunch, tiger beetles, glittering in metallic colors, darted

away ahead of us. And as we ate, a large dragonfly in a sudden swoop a dozen feet away snatched a painted lady butterfly from the air. Entomologists have hardly touched the fertile field of the Big Thicket. Everywhere we saw the richness of insect life. In fact, it is the emergence of insects of the evening, clouds of hungry mosquitoes, that reminds a visitor that the Big Thicket is not a paradise unalloyed. However, those who find in this remnant of the wilderness only "mud, moccasins, and mosquitoes" are missing much.

Often that day we had the sensation of drifting on the current in another century. But, as we rounded one wide curve, we were jerked back to the present literally with a bang. In quick succession, like two blasts of dynamite, the sonic boom of high-flying military planes struck us and reverberated over the river. We were back in the twentieth century. It had caught up with us even on this remote wilderness stream.

Toward the end of that day, I remember, we swung to shore from time to time and gathered handfuls of the fruit of the mayhaw hanging on bushes like tiny red apples. Drifting on, we enjoyed their tart, unfamiliar flavor, so prized in that famous dish of the Big Thicket, hot biscuits and mayhaw jelly. When at last we hauled our flat-bottomed boat out at a landing where another dirt road wandered out through the forest, we rested for a time, watching the river flow away downstream. That passing water would follow the windings of the Neches for a full two days more before it reached and passed the first community below us.

Such scenes as these come first to mind when I recall



BETH REGAN BRIDMAN

*"Pines, and nothing but pines, are permitted to grow. Herbicides, sprayed from copters, kill every hardwood seedling."*

the Big Thicket. But there are also memories of other surroundings, vastly different. We saw them from the air; we visited them on the ground—areas raw and wrecked by man's exploitation and abuse. The pressure of destruction increases yearly. Like spreading sores, bare, sterile patches—some as much as 500 acres in extent—stand out in the green landscape. They record where salt water, flowing from oil-drilling operations, has killed each stem and leaf and root. We passed through areas pockmarked with water-filled holes where pine stumps had been blasted from the ground for their turpentine. Oil pipelines crisscross the region, each gashing the width of its right-of-way. Land speculators are clearing choice sites to subdivide for small vacation homes. Drainage plans have been advanced that would alter the whole ecology of the region. And always across vast stretches first the axe and then the power saw have laid waste the forest. The Big Thicket, this irreplaceable sanctuary for rare species of plant and animal life, is shrinking in a destruction that, year by year, is speeded up through the newest advances of technology.

Probably the most serious threat the Big Thicket faces has developed in recent decades. This is the wiping out of the forest completely and replacing it with pine plantations. These regimented rows of trees, largely slash pine, grow rapidly and produce greater income for the forest products industry. In the wake of immense machines that trample down, crush, and bury vegetation several feet beneath the ground, only bare, cleared land remains. Here pines, and nothing but pines, are permitted to grow. Herbicides sprayed from helicopters kill every hardwood

seedling, chemicals are used to control weeds and fungi, and aerial sprayings drench thousands of acres at a time with insecticides.

The result is very nearly a biological desert. It is an area devoid of trees which provide nesting holes for birds, without underbrush for cover, without the necessary variety of habitat for food supply. In these areas, streams of the forest are turned from shaded, winding watercourses into bare drainage ditches bulldozed up to the bank on either side.

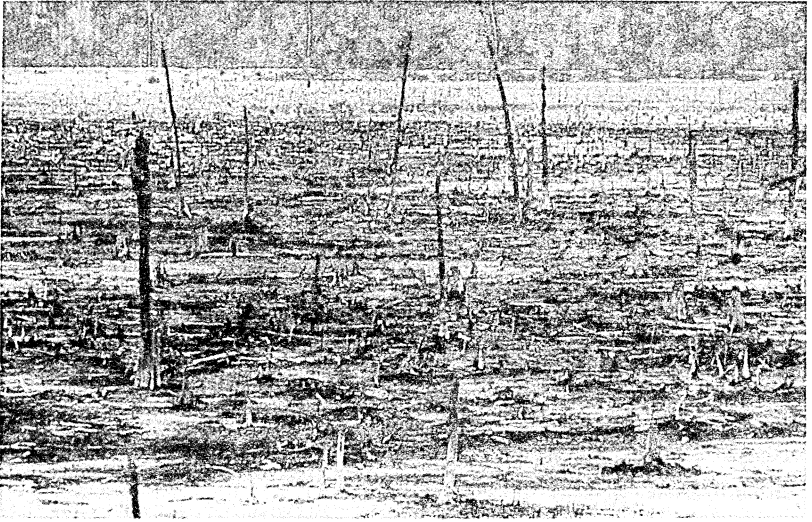
Each such operation, wiping out the growth that has characterized the Big Thicket for thousands of years and substituting artificial conditions maintained, by chemical spraying, means that, in such places, the Thicket will disappear forever. A cutover forest, if left to itself, eventually will restore itself. But a forest that is wiped out and replaced with entirely new conditions, conditions that will change even the character of the soil, is a forest lost. In flying over the Big Thicket we saw below us large squares and rectangles of such cleared land. We saw other areas ribbed with the lines of planted trees. I was told that, according to present plans, the forest products industry will transform 35,000 acres each year from diversified forest into such tracts devoted to pines alone.

For decades plans have been advanced to preserve part of the Big Thicket before it is too late. Hopes ran high a few years ago when the Big Thicket Association interested a governor of the state. He flew to East Texas to make an on-the-spot personal inspection. But the hopes evaporated. Nothing happened—a result that might have been predicted from the fact that he arrived for his inspection

*"For miles along the land of one timber company, all the magnificent magnolias within sight of the road had been felled and left to rot." Elsewhere, salt water, flowing from oil wells, "has killed each stem and leaf and root," leaving "spreading sores, bare, sterile patches as much as 500 acres in extent, standing out in the green landscape" of the Big Thicket.*



BOTH: REGAN BRUSHAW



tour in the private plane of one of the largest of the timber corporations.

When a National Park Service study team first investigated the area in 1938, preservation of a portion of the Big Thicket was highly recommended. Lack of funds and the Second World War caused the proposal to be shelved. In the postwar building boom, the cutting of the forest was accelerated. During the years 1965 and 1966, the Park Service again made first a "preliminary reconnaissance" and then an intensive study of the area. The conclusion: "The scientific and recreational values of the Big Thicket are so outstanding in quality and importance, and their threatened loss to the nation so grave, that their preservation by the Federal Government for the enjoyment, education, and inspiration of all the people is imperative."

In making its recommendation, this study group suggested that "unique specimen areas," outstanding features of the Big Thicket, might be preserved, and at the same time have the least adverse effect on the economy of the region, by setting aside nine units, ranging in size from 18,100 acres to 50 acres with a total of 35,500 acres. This plan became known as the "String of Pearls" concept. This was an important step forward. Every one of the "specimen areas" well deserves to be preserved. And certainly saving 35,500 acres is better than saving nothing.

But the problem, as it was soon pointed out, would be to keep the pearls from becoming unstrung. No strong connection would combine the separate parts into a larger unit. The portion of the Big Thicket that would be preserved would be fragmented. The protection of nine relatively small, disconnected tracts could easily become an administrative nightmare.

Early in 1967 this recommendation of the study group appeared under the heading: "A Study of Alternatives." Later that same year, the Dallas attorney, Edward C. Fritz, of the Texas Committee on Natural Resources, proposed a variant of the "String of Pearls" idea. This was to connect the major units with environmental corridors at least half a mile wide to produce a continuous wheel or double-circle, running up the Neches and curving down to Pine Island Bayou, with another connection the length of Village Creek. Such a "Green Wheel" would have the administrative advantage of continuity of territory; it would supply a web of trails more than a hundred miles in length; and it would provide wildlife with uninterrupted protection. The corridor concept has been strongly urged by the Sierra Club and has been backed by more than fifty conservation organizations in Texas.

During several sessions of Congress, former Senator Ralph Yarborough introduced bills proposing the saving of as much as 100,000 acres of the Big Thicket. Although no action was taken on these bills, by the time Senator Alan Bible's Parks and Recreation Subcommittee held hearings in Beaumont last June, all witnesses agreed the Big Thicket is unique; none opposed the idea of preservation completely; testimony dealt almost exclusively with different ideas about the size and character of the area to be saved.

Even the timber companies have recently assumed a new stance. Over the years, with lobbying, propaganda, fear campaigns, they have been the most bitter oppo-



nents of every effort to withdraw from cutting any part of the Big Thicket. This former attitude was exemplified by the reply of one corporation official to a question about setting aside a relatively small area of his timberlands. That, he said, was "sort of like asking someone if they can get by without their little finger." But more recently, through a change of heart or the recognition of an idea whose time has come, the organization of the Big Thicket timbermen, the Texas Forestry Association, has been urging people to "have a part in preserving the best of the Big Thicket for everyone."

This assuredly is a step in the right direction. However, what support is solicited for is the minimum proposal, the one least feasible administratively, the one least likely to be effective, the 35,500-acre "String of Pearls." It seems rather apparent that this is accentuating the positive to achieve the negative, that by pushing for the smallest acreage proposed—the equivalent of the area the forest products corporations plan to destroy with pine plantations each year—it is hoped to undercut efforts to achieve more effective and substantial preservation. The industry's speakers, color films, and a beautifully-printed, full-color brochure called "Stewards of the Land," all urge garden clubs and other groups to work for this minimum proposal.

Inasmuch as "Stewards of the Land" is the designation the timbermen of the Big Thicket have chosen for them-

selves, it is fair to ask: What kinds of stewards have they been? A comparison of words and deeds will indicate the answer.

The initial paragraph of the brochure states: "Much of the forest land is owned by timber producers whose production practices specifically include preservation of unusual plant life and the protection of birds and other forms of animal life." Because of this, it continues, the forests of East Texas contain the orchids, trees, shrubs, and birds now found there. On the contrary, their timbering operations continue to destroy orchids, azaleas, and other native species of flowers and shrubs. They continue to wipe out rare plants by draining acid bogs to improve growing conditions for their pine plantations. They continue to reduce the habitats of many birds. In truth, what remains today of wild nature that characterized the Big Thicket before the first axe fell is there largely in spite of, rather than because of, the practices of the East Texas timbermen.

**H**OW CONCERNED have they really been over the preservation of unusual plant life?

Dr. Clarence Cottam, director of the Welder Wildlife Foundation and former assistant director of the U.S. Fish and Wildlife Service, told me of visiting the Big Thicket when magnolias were in bloom. For miles along the land of one timber company all these magnificent trees within sight of the road had been felled and left to rot. This destructive effort appeared to have as its only aim reducing the beauty and attractiveness of the landscape. Justice William O. Douglas reports a similar instance of wanton destruction. Many conservationists in the region are convinced that the timber interests of the Big Thicket have been engaged in a calculated program of making the area less attractive to the public by destroying the beautiful and the unusual, by eliminating what might attract tourists and encourage the establishment of a large federally-administered area set aside for the use and enjoyment of all the people.

In Tight-Eye, an area so dense "you can't walk with your eyes open," three Texas counties, Hardin, Polk, and Liberty, meet. From the time of the earliest pioneers, at this meeting place stood an immense magnolia famed as The Witness Tree. For, it is believed, as long as ten centuries, this landmark, the oldest known individual of its species, had put forth its richly glossy leaves. Then in 1966 the leaves were gone. The ancient tree was dead. But it had died in no natural accident. It had been deliberately poisoned. Five holes had been bored into its trunk, filled with arsenate of lead, and stopped up with wooden pegs. Who was responsible for this seemingly senseless act is so far unknown. But it may be significant that the tree stood in one of the areas considered for preservation.

And what of the timber interests' concern for the welfare of birds?

Not long before his death in the spring of 1970, Lance Rosier, the self-taught authority on the Big Thicket and steadfast advocate of its preservation through the years, visited an extensive rookery he had known for decades. It was inhabited by anhingas, herons, roseate spoonbills,

and egrets. As part of a national preserve such a rookery would have been a special attraction for many visitors. Rosier found everything changed. Silence had replaced the sound and animation of the past. Except for three birds, all the hundreds of inhabitants of the rookery, young and old, were dead. All around was evidence that heavy aerial spraying had drenched the area with chemicals. The whole colony of nesting birds, easily recognized from the air, had been wiped out in what appeared to Rosier to be a deliberate act by the lumber company that owned the land.

So the past has demonstrated the kind of preservation the forest and its inhabitants can expect from these "Stewards of the Land." For so many decades have the timber interests of the Big Thicket dominated the politics and enjoyed special consideration in the courts and the tax offices of the region that they view with hostility any new departure that might loosen the hold of their entrenched power. They fear even tourism as a competitor. If anything beyond the mere minimum is to be saved in the Big Thicket, the effective change must come from federal action rather than on the local level.

About fifty-five percent of the area that would be included in the "String of Pearls" is owned by major lumber companies. A large number of smaller companies hold title to the rest. So far, the major companies apparently have observed a self-imposed moratorium on logging in these areas. But some of the smaller companies have continued cutting. The National Park Service reports that in the beautiful Beech Creek Unit, with its superb grove of immense beech trees, nearly one-tenth of the tract has been felled since it was listed as a "unique specimen area" especially deserving protection. And in the proposed "environmental corridors" cutting by all companies continues.

Each year there is less of the Big Thicket left for saving. Time is on the side of the lumbermen, the pipeline operators, the oil-well drillers, the land speculators. Every two days there are 100 fewer acres to save. While various proposals are debated, the bulldozer and the power saw continue their work of destruction. Give the despoilers enough time and there will be little of any importance to save. As Dr. Claude A. McLeod, biologist and authority on the region, writes in *The Big Thicket of East Texas*: "Hopes for the preservation of any sizable part of the Big Thicket forest in its pristine naturalness become less tenable yearly." A lumber company executive put it more succinctly. He is reported to have said: "What Big Thicket? In a few years there won't be any Big Thicket!" Whatever delays action, whatever obstructs prompt decision, whatever confuses or divides conservationists, these form the most potent weapons in the hands of the opponents of effective preservation.

In this whole country—Alaska and Hawaii included—there is only one Big Thicket. If it is destroyed, an area unduplicated in America will be lost forever. We can rebuild an Empire State Building or an Eiffel Tower but not a Big Thicket. In the time that is left before all is gone, a time that is steadily decreasing, as much as possible should be preserved of this beautiful, vulnerable, unique, and irreplaceable remnant of the American wilderness. ■



Senator YARBOROUGH. The only place I have seen that is in Saigon where we have scorched it and put chemicals down to keep anything from growing. One company alone in Texas owns 10 percent of all the timberlands of Texas.

They are all out-of-State owned. There has been a great change in just 10 years. That is the reason you find this opposition. Kirby Lumber Co. is owned by the Santa Fe Railway. The Great Carter Lumber Co. is owned by Champion Paper Co.

They bought up the great complexes, the way industries have all these multinational corporations, international, and then all these integrated companies in the country bought all that up.

So foreign landlords are just scaring the people, "You will be destroyed if the Government saves the park for the people down here." I would like to leave enough of these, Mr. Chairman, with the photographs of what the Big Thicket really looks like.

Senator BIBLE. Leave as many as you like, and we will see that all the members of the committee get them.

Senator YARBOROUGH. Mr. Chairman, in addition to that, this great book, printed in Texas by Dr. Pete Gunter, the head of the Department of Philosophy for Northeastern University.

He is here to testify, but I want to introduce this book. I want to leave it with the committee, because his book, too, calls a spade a spade. It has many photographs of the Big Thicket as it has been and photographs of the destruction in it and calling a spade a spade and telling who is destroying it.

And the scorched earth policy that they are using there to destroy it so it would have no viability or value. I have personally gone down there, when Justice Douglas of the Supreme Court was down there.

We went along roads and as far out as you could see and the magnolia trees are cut and rotting. They deliberately cut them and let them rot among the other trees.

Senator BIBLE. That will be adopted by reference.

Senator YARBOROUGH. The one Secretary of the Interior who wanted to save this park was Secretary Hickel. I have dealt with all of them and none showed much interest except Secretary Hickel.

He said to me, "Why don't you have a 300,000-acre bill? This ought to be 300,000". I said, "Yes, Mr. Secretary, you are right. It ought to be." But we have worked hard. It looks like it is a feasible matter. They will have it all destroyed if we don't start with 100,000.

It seems to me, Mr. Chairman, that it should be at least 100,000. But Secretary Hickel wrote the foreword to this book, "The Big Thicket" and in that Secretary Hickel said,

When we consider the value of a piece of land like the Big Thicket area, or the beach at Santa Barbara, or the Everglades in Florida, we must never forget to consider what is the value of a sunset, what is the value of a walk on the beach or the right to roam or the right to simply have a place in nature where Man can refresh his spirit.

These things we cannot buy on the New York Stock Exchange.

Then he goes on with the plea that this book will help awaken 200 million Americans, the stockholders, to save this before it is too late.

In closing, Mr. Chairman, I would like to read, "Out of this 300,000 left of the original million acres of this wonderland of hardwoods and flowering shrubs". Mr. Chairman, I mentioned growing up in east Texas.

There are two kinds of lands where you don't find ducks and turkey and wild deer and quail and doves, and that is in cotton patches and pine patches. The hardwoods is the place that produces the food that wild animals and songbirds and even endangered species live.

When you have 90 percent of a county in pine plantation that ought to be enough for people to have a little bit left for themselves and wild things of this Earth. I want to read the closing paragraph of Mr. Teale's article, and it will be my close.

In his article in the Audubon, appealing for this area that it be saved.

In this whole country, Alaska and Hawaii included, there is only one Big Thicket. If it is destroyed, an area unduplicated in America will be lost forever. We can rebuild an Empire State Building or an Eiffel Tower, but not a Big Thicket.

In the time that is left before all is gone, a time that is steadily decreasing, as much as possible should be preserved of this beautiful, vulnerable, unique, and irreplaceable remnant of the American wilderness.

I know the Chairman remembers the testimony of the attorney from New Orleans to Beaumont. Louisiana used to have better, more beautiful forests, but they destroyed them all and the state of Dr. Correll, of the Renner Institute and the Research Institute of Dallas, that in all of this great area, from above the Potomac here to sweep around the southern Appalachians, west of the Great Plains of the southern hardwood forest, this remnant of it in the Big Thicket was the only area left big enough now for a national park.

The only place to have a national park of that typical southern hardwoods were there also. It meets the vegetation of the western gulf coast. Mr. Chairman, I thank the chairman for his great patience over the years, for the many private hearings as well as the public ones he gave me in the 4½ years that I worked on this while he was chairman of the committee, and I want to thank him for having passed this bill in 1970 and called on the people of the State to pass it then in the House.

I regret the circumstances of its passing in the House at that time. We are tremendously grateful to the chairman.

Senator BIBLE. We will progress as expeditiously as we can, Senator. It is great to see you. I can detect that you have lost none of your enthusiasm for the Big Thicket. As far as I am concerned, you are the father of the Big Thicket and always will be.

[The prepared statement of Senator Yarborough follows:]

STATEMENT OF RALPH Y. YARBOROUGH, FORMER SENATOR FROM THE STATE OF TEXAS

Chairman Bible and members of the Parks and Recreation Subcommittee, the action of Chairman Bible in calling this hearing early after the return of the Congress to Washington in late January, and following the passage of a Big Thicket Bill by the House of Representatives late last year, is appreciated by the many thousands who have worked over the years for the creation of a Big Thicket National Park or Biological Reserve.

The courtesy of the Committee in scheduling me for a statement on the subject is particularly appreciated. I testified at length at the thorough hearing on a Big Thicket Natitonal Park Bill authored by me, at Beaumont, Texas on June 12, 1970. The able Chairman of this Parks Committee, the distinguished Senior Senator from Nevada, presided over that hearing and steered a Big Thicket National Park bill to passage through the Senate in 1970. And, Mr. Chairman, I testified at length in the hearing on the House Big Thicket Bills, before the House Subcommittee on National Parks and Recreation here in Washington, on July 16,

1973. I hold here the printed records of each of those hearings, and in the interest of time, request permission to file those records for reference only, as I do not intend to consume time repeating my testimony which the Committee heard, but will make my statement brief.

I do come with a great personal feeling for the area, having known of it all my life, as I was reared one mile from the Neches River, in whose valley my family has lived for more than a century and a quarter. I introduced in the United States Senate in 1966, the first Big Thicket National Park Bill ever introduced in either House, and pursued it with diligence until leaving the Senate at the end of 1970. Then, Congressman Bob Eckhardt of Texas took over, and has pushed bills to create a Big Thicket National Park or Preserve, with great diligence ever since.

Mr. Chairman, there is great cause for encouragement in the hopes for legislation since you held that pioneering Big Thicket hearing in Beaumont, Texas in 1970, because the House at that time, with a Congressman opposed to a meaningful sized Park or Biological Reserve, now has passed a bill to create such a Reserve of approximately 85,000 acres. And, both Texas Senators have introduced bills for a Federal Big Thicket area of 100,000 acres. Though there is cause for Legislative Rejoicing, there is cause for sorrow at the vast amount of beautiful mixed hardwood areas that have been bulldozed away since 1970, by as many as eight (8) bulldozers at a time, working in unison, in their coordinated efforts to destroy what is left of The Big Thicket before the Congress could act.

The opponents of a Big Thicket National Park have attempted to frighten the people there by telling them that hundreds of families would be driven from their homes, and their schools closed. Of course, these wild stories are false. That country will be more prosperous with a National Park than with nothing but unbroken pulp paper pine plantations. Of the thirty-four (34 East Texas counties where wood is produced, most of it is pulp wood for paper mills; sixty-five percent (65%) of the total area of these thirty-four (34 counties is in commercial wood production. And, in the area where the sad remnant of The Big Thicket lies, Hardin County is 87.6% commercial woodlands, Jasper County is 90.2%, Pook County is 82.6% commercial wood, and Tyler County is 94% in wood production, which means pulp pine plantations. Why, there is hardly room enough left in those counties now, for the homes, county seats, highways and stream corridors. And what is left of those narrow stream corridors is being butchered fast. At some places on the stream banks, where it is too close to the water for pulp pine, the bulldozers just push the hardwood trees over into the creeks to stop canoeing and kill recreational values in the areas.

Of course, the proponents of a park do not want pine plantations in a Big Thicket Park—pine plantations are not Big Thickets; they are a biological desert where deer, wild turkey, dove, quail, ducks or song birds or most other wild things, have to take their rations with them when crossing a pulp pine plantation.

Having grown up in a rural area of East Texas with mixed farming, hardwood and pine forests, I observed for years the absence of wild animal life from cotton and pine fields. It is the hardwoods, the supporters of such a varied fauna, and friendly and sustaining neighbors to a varied flora, that are being ruthlessly bulldozed away.

This article which has been reprinted from the Audubon Magazine of May, 1971, is an article by Edwin Way Teale, Pulitzer Prize winning author of nature, which forcefully documents the ruthless destruction of The Big Thicket now going on. Mr. Chairman, I file a copy for reference, and would like for staff to distribute a copy to each member of the Committee. Dr. Pete Gunter has authored a fine work on The Big Thicket, which also, in word and photographs, documents this ruthless destruction.

The Big Thicket in East Texas, northwestward from Beaumont, contained about 3,500,000 acres when the first Anglo-American settlers reached that area. Now, less than 300,000 acres of this wonderland of hardwoods, flowering shrubs, clinging vines, of baygalls, bayous, sloughs, semi-swamp land, fresh running streams, this last refuge of endangered species, is left, and that remnant is going fast.

I personally recommend a Big Thicket National Park of 100,000 acres, rather than a Biological Reserve, because the latter is undefined. No one knows what one is. But whether it be a National Park or a Biological Reserve, the Village Creek Corridor, as shown by these maps, is an integral and necessary part.

I quote the closing paragraph of Mr. Teale's article in Audubon Magazine:

In this whole country—Alaska and Hawaii included—there is only one Big Thicket. If it is destroyed an area unduplicated in America will be lost forever. We can rebuild an Empire State Building or an Eiffel Tower, but not a Big Thicket. In the time that is left before all is gone, a time that is steadily decreasing, as much as possible should be preserved of this beautiful, vulnerable, unique, and irreplaceable remnant of the American wilderness.

Mr. Chairman, as this bibliography shows, hundreds of books and magazine articles have been written about this great ecological gem. I could talk about its uniqueness and the endangered species of wildlife it nurtures, for hours, but I have promised to be brief, and so I close with a plea to save some of this treasure chest area of plant change and evolution, before it is too late. You have the last best chance to save it; into your hands we commend its salvation.

Senator BIBLE. Our next witness will be Mary Kittell, president, Council of National Garden Clubs of America, Fort Worth, Tex.

VOICE. Senator, her plane was delayed. Can she be deferred until the afternoon?

Senator BIBLE. She will be deferred. She will drop to the last place on the list. That is the only way that we can do it. The next is Char White, chairman, Environmental Action Coalition of Texas, San Antonio, Tex. Mrs. White?

Mrs. White, it is nice to have you here as a witness.

#### **STATEMENT OF CHAR WHITE, CHAIRMAN, ENVIRONMENTAL ACTION COALITION OF TEXAS, SAN ANTONIO, TEX.**

Mrs. WHITE. Thank you. I appreciate the opportunity.

Today I am representing the Environmental Action for Texas, which is the legislative counterpart of the Texas Environmental Coalition, an association of some 60 organizations located throughout Texas.

Although we are a relatively young organization we are well aware of the importance of the Big Thicket to Texas the longstanding effort to preserve this unique area. This effort of many Texans has been underway for some 40 years.

During that time, the wilderness area has shrunk at an alarming rate, reducing the original reserve proposal of 436,000 acres to the present 100,000 acres or less now being considered by this committee.

Logging operations, agricultural uses, oil drilling operations and now vacation homes are diminishing this unique biological area at a rate estimated to be as high as 50 acres per day. Conflicts which have long delayed the preservation of the Big Thicket must be resolved soon if we are to save the area from complete destruction.

Our comments today will be confined to three areas of concern. One, the number of acres to be included. Two, the legislative taking issue, and three, the matter of acquisition cost.

1. Environmental Action supports a Big Thicket National Biological Reserve of at least 100,000 acres as proposed by both Senators Bentsen and Tower in Senate bills 314 and 1981 respectively. We will not attempt to prescribe specific units to be included, or to recommend boundaries.

Several other Texas environmental organizations who have a long history of working for the preservation of this unique area will later argue the merits of various units. We hope you will give these recommendations your full consideration.

2. Acquisition through legislative taking was provided in the bill passed by the House of Representatives. We would urge that this provision also be included in the final formulation of the Senate bill.

Otherwise, destruction to the area will continue until such time as funds are made available to acquire the total acreage. We realize that legislative taking does not give the Big Thicket acquisition priority over previously authorized projects. However, it would fix the purchase price at the date of taking and prevent escalation of costs.

Without this provision it is estimated the price may increase from 2 to 10 times the current estimates, as it has recently in subdivisions along the Guadalupe River in Texas.

3. Lastly, we think the acquisition costs for the Big Thicket National Biological Reserve should be authorized from the Land and Water Conservation Fund. There is sufficient precedent for this method of financing and we believe it offers the most feasible alternative.

As of July 1, 1974, we have been informed that the Land and Water Conservation Fund showed a balance of \$473.5 million authorized and appropriated, but not expended. During fiscal year 1974, Congress appropriated an additional \$76.2 million.

Approximately \$34 million of the 1974 appropriations was spent, leaving a balance of some \$42 million from the 1974 appropriations. This amount added to the remaining balance of \$473.5 million should bring the total remaining in the fund to approximately \$515.5 million.

An additional \$300 million should also be available in fiscal year 1975 if the full authorization is allowed as we heard it will be today. Of the total, it is our understanding that 33 to 40 percent is to be used for acquisition of Federal lands with the remainder going to the States.

While we realize the other projects now hold a higher acquisition priority due to earlier authorization, we urge that Land and Water Conservation Fund financing be coupled with legislative taking to acquire the Big Thicket area at the earliest possible date.

In closing, let me reiterate the urgency of resolving any remaining conflicts in the Big Thicket proposals so that we can preserve this unique and important wilderness area before it is totally gone.

We have never been so close to agreement, and while there are many areas excluded in the House bill we would like to have included in the reserve, our prime concern is to protect as much as possible as soon as possible.

Senator BIBLE. Thank you very much. That is a very fine statement. I appreciate your being here today. Our next witnesses will be a panel. Mr. Pete Gunter, Miss Maxine Johnston and Mrs. Russell Long. We will hear that panel now.

I suggest as the panel comes up and makes their presentation that you avoid duplication. I have heard this. I am going to pass something on the Big Thicket. So you will help the chairman a lot if you just shorten up your testimony.

Say you are for. Say you are against and then say why you are for and why you are against it. Is this panel for or against?

Mr. GUNTER. For.

Senator BIBLE. Are you for the 100,000, the 84,000 or 68,000 or some other figure?

Mr. GUNTER. That is what the talk is about and I wish to make some distinction. I do not think it can be that simple.

Senator BIBLE. All right. Hurry up. Move along. The only reason I say that, let me make an explanation. I have 15 more witnesses for this morning, and I have 22 witnesses for tomorrow. So just draw the distinctions.

**STATEMENT OF PETE A. GUNTER, CHAIRMAN, BIG THICKET CO-ORDINATING COMMITTEE, SARATOGA, TEX.; ACCOMPANIED BY MAXINE JOHNSTON, PRESIDENT, BIG THICKET ASSOCIATION, AND RUSSELL LONG, MEMBER OF THE BOARD, BIG THICKET ASSOCIATION**

Mr. GUNTER. I will try to do that as fast as I can. I would like to add that I have put into the record a speech by Jim Haley of the Wildlands Preservation Society, pointing out that the Big Thicket is a bargain, in the terms of number of bird species that it contains.

And I think that is a very important point.

Senator BIBLE. Fine. That is the way I would like to have you develop it.

Mr. GUNTER. No. 2, a distinction needs to be made of the number of kinds of dwellings along the Big Sandy-Village Creek unit which is the bone of contention. There are some homes in there and other parts of the park which are not year-round dwellings.

When you consider how many homes are going to be in this park, you have to consider that a few are year-round dwellings and many of the others are weekend cabins or that kind of thing.

Senator BIBLE. I think they made a distinction on that in the number of 57, but you may not agree with that distinction. If you do not, just point out why you do not. Is there a figure of 57 in the taking area, correct or not?

Mr. GUNTER. This is 57 for the 68,000 proposal by the Department of Interior. These would be 57 dwellings. It does not follow if they are all permanent dwellings.

Senator BIBLE. They did not say they were. How many did you say were all year-round and how many did you say were summer homes?

Mr. BONNEY. We had five year-round dwellings in the 68,000 acre proposal.

Senator BIBLE. I just want to get on the same wave length as all of you. Does that agree with your figures, five year-round?

Mr. GUNTER. Yes. The 68,000, five year-round dwellings, five homes.

Senator BIBLE. They say you are right, so that certainly isn't in contention. Proceed.

Dr. CURRY. Mr. Chairman, could we correct that statement? In the breakdown of the 58 units that we gave you for the 68,000 acres, the farm units were four. Year-round dwellings were 24. Cottages and cabins, 26. House trailers, three, and one boat ramp. That rounds out our figure of 58 improvements.

Senator BIBLE. Do you agree with that or disagree with it.

Mr. GUNTER. That's fine.

Senator BIBLE. Thank you.

Mr. GUNTER. I put into the minutes here a long discussion about the history of environmental efforts in the area. They date back to the

1920's. It is not something new. I add a letter from myself to Senator Yarborough, dated March 11, 1961, indicating that some of us had been working on this intensively, for at least 13 or 14 years.

Senator BIBLE. Did you appear before me at the time we reported this out?

Mr. GUNTER. Yes, sir; I did.

Senator BIBLE. I thought you did.

Mr. GUNTER. Then I point out, despite all these years of that effort, this thing still hangs in the balance. I brought out that I am chairman of the Big Thicket Coordinating Committee. This is a group of some 45 conservationist organizations mostly based in Texas, and having 60,000 members or so.

Senator BIBLE. Where is Saratoga, Tex.?

Mr. GUNTER. It is the headquarters of one of our groups. It is right above the Lance Rosier Unit, the large, contiguous block of land off of Little Pine Island Bayou. I am from Denton, Tex., myself.

Senator BIBLE. I still do not have that in mind—oh, it is right down in the area.

Mr. GUNTER. Right down in the area; yes, sir. I point out the conservationists could have come down from 196,000 acres to 191,000 acres to 100,000 acres to 84,500 acres. I point out, therefore, we scarcely look like fanatics.

We have tried to be politic and we have tried to consider the needs of the local people in the area. And I want to say some things about the bill passed by the House. I want to point out that I was privy to that bill, and I want to say some things about it.

That bill is a compromise. As such, it is not a bad piece of work. Everything it contains is valuable, and for the Senate to pass the House bill as it stands, that would be a reasonably acceptable Big Thicket National Reserve.

Two elements are missing. One is the arid sandyland unit. By now you know this is the bone of contention before this committee. Another area you might consider is the Big Sandy Corridor.

I make a point here, the Big Sandy Corridor connects two units which would otherwise stand completely isolated from each other.

Senator BIBLE. The Big Sandy Corridor was one pointed out by the Congressman.

Mr. GUNTER. It is right in here.

Senator BIBLE. What was the other one that he said was excluded?

Mr. GUNTER. Village Creek. This is really one creek. In the upper area, it is Big Sandy. In the lower area, it is called Village Creek. These are two separate corridors. I point out the Village Creek is missing. The Big Sandy is missing.

They can be considered separately, and the Big Sandy would unite two areas otherwise isolated.

Senator BIBLE. They are excluded from each of the Senators' bills and excluded from the bill passed by the House. Is that a correct statement?

Mr. GUNTER. This is true. But not from the Senator's recommendations.

Senator BIBLE. What was that last statement?

Mr. GUNTER. Not from the Senators' recommendations. Each of the Senators spoke in favor. I know Tower did and I believe Bentsen

did this morning, in favor of including Village Creek or Arid Sandylands.

Senator BIBLE. I think you are correct.

Mr. GUNTER. In any case, the effort to add new acreage, particularly the Arid Sandylands to the areas already protected in the House version of the Big Thicket Preserve has led to a deadlock which is serious. As a consultant to Congressman Bob Eckhardt last summer, it was my good fortune to sit in on the conversations between Congressman Eckhardt and Congressman Wilson, which led to the compromise bill later passed by the House.

I agreed that the Wilson-Eckhardt bill provided a viable compromise and I did what I could to back it, because there seemed to be no other way to get action out of the House Interior Committee.

Nonetheless, my constituency is a group of conservationists. They will not go along with that bill. And I wish to represent the views of the conservationists, which is we want the Arid Sandyland acreage.

Since Congressman Wilson says he will do his best to kill this bill if additional acreage is added at any point, we find ourselves in the midst of a political thicket without a compass, and the political bears growl around us.

The entire affair is in the hands of Senators and Congressmen over whom we have no control. So I wish to make three recommendations.

Senator BIBLE. You have control by virtue of the right of the ballot, I guess. I do not know that that would reach me, but—

Mr. GUNTER. Senator, I do not vote in your State.

Senator BIBLE. I know. That is why I said I do not know if you can reach me. But I have heard this so many times and it is the same story over again, with a few variations. But the Senate will do their best and we will try to get it passed.

We will try to do it at an early date and then we will go to conference and try to get it settled out of the conference. That is the way we legislate.

Mr. GUNTER. Okay. As for me, this is no spring morning. This is 1 book, 5 psalms, 20 records, 15 book reviews, 7 petitions, 150 speeches and around 2,000 letters later. So the following list of priorities is pared down to rock bottom.

First, whatever else this committee may do, we beg you to act, and act quickly. It is unfair to those who do own land in the thicket within or near the boundaries of the proposed reserve to keep them dangling year after year, unable to know if their land will be taken.

It also causes baseless apprehensions and unfounded rumors, and these in turn spark what we have called "spite cutting", the cutting of areas whose owners react to rumor and apprehension with the power saw.

Perhaps "panic cutting" would be a more appropriate name. But by any name, the results are the same. Your political time of meetings, committees, and long deliberation is completely out of joint with our rates of environmental destruction.

Politics is a slow business. Power sawing and bulldozing are not. Second. Given the prevalence of panic cutting in the thicket, and given the cutting of some areas by large lumber companies, ap-



parently, unsure of the prospective boundaries of the preserve, legislative taking is a necessity.

Without legislative taking, possibly one-third of the thicket reserve could be cut before moneys could be found to buy the land. This is the land not owned by large lumber companies but by small landowners and they are all shaky.

Thus, one-third of our 84,500 acre remainder is virtually irreplaceable. It would take 50 to 100 years or longer in many cases for the ecosystems to reach their present state of development.

Congress would have a difficult time, I think you will agree, explaining a one-third cutover biological reserve to the public. Legislative taking would make all such explanations unnecessary.

Third, and here I state my own considered opinion, which is guaranteed to satisfy neither side of the present dilemma. It does make sense to add arid sandyland acreage to the biological reserve. Unquestionably, Village Creek is a beautiful canoe stream and borders a fascinating plurality of ecosystems.

Equally true, this creek will gradually be despoiled and degraded if it is not given some kind of protection. What are the alternatives? If a simple addition of acreage is required, there are at least five alternatives, in order of preference. One, arid sandyland, but including very little creekbank. Two, Village Creek, with arid sandyland.

Three. Big Sandy Creek, uniting Big Sandy and Turkey Creek units. Four. Additional acreage for the Lance Rosier unit. Five. Additional acreage for the Jack Gore Baygall, for example Maple Slough.

But Congressman Charles Wilson insists he will do his best to kill the preserve if more acreage is added. Unfortunately, I feel compelled to believe him. If there is a peaceful way out of the situation, it would be for Time, Inc., to step forward with a pledge to add suitable arid sandylands to the Big Thicket Reserve, either now or in the future.

That would break the back of the deadlock. Though I am fully aware that it is presumptuous for one who has sharply criticized that corporation to ask for such magnanimous action from it, nonetheless, I make the plea.

Time, Inc. and other lumber companies have informed us over and over that they would like to get this whole affair over with. Some pledge now on their part could do no more than any of us conservationists are able to do with resolving the Big Thicket issue once and for all.

So to conclude, yes, of course we believe that an arid sandyland unit belongs in the Big Thicket Reserve. But there are some pretty stark political realities involved in any action this committee may take. Since we do not control the committee or the Congressmen, we ask your wisdom in assessing these realities.

I would like to make one other point. A lot of what happens in southeast Texas in terms of the environment will lay well beyond the boundaries of any Big Thicket Biological Reserve. A lot of it has to do with land use.

In the summer hearings, Arthur Temple, Jr., of Time, Inc., pledged to protect any rare or endangered species in any of the lands owned by his corporation in Texas. We would like to bring this pledge of his to light again.

We would like to say we would like to work with him on this. We would like to say to this committee that a lot can be done outside of the boundaries of this preserve. Do not forget that southeast Texas, just because we have a preserve, it is land use in the whole area that makes a difference and these corporations can do a lot to help.

Senator BIBLE. I very much appreciate your testimony, and will certainly take it under careful consideration. This resolves, then, with the usual type of problem that we have in all of these parks.

Some want a larger park. Some want a smaller park. Some want none at all and we have to sit in judgment of that and try to resolve it. It looks to me like you made some headway in getting the bill through the House. You are further ahead now than you were in the last Congress. I will just repeat what I said earlier; and that is that I will do my best to see that this is sent to the White House some time in the reasonably near future.

Mr. GUNTER. Thank you.

[The prepared statement and a letter received subsequent to the hearings from Mr. Gunter follows:]

## COMMON SENSE AND THE BIG THICKET: A PERSONAL PERSPECTIVE

The effort to save some significant remnant of the Big Thicket is scarcely new. It dates back as far as 1927, when the Big Thicket Association of East Texas was formed. In fact, it dates farther back than that. Organizations are usually late to crystalize 'grass roots' enthusiasms and apprehensions, and the earlier Big Thicket Association was no exception. The desire to protect the Thicket antedates the creation of an organization dedicated to doing so by many years. Incidentally, this first Thicket conservationist drive made more headway than is realized, even by those with some familiarity with the history of conservationism in the region. By 1938 a Big Thicket Biological Survey was completed and published, the Department of the Interior was made acquainted with the area, and prominent politicians (for example, Senator Morris Sheppard, D.-Tex.) were enlisted in the fight to save it. Had the Second World War not erupted, there might now exist a Big Thicket National Park dating back over thirty years.

That original park, incidentally, would have consisted of 420,000 contiguous acres: a far cry from the acreages we are considering here today.

It is understandable that, with the close of World War Two, over a decade was required to generate interest once more in the sprawling Thicket. That interest was bound to be local, at least initially. But Texas, with its eighty years of pioneer experience and its deeply ingrained pioneer attitudes towards nature, has been slow to awake to an ecological conscience. Equally important, the Big Thicket is not a dramatic physical feature like a mountain, a geyser or a canyon. It is a plant growth region of truly remarkable diversity and exuberance. Some maturing --- and some educating --- of the public mind was necessary before the value of a region like the Thicket could be understood.

That value is becoming yearly more apparent as scientific research into the region continues.

Even with the best of luck, few of us are raised with a knowledge of botany, geology and zoology. As a boy I used to hunt and fish in the Big Thicket. To us kids the Thicket was the only place we could get to that wasn't crisscrossed with roads and bordered with subdivisions. It was a place where old men could spin yarns about panthers, and bear hunts, and alligators and people lost back in the woods. We could understand the legends, and see the vastness and the solitude. But what did we know about orchids, mushrooms or ecosystems? We had more ammunition than sense, and less knowledge of what the Thicket really was than either.

The early tendency among Thicket conservationists, therefore, was to over-stress the tall-tale, bear hunt, legendary aspects of the place. It took time for many of us to see what a biological gem our old "stompin' ground" really was. In any case, by the 1960's the drive to save the Thicket was getting off the ground once more. A few weeks ago the following letter (now yellowed with age) tumbled out of a book of metaphysics on my desk. It dates from March 11, 1961 and probably makes more sense than the metaphysics:

New Haven, Connecticut  
March 11, 1961

Senator Ralph Yarborough  
Washington, D. C.

Dear Senator Yarborough,

As a senator who has taken a constant interest in the cause of conservation, it is hoped that the following may be of interest to you. On reading a recent book (I'll Take Texas - by Mary Lasswell), I was saddened to discover that the Big Thicket region of southeast Texas is threatened with almost total extinction within the next ten years unless government takes strong steps to curb the activities of lumber and oil interests in that area. As you probably know, the Big Thicket is not just another backwoods area, but contains many varieties of rare plants, mosses, birds, wild animals extinct in all other parts of the state and some of the very last virgin timber in Texas. If one may be pardoned for quoting Mary Lasswell:

"The handfull of people in Texas and the United States who know anything about the region are sick at heart, indignant, and impotent

to stop destruction of one of the world's treasure houses. The depredations of the oil people and the lumber companies become greater every day. ...the boy in Holland with his finger in the dyke had a sinecure compared to what these men and women are trying to accomplish. They have fought valiantly for over twenty years to save the plant life of the region they love from inevitable destruction."

Since you are willing to work for a Padre Island National Park, would you be willing also to help fight to preserve the Everglades of Texas - the Big Thicket? If so, it would be greatly appreciated if you could be of help with the following information. First, the names of any persons or organizations private or governmental, national or local who would be interested in trying to save the Thicket - or who are already interested in so doing. Second, advice as to what practical means are at the disposal of an interested citizen to try to bring the Thicket into the National Parks System.

I am personally quite aware (being from East Texas, and having taken a long interest in Texas politics) what it is to oppose oil and lumber interests in our state; nevertheless, if there is the least hope for saving the Thicket, I stand ready to put in considerable time and persistent effort in trying to do so.

Thank you very much for taking the time to look over this letter; I hope it will be possible for you to respond affirmatively.

Sincerely,

Pete A. Y. Gunter

To my surprise the senator answered warmly and personally by return mail. He became a kind of rallying point around which a large and very diverse group of people could gather. It is fortunate that his energies were so abundant and his enthusiasm so undying. Had any of us known at the time how long the struggle would last or how much anxiety and effort it would exact, we would have thrown up our hands in despair.

That was thirteen years ago. Since then there have been two hearings before the House Interior Committee and one hearing before the Senate Interior Committee, the U. S. Senate has passed a 100,000 acre Big Thicket National Park bill (1970), the House has passed an 84,500 acre Big Thicket Biological Reserve bill (1973), we are having still another Senate hearing --- and the issue continues to hang in the balance. Probably the bitterest disappointment came in 1970 when then-Congressman



is a compromise. As such, it is not a bad piece of work. Everything that it contains is valuable. And, were the Senate to pass the House bill as it stands, that bill would create an acceptable Big Thicket National Biological Preserve. Only two elements are missing. One is the heatedly disputed arid sandyland area. The other is a corridor along Big Sandy Creek connecting the Big Sandy and Turkey Creek Units.

The arid sandyland acreage constitutes the real bone of contention before this committee. The reason conservationists want to include part of this area in the Thicket is very simple. It contains trees, cacti, flowers, birds and reptiles characteristic of the arid west. The Big Thicket is a biological crossroads, and like most crossroads reaches in four directions. In the recently passed House bill the road west is missing. Since one of the basic rationales behind creating a Big Thicket Reserve is to save significant specimens of each of the area's many ecosystems, conservationists are certainly consistent in wishing to see part of the arid sandyland included. They are, moreover, extremely puzzled over the opposition to such inclusion. The sandy, dry country on either side of Village Creek has less value for timber production and/or real estate promotion than any other area considered for protection.

The second element missing is a corridor along Big Sandy Creek (which is, in fact, the upper region of Village Creek). This corridor would connect the Big Sandy and Turkey Creek Units which would, incidentally, be far more likely to survive as a single, contiguous area than as disjointed units. The political and economic pressures against inclusion of Big Sandy Creek are less than those which have been brought to bear against inclusion of Village Creek and/or its adjacent sandylands. Time, Inc. has already pledged, in last summer's hearings, not to cut up to within 100 feet of Big Sandy Creek in any case. They are thus protecting

95% of that corridor anyhow, and will perhaps get tired of paying taxes on it.

In any case, the effort to add new acreage (particularly the arid sandylands) to the areas already protected in the House version of the Big Thicket Preserve has led to a deadlock which is serious, and which conceivably could end in needless disaster. As a consultant on Congressman Bob Eckhardt's staff last summer, it was my good fortune to sit in on the conversations between Congressman Eckhardt and Congressman Charles Wilson which led to the compromise bill later passed by the House. I agreed that the Wilson-Eckhardt bill provided a viable compromise and did what I could to back it. There seemed then to be no other way to get action out of the House Interior Committee.<sup>1</sup>

At that time it seemed highly unlikely that the Senate would add additional acreage to the House bill. The Office of Management of the Budget had opted for a 68,000 acre configuration, one which categorically excluded all stream corridors from the preserve, in spite of their importance. This proved that accountants may make poor ecologists. It also suggested that Congress would remain conservative in its actions. In any case, the unexpected happened. Senators Tower and Bentsen both reaffirmed their desire to save 100,000 acres of the Big Thicket. Congressmen Wilson and Eckhardt have reaffirmed their defense of the 84,500 acre configuration and Congressman Wilson has gone so far as to say that he would fight to the death to keep further acreage from being added. The death in question, of course, might be that of the Big Thicket itself.

What, then, are responsible conservationists to do? We find ourselves in the midst of a political Thicket, without a compass. Political bears growl around us. The entire affair is in the hands of senators and congressmen over whom we have no control.

Remember: We have seen the Congressional machinery drag on and on before,



as the wilderness around us dwindled and precious, irreplaceable areas fell to the bulldozer and the power saw. As for me, this is no spring morning. This is one book, five songs, one record, twenty articles, fifteen book reviews, seven petitions, one hundred and fifty speeches and around two thousand letters later. The following list of priorities is, thus, pared down to rock bottom.

First: Whatever else this committee may do, we beg you to act, and act quickly. It is unfair to those who do own land in the Thicket within or near the boundaries of the proposed reserve to keep them dangling year after year, unable to know if their land will be taken. It also causes baseless apprehensions and unfounded rumors, and these in turn spark what we have called "spite cutting": the cutting of areas whose owners react to rumor and apprehension with the power saw. Perhaps "panic cutting" would be a more appropriate name. But by any name, the results are the same. Your political time of meetings, committees, and long deliberation is completely out of joint with our rates of environmental destruction. Politics is a slow business; power sawing and bulldozing are not.

Second: Given the prevalence of panic cutting in the Thicket, and given the cutting of some areas by large lumber companies (apparently) unsure of the prospective boundaries of the preserve, legislative taking is a necessity.<sup>2</sup> Without legislative taking, possibly one third of the Thicket Reserve could be cut before moneys could be found to buy the land. This one third of our 84,500 acre remainder is virtually irreplaceable. It would take fifty to one hundred years or longer in many cases for the ecosystems to reach their present state of development. Congress would have a difficult time explaining a one-third cutover biological reserve to the public. Legislative taking would make all such explanations unnecessary.

Third: (And here I state my own considered opinion, which is guaranteed to satisfy neither side of the present dilemma.) It does make sense to add arid-

sandyland acreage to the biological reserve. Unquestionably, Village Creek is a beautiful canoe stream and borders a fascinating plurality of ecosystems. Equally true: This creek will gradually be despoiled and degraded if it is not given some kind of protection. What are the alternatives? If a simple addition of acreage is required, there are at least five alternatives, in order of preference:<sup>3</sup>

1. Arid-sandyland, but including very little creekbank
2. Village Creek, with arid sandyland
3. Big Sandy Creek, uniting Big Sandy and Turkey Creek Units
4. Additional acreage for the Lance Rosier Unit
5. Additional acreage for the Jack Gore Baygall (e.g. Maple Slough).

But Congressman Charles Wilson insists he will do his best to kill the preserve if more acreage is added, in the sandyland area or elsewhere, and I, for one, believe him. If there is a peaceful way out of the situation, it would be for Time, Inc. to step forward with a pledge to add suitable arid sandyland to the Big Thicket Reserve, either now or in the future. That would break the back of the deadlock. Though I am fully aware that it is presumptuous for one who has sharply criticized that corporation to ask for such magnanimous action from it, nonetheless, I make the plea.<sup>4</sup> Time, Inc. and other lumber companies have informed us over and over that they would like to get this whole affair over with. Some pledge now on their part could do more than any of us conservationists are able to do to resolve the Big Thicket issue once and for all.

So to conclude: Yes, of course we believe that an arid sandyland unit belongs in the Big Thicket Reserve. But there are some pretty stark political realities involved in any action this committee may take. We ask your wisdom in assessing these realities.

Pete A. Gunter  
Chairman  
Big Thicket Coordinating Committee

1. As it turned out, many members of the Coordinating Committee were, in spite of my urging, unwilling to go along with the 84,500 acre Wilson-Eckhardt bill.

At a Fall meeting of the Committee the general consensus was reached that the original position in favor of a 100,00 acre configuration should be reaffirmed. Subsequently I have reaffirmed that position in response to Senator Bentsen's and Senator Tower's statements in favor of a 100,000 acre reserve.

2. I refer to cutting in the Devil's Pocket Acid Bog area along Village Creek by Champion Corporation. In fairness it must be said that Champion halted the cutting when conservationists brought the area's location to their attention. Still, it was a needless error.

3. The state of Texas is at the present time considering buying land in the Big Thicket. Several of these five areas are being considered as possibilities. Action has been delayed, however, until after the conclusion of these present hearings.

4. I would also like to reaffirm the desire of conservationists to cooperate with lumber companies in any way possible to protect biologically valuable features of the Big Thicket region. In particular I would like to refer to the pledge made by Arthur Temple, Jr. of Time, Inc. at last summer's House hearings. Mr. Temple then affirmed the willingness of Time, Inc. to protect all rare or endangered species on its 1,000,060 acre Texas holdings. To date I am unaware of any action taken to fulfill this pledge. Such action can, and should, be taken.

**BIG THICKET ASSOCIATION** Box 377 Saratoga, Texas 77585 / Phone (713) 274-2971

Advisory Board: Dr. Clarence Cottam, Dr. Donovan Correll, U. S. Supreme Court Justice William O. Douglas, Dr. Thomas Eisner, Alfred Knopf, Mary Lasswell, Richard Poe, Dr. John Silber, Hart Stilwell, Edwin Way Teale, Hon. Ralph W. Yarborough.

February 15, 1974

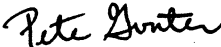
Senator Henry Jackson, Chairman  
Committee on Interior and Insular Affairs  
c/o Gerald R. Gereau  
Dirksen Senate Office Building  
Washington, D. C. 20510

Dear Senator Jackson:

Would you please have the following remarks placed on the record of the Big Thicket hearing, February 5-6, 1974:

I would like to add two remarks to those made at the February 5-6 Big Thicket hearings. First, it must be stressed that the essential reason, the sine qua non, for having stream corridors in the proposed Big Thicket National Reserve is biological, not recreational. Two important biological functions are performed by the stream corridors: they preserve the water-flow which is essential to the life of the Big Thicket and they provide pathways by means of which animals and plants can move through the preserve. For an incisive account of the importance of this latter function I refer you to Dr. Thomas Eisner's all-important remarks, which have been included in the hearing record. Healthy populations of organisms of every kind must possess continually enriched "gene pools," which can be assured by the protected mobility afforded by corridors. As for the former function (i.e. that of protecting the regions water flow): the Big Thicket is the Lower Neches River drainage basin. If you save the drainage you can save the Thicket; but you can not do one without the other.

Sincerely,



Pete Gunter  
Chairman  
Big Thicket Coordinating Committee

PG:mw

Senator BIBLE. Are the other members of the panel, Miss Maxine Johnston, president of the Big Thicket Association, Saratoga, Tex. here?

Miss JOHNSTON. Yes, sir.

**STATEMENT OF MAXINE JOHNSTON, PRESIDENT, BIG THICKET ASSOCIATION, SARATOGA, TEX.**

Miss JOHNSTON. I am Maxine Johnston, president, Big Thicket Association, an organization with over 900 members. These members pay dues and are not just names on petitions. We use those dues to support the efforts, one, to save for posterity a meaningful portion of the remaining Big Thicket Wilderness, and, two, to maintain a museum of natural and local history to interpret our area.

We are the only organization whose sole purpose and entire activity involve Big Thicket. Formed in 1964, we trace our lineage back to an earlier organization, the East Texas Big Thicket Association, which was trying to preserve 436,000 acres of the east Texas wilderness.

Some of the members of that organization are still active in this one. Along with 40 other conservation groups, we are members of the Big Thicket Coordinating Committee, and we support the goals of that committee as stated by its chairman, Dr. Pete Gunter.

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This statement will deal only with, one, acreage, two, legislative taking, three, provisions for homeowners and four, with opposition to the preserve. Acreage. Some of you received letters from me as president of the Big Thicket Association reporting that we had endorsed the Wilson-Eckhardt compromise of 84,000 acres as described in H.R. 11546 and in the map accompanying it.

We pointed out that arid-sandyland areas were inadequately represented in the compromise proposal, and noted that our continued compromises from 191,000 to 100,000 to lesser acreages had seriously eroded the ecological integrity of the proposed preserve.

It now appears that Senator Lloyd Bentsen and Senator John Tower would like to add acreage to the preserve to improve the situation, and the Big Thicket Association is grateful for their efforts and for the efforts of the Big Thicket Coordinating Committee.

We probably want that 16,000 acres as much, or more, than they do, but we also have a deep-seated conviction that time is running out and that Big Thicket is more in crisis than ever.

If the Senate can add 16,000 acres and obtain House approval rapidly, we shall be pathetically grateful. If, however, you delay another year and add only a few thousand acres, I can assure you that the overall gain will be slight, for much more than that will have vanished.

Senator BIBLE. May I ask you, because you point up the real problem possibly the dilemma the chairman and Members of the Senate are in. What if we do add the additional acreage, and we go to conference and they say, "Well, we are not going to take it."

Then would you cave in? Would you agree to the House position?

Miss JOHNSTON. The Big Thicket National Association wants 191,000, but there is no chance of getting it.

Senator BIBLE. I understand that. My question to you is a very simple one. The House one is 84,000. Senator Bentsen's proposal and Senator Tower's proposal is 100,000. Suppose the Congress, the Senate passed the 100,000 proposal and we go to the conference and we are told we are not going to go for any more than the House acreage.

What would you do at that stage of the game?

Miss JOHNSTON. What I am asking you for right now is action, and as quickly as possible. If all I can get out of it is 84,000 acres, believe me, I will take it. But if you can give me any additional acreage, I would be delighted.

Senator BIBLE. I just wanted to know your position. I understand it now. Just tell me, are you for legislative taking or against it?

Miss JOHNSTON. I am for legislative taking, and my next remarks have to deal with that.

Senator BIBLE. How about the homeowners' provisions?

Miss JOHNSTON. I am interested in every possible provision for homeowners that will be as generous as possible. I would like, along with the statements that Congressman Wilson has made, to urge that every home be excluded.

Senator BIBLE. You would exclude them all?

Miss JOHNSTON. We feel they can be, if they are on the edges of these units and if they are on the corridors. There is nothing of any botanical value about a house or grass lawn.

Senator BIBLE. You would exclude them all in perpetuity.

Miss JOHNSTON. Yes. Well, I would exclude—I am sorry. I do not get your point.

Senator BIBLE. If you have a home within the taking area, you feel your home should be excluded forever?

Miss JOHNSTON. If you were on the periphery of the unit, if you are on the corridor, and they can take a right-of-way in front of you, yes. They should be excluded.

Senator BIBLE. I just wanted to clear up your position. Now, your next provision is—you simply mention the opposition to the preserve.

Miss JOHNSTON. May I at this point depart from part of this text and show you some of the exhibits that I have brought along?

Senator BIBLE. Sure.

Miss JOHNSTON. In connection with my point that the Big Thicket is vanishing and that if we delay too long you are going to lose whatever gains we may make in the additional acreage, I took a flight over the Big Thicket this last week with two photographers and we took some pictures.

This map points out the locations where the pictures were taken. Two of them are in the Sandylands Pines unit, as proposed and the other two are in units that are in the House bill.

These particular photographs here were taken just below Farm Road 418 in the Sandylands Pine unit, and they show log roads and

turning area where logs are loaded on trucks. In the next photograph here you have some cutting that is south of Farm Road 327, and right on the banks of Village Creek.

The area is not clear cut. There are a few trees left standing there. Senator BIBLE. Were those photographs taken within the taking area?

Miss JOHNSTON. No. This is the Sandylands Pine unit, which is proposed. The next two are within the taking. These may be, if they are added by the Senate. This is in the Turkey Creek unit.

This cutting began about 3 weeks ago and has not progressed too far yet. But you can see log roads running through there, and at the point where I have arrows, there are piles of logs.

Senator BIBLE. What kind of timber is it in those pictures?

Miss JOHNSTON. On the higher ground you have beech, magnolia, and loblolly and on the area next to the creek itself you have cypress, and this sort of vegetation. That is in the Turkey Creek unit. On this photograph, in these photographs we have the Lance Rosier unit.

This cutting began last year, but they came back this year and extended it further to the west. You have here approximately 1,000 acres that have been selectively cut. From 1,000 feet up you do not see tree-tops littering the place.

You do not see the scarred earth. Believe me, you can see it from the ground. The other point that I wanted to make had to do with the corridors and the flooding they are on. All of the streams in the Big Thicket are subject to flooding, this year more than most.

We have had one flood after another all year long. As you can see in this picture, Village Creek, the creek comes out and covers the countryside. This, therefore, makes it very unsuitable for homesites, quite obviously.

In the last page of my statement there is a map of the Beaumont unit and of the area adjacent to it. The history of this unit is that when it first was endorsed by the Big Thicket Coordinating Committee it had 51 acres in it and was bounded by Pine Island Bayou.

The Neches River and the LEDA Canal. I understand that the Kirby Lumber Co. wanted some land added to this area, and the conservationists agreed that it should be added. In this area, there is a small, dotted road which you will see going across there, which is Cook's Lake Road.

This Cook's Lake Road, most of the homes in that area are north of the roads. I believe there are a few that are down in the bayou. I mention this particularly because this is where the center of the opposition is now.

When Congressman Wilson was here before you he indicated that the primary opposition was coming from Village Creek area. It has now shifted, and is down in this area that you have the map before you.

Senator BIBLE. That means you have at least 2 areas that are again you?

Miss JOHNSTON. Yes, sir. In the Cook's Lake Road area here you see pictures of flooding, houses along this road that were flooded last week and the week before. On this map still more of the—these two are the property of one of the most critical opponents of the park.

Here is a home that is in Artesian Acres. And here is one on Pine Island Bayou, west of Highway 96. There was another picture that

was left off of this display, which is a real estate development and it should have been included on it.

As you can see, this real estate development is under water. My point here is that any further development in these areas is most undesirable, because they are flood plain and we will be faced with costly flood protection measures.

Senator BIBLE. I never understood why subdividers build homes and subdivisions on flood plains, but they do, everywhere in the United States, and there ought to be some type of code or some type of law that would prohibit it.

I have just gone through the hearings on the flooding of the Mississippi last year and if anyplace needed some flood plain legislation it was the lower Mississippi. That gets into Arkansas and it undoubtedly gets over into your areas, from what you are telling me.

Very fine. I think that is a fine presentation.

Miss JOHNSTON. May I say one more thing? I know you are in a hurry.

Senator BIBLE. The only reason that I am in a hurry is because I have 38 witnesses. But I am a patient man, so you go right ahead.

Miss JOHNSTON. I did want to include for the record a copy of this which is a sheet put out by the opponents with a number of gross errors and misrepresentations on it, and I think it will be obvious to the committee staff.

Senator BIBLE. That will be adopted by reference.

[The prepared statement and subsequent letter of Miss Johnston follows:]



HEARINGS BEFORE THE SENATE PARKS AND RECREATION SUBCOMMITTEE, SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE, ON BIG THICKET NATIONAL PRESERVE, February 5-6, 1974

Statement of Maxine Johnston, President, Big Thicket Association, Saratoga, Texas

I am Maxine Johnston, president, Big Thicket Association, an organization with over 900 members. These members pay dues and are not just names on petitions. We use those dues to support the efforts 1) to save for posterity a meaningful portion of the remaining Big Thicket wilderness, and 2) to maintain a Museum of natural and local history to interpret our area.

We are the only organization whose sole purpose and entire activity involve Big Thicket. Formed in 1964, we trace our lineage back to an earlier organization, the East Texas Big Thicket Association, which was trying to preserve 436,000 acres of the East Texas wilderness. Some of the members of that organization are still active in this one.

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This statement will deal only with 1) acreage, 2) legislative taking, 3) provisions for homeowners, and 4) with opposition to the Preserve.

ACREAGE. Some of you received letters from me as president of the Big Thicket Association reporting that we had endorsed the Wilson-Eckhardt compromise of 84,000

Johnston - page 2

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If the Senate can add 16,000 acres and obtain House approval rapidly, we shall be pathetically grateful. If, however, you delay another year and add only a few thousand acres, I can assure you that the overall gain will be slight, for much more than that will have vanished.

LEGISLATIVE TAKING. Legislative taking is a necessity for the same reason. Small landowners DON'T have a moratorium on cutting or developing this land and some of them have dollar signs in their eyes. Without legislative taking, much that is of value in the preserve will be near-destroyed and will take many years to recover. Moreover, land speculation in the area has already begun, and with each passing month and year, values will skyrocket thus requiring more public funds to be expended.

HOMEOWNER PROVISIONS. The Big Thicket Association is also deeply concerned that all homes on the edges of proposed units and along proposed corridors be excluded. They have nothing to offer botanically, and there are human values which must be considered. With Congressman Wilson, we believe and we hope that the actual number of homes taken can be fewer than 50, and that even among these, it may be appropriate to re-vest title in owners.

We find the provisions of HR 11546 to be generous, providing for either 1) sale

Johnston - page 3

at fair market value with provision for relocation assistance, or 2) lifetime occupancy with payment on date of acquisition at fair market value less rights retained by the owner. If all permanent dwellings with small agricultural activities are excluded, then the three-acre provision for the remaining homes seems adequate.

OPPOSITION TO THE PRESERVE. The present local opposition to the proposed preserve centers in the lower Pine Island Bayou area. The problem there stems primarily from misinformation on what is to be included in the preserve. The Beaumont Unit boundaries were originally an island encompassed by the Lower Neches Valley Authority Canal, Pine Island Bayou, and the Neches River. I am told the Kirby Lumber Company requested that some of its acreage below Cook's Lake Road be added to the preserve and that conservationists agreed that it should be added. The addition is shown on the attached map. The dotted lines represent Cook's Lake Road, and most of the homes in this area are north of this road. Only a corridor of minimum width (a right-of-way) would be necessary for the banks of Pine Island Bayou as it passes some of the nearby housing developments.

Incidentally, this area is subject to flooding. Attached is a copy of a newspaper article describing some of the conditions there in the last two weeks. If the area continues to develop despite its undesirability as homesites, we will soon have demands from residents for costly flood protection.

Your attention is also directed to this newspaper advertisement prepared by opponents of the preserve. It will not be necessary for me to point out the gross errors and distortions incorporated in it, but it is representative of the effort to create unrest and uncertainty among our citizens.

Comment should also be made on the resolutions from county commissioner's courts. Please note that most of them do not oppose the preserve but are merely for limiting acreage and excluding homes. It is difficult to understand why

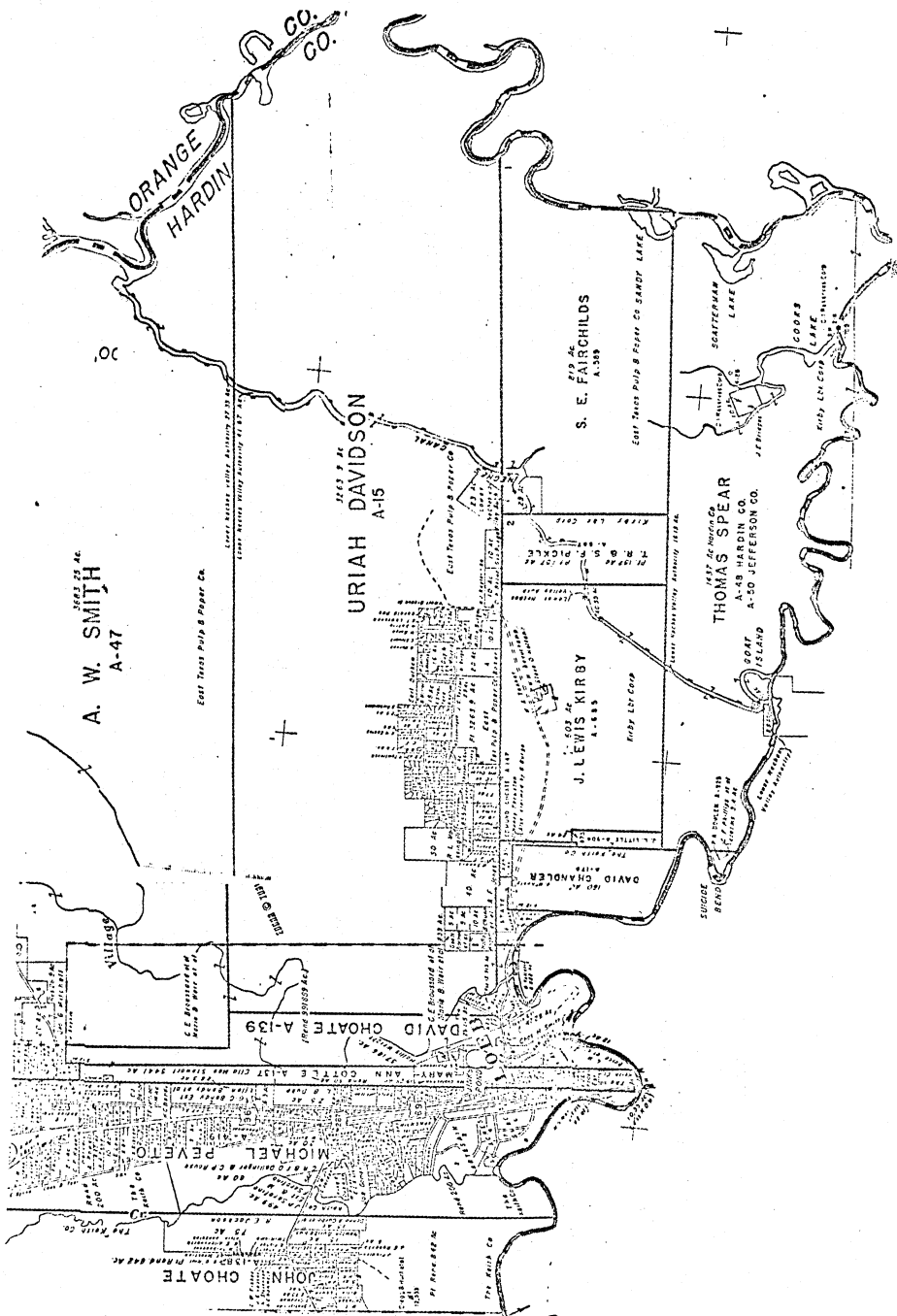
Johnston - page 4

these commissioners acted at all upon the request of so few of its citizens, and still more difficult to conceive why they cannot recognize the benefits that will accrue to their counties from this preserve. Ten years after this preserve becomes a reality, I hope to call on these commissioners with a copy of their resolution in hand and to request that they pass another resolution thanking the Big Thicket Association and Texas conservationists for their work in saving the Big Thicket. Unfortunately, some of the present commissioners will have retired by that time.

When these opponents testify, they will charge that the Big Thicket Association has been taken over by heartless outsiders. For your information, about 15 per cent of our members live in Congressman Wilson's district and another 20 per cent live in the immediate area--particularly Jefferson County. You should also know that my name is number 23 on the Association's 1964 membership list, and that 12 of the present 36 board members were on the first board of directors. Some takeover!

In concluding, may I again appeal for immediate action. Trees are falling and their numbers will increase. And however baseless citizen fears may be, they deserve to know whether their homes are affected.

Please add acreage to make this biological crossroads truly representative of its potential--and do it quickly.



1000 AC.  
**A. W. SMITH**  
A-47

East Texas Pulp & Paper Co.

1000 AC.  
**URIAH DAVIDSON**  
A-15

219 AC.  
**S. E. FAIRCHILD**  
A-38

East Texas Pulp & Paper Co. SANDY LAKE.

1000 AC.  
**THOMAS SPEAR**  
A-50

East Texas Pulp & Paper Co. JENNIFER.

1000 AC.  
**J. LEWIS KIRBY**  
A-18

KIRBY L&P CO. INC.

1000 AC.  
**DAVID CHANTE**  
A-139

**MICHAEL REVETO**

**JOHN CHOCATE**

**ORANGE HARDIN**  
CO.

**HARDIN**  
CO.

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SCATTERMAN LAKE

COORS LAKE

KIRBY L&P CO. INC.

COAT ISLAND

DAVID CHANTE

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Representatives of 10 Arab ally slugging each other... million fund to help African countries pay oil... Arab League Secretary-General Mahmoud Riad,

which sources in Israel said began today... Arab oil embargo against the United States would be lifted... discussion at the meeting in Tripoli. But other

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# THE AUMONT JOURNAL

EIGHTY FIVE YEARS IN THE PUBLIC SERVICE  
BEADMONT, TEXAS, WEDNESDAY, JANUARY 23, 1971  
35 PAGES 4 SECTION

## In Hardin, Jefferson...

# Flooding Being Fought

By JOHN RUDY  
Staff Writer

"Water's coming over the road in torrents. We've been sandbagging and pumping for three days and nights and right now we're worried that the bridges might collapse. We need volunteers to help out."

That's the situation today at Cooks Lake Road and Artesian Acres area in Hardin County where torrential rains of last week have swelled creeks and rivers to several feet above flood stage.

Other areas of Hardin and Jefferson counties are also experiencing such flooding. With several residences in the Pleasant and Bevil Oaks communities reportedly cut off from

roads or containing several feet of water. The high water report contrasts with other signs that the threat of flooding had diminished in Hardin County where school children were ferried across low-lying areas to waiting school buses the first two days of this week.

Sheriff's Department said it had 110 between Silsbee and Kountze was rescheduled to traffic today after being barricaded Sunday night. A Lambert Independent School District official said boats are still being used to transport students that could get out of their homes across parts of Cooks Lake Road.

Community and Artesian Acres placing sandbags and attempting to shore up two bridges that connect the Cooks Lake community with the mainland.

"It's an island, you know," Trevis's office said today. "The big bridge is in good shape, but the smaller bridge in danger of collapsing. It's a matter of time before it goes."

The Bevil Oaks community in northwest Jefferson County has the only road in the county closed because of high water, according to the sheriff's department.

At least two houses are in danger of being surrounded by water. (See 10th page, page 2A)

## Flooding Fought

water from the surrounding nearby Five Island Bayou, but a recent rainfall kept the water level elevated for the time being. The community was hard hit in the spring floods last year, and county work crews worked to clear debris and damaged homes of water damage.

But not 1 contractor Norman Trevis promised county crews would not be available to help them out. "We've had them ever the last flood in June but if anything else comes they'll be on their way."

Water pump operator about the school water pump, Trevis said. "The school water pump has been in operation for about 10 years but the water has been broken down."

Annual happening—Elliot, Beavis surveys his flooded residence in Bevil Oaks, a recent situation from last year. Bevil Oaks community in northwest Jefferson County has the only road in the county closed because of high water, according to the sheriff's department.

Donny Doyle Named First... Coca-Cola... Crackdown Strategy Un... On Delinquent Tax Coll...

**BIG THICKET ASSOCIATION** Box 198 Saratoga, Texas 77585/Phone (713) 274-2971

Advisory Board: Dr. Clarence Cottam, Dr. Donovan Correll, U. S. Supreme Court Justice William O. Douglas, Dr. Thomas Eisner, Alfred Knopf, Mary Lasswell, Richard Pough, Hart Stilwell, Edwin Way Teale, Hon. Ralph W. Yarborough.

February 21, 1974

Mr. Jim Beirne  
Committee on Interior & Insular Affairs  
U. S. Senate  
Washington, D. C. 20510

Dear Mr. Beirne:

Attached is a supplementary statement for the record of the Big Thicket National Preserve hearings held Feb. 5-6, 1974.

We understand that you plan to visit this area soon in order to check personally on the number of residences involved in the corridor along Little Pine Island Bayou and Pine Island Bayou. This is a matter of interest and concern to our association, also, and I hope that I may have the opportunity to accompany you on your inspection tour.

If I may be of any assistance, please call on me.

Sincerely,



(Miss) Maxine Johnston  
President

SENATE INTERIOR & INSULAR AFFAIRS COMMITTEE  
PARKS & RECREATION SUBCOMMITTEEHearing Record on  
Big Thicket National Preserve

Supplementary statement of Maxine Johnston, President, Big Thicket Association

At the February 5 hearings on Big Thicket National Preserve, Senator John Tower submitted recommendations for acreage which differ from the configuration included in the House-passed bill HR 11546. While some of the areas he proposes to add are undoubtedly worthwhile, if we have unlimited acreage, they do not have the high priority and agreement of public officials and conservationists that support the configuration in HR 11546. Indeed, the Big Thicket Association considers HR 11546 sacrosanct, and it should be passed without delay.

We urgently request that the Senate make this bill the basis for its action with only one change: the addition of a unit to include the arid sandlands and the successional lakes. Conservationists agree that this addition is necessary in order to represent all of Big Thicket's facets. If this area is not added now, you can be sure that conservationists will continue to ask for the addition in future years. It should be added at this time--before land values increase and the area is invaded by homesites.

We cannot emphasize too strongly the need for quick action. With my earlier testimony, I have submitted photographs of cutting in progress in two Preserve units. Moreover, a large real estate development firm is moving ahead with plans that will affect approximately 4,000-5,000 acres of Preserve lands. They will be joined by other small tract owners attempting to anticipate and to frustrate efforts to create the Preserve. It is difficult to stand by helplessly while acres are lost, and we urge the Senate to end the debate by accepting the House proposal with the one addition noted above.



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Miss JOHNSTON. In explanation, for the next witness we have Mrs. Lois Williams Parker on the list next. Mrs. Parker could not appear, so I have asked another board member, Mrs. Russell Long, to read a statement which her husband prepared.

Senator BIBLE. Mrs. Long, we will be happy to hear from you provided it isn't too long.

Mrs. LONG. It is very short.

**STATEMENT OF DR. RUSSELL LONG, LAMAR UNIVERSITY,  
PRESENTED BY MRS. RUSSELL LONG**

Mrs. LONG. The area under consideration for a national biological preserve are unique in that it represents a meeting place of northern-southern and eastern-western plants. In turn the wildlife reflects this varied habitat.

I taught a course in vertebrate field biology for more than 15 years at Lamar and can testify to the destruction of this area and the necessity for a national preserve. A favorite study area was a beech-magnolia forest on Village Creek north of Beaumont.

It is now being developed and sold as "estates." Two acid bogs near Hountze have had all surrounding forest bulldozed bare and planted into a pine farm. A collecting area between Beaumont and Saratoga has been bulldozed into a rice farm.

A fellow teacher recently asked me about a shallow natural pond in the area and came back and told me, "It is not there anymore." We have the power machinery to totally destroy that part of the thicket being considered at this hearing. Let us utilize this part of this land for our children and grandchildren by making it a national biological preserve.

Senator BIBLE. Thank you very much. I am very happy to have that testimony. It is the chair's intention to hear one more witness this morning and then to recess until 2 o'clock. The next witness that I am going to hear, because she has run into some transportation problems, is Mary Kittell.

Then this afternoon we will hear Dave Davidson and Orrin Bonney, then J. T. Williams, William Nelson, John C. Billings, Dempsey Henley, and James Webster. And that will complete the hearings for this afternoon and then we will hear 18 other witnesses tomorrow morning.

Do I pronounce your name correctly?

Ms. KITTELL. Yes.

**STATEMENT OF MARY KITTELL, PRESIDENT, COUNCIL OF NATIONAL GARDEN CLUBS OF AMERICA, FORT WORTH, TEX.**

Ms. KITTELL. I am Mrs. Howard S. Kittell, vice president of Texas Garden Clubs, Inc., with approximately 30,000 members. I am 1973-75 president of National Council State Garden Clubs, Inc., with approximately half a million members in this country and an equal number of international affiliates in other parts of the world.

With the permission of both organizations, I am today speaking for Texas Garden Clubs, Inc. Texas Garden Clubs, Inc., officially adopted the policy statement which we have today presented on May 28, 1969,

as a great deal of research and soul-searching on a compromise for a suggestion of 100,000 acres rather than approximately 200,000 which we originally wished to present.

This statement was officially re-ratified by Texas Garden Clubs, Inc., in session October 18, 1973, and again by the executive committee January 29, 1974. Since you are in such a hurry I would like to say that this has been presented to you twice before, and I will just touch the highlights if you want me to.

I have cut it down, so I think I can do it in about 5 minutes.

Senator BIBLE. All right. You are recognized for 5 minutes.

Ms. KITTELL. I am not accustomed to speaking to groups of such distinguished men. I am more at home with women. We feel Big Thicket National Park, which would include a minimum of 30,500 acres proposed in the preliminary report by the National Park Service study team with the following modifications and additions.

They have been carefully worked out and are enumerated. I know you have heard them any number of times before, so I will skip them if you want me to.

Senator BIBLE. Yes. Because I am familiar with them. We passed the bill once in the Senate before.

Ms. KITTELL. I know you are familiar with those. Now such additions would form a connected two-loop green belt of about 100,000 acres. There are more than 3 million acres in the overall Big Thicket area, through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headwaters be in or near the line of profile unit. We are absolutely opposed to any trading or cession of any national forest area in the formation of the Big Thicket National Park or monument.

In addition, but not as part of the Big Thicket National Park or monument, we recommend an establishment of national wildlife refuge, comprising the lands of the U.S. Corps of Engineers around Dam B, be a State historical area encompassing communities of typical dwelling forms, et cetera.

Other State parks to supplement the national reserve. We again urge on this day, Tuesday, February 5, 1974, that the President of the United States, the Senate and Congress, the Department of the Interior, the U.S. Corps of Engineers as to Dam B, and appropriate State agencies as to supplemental State and historic parks take appropriate action to implement this policy as soon as possible.

Senator BIBLE. That is a very fine statement. If you had been here at the opening of the session you would have heard me say that I was very, very hopeful that we could move this bill through very quickly through the Senate, then to the Congress and then to settle the differences.

These park proposals generally end up in basic differences of size. Some of them want no park at all. Some of them want a small park. Some want a medium-sized park. Some want a large park.

So we have to try to settle the differences between those various areas. So we will do the best we can and try to get you some legislation through the Senate in a reasonable time so we can take it to conference and resolve the differences between the House version and the Senate version.

If there are differences when the Senate finally acts.

Ms. KITTELL. I might say, too, that we definitely feel that the taking clause must stay in.

Senator BIBLE. That is a controversial point. We ran into nothing but problems in Redwoods. If you had been with Redwoods as I have for the last 5 years you would shudder because it has been a nightmare.

But we will consider it very carefully.

Ms. Kittell. We have followed that. Thank you so much for the privilege of appearing here.

Senator BIBLE. I am so sorry you were delayed in your airplane.

Ms. KITTELL. I got up at 3 o'clock this morning to get here.

Senator BIBLE. Well, you Texans are tough. We will stand in recess until 2 o'clock.

[Whereupon, the hearing was recessed at 12:15 p.m., to reconvene at 2 p.m.]

#### AFTERNOON SESSION

Senator BIBLE. The hearing will resume. The panel next to be heard will be Mr. Dave Davidson, chairman of the Lone Star Chapter, Sierra Club, San Antonio, and Mr. Orrin Bonney, regional vice president, Sierra Club, Washington, D.C., appearing as a panel.

Mr. BONNEY. I do not see Mr. Davidson here and I will proceed.

#### STATEMENT OF ORRIN BONNEY, REGIONAL VICE PRESIDENT, SIERRA CLUB, WASHINGTON, D.C.

Mr. BONNEY. I would like my statement filed in the record and then I will make some comments from it.

Senator BIBLE. You can make your comments as long as your comments are not longer than your statement. Your full statement will be incorporated in the record.

[The prepared statement of Mr. Bonney follows:]

#### STATEMENT OF ORRIN H. BONNEY, REGIONAL VICE PRESIDENT, SIERRA CLUB, WASHINGTON, D.C.

Senator Bible and members of this subcommittee, I appreciate the opportunity to appear before you today. I am a lawyer. I am also presently a vice president of the Sierra Club. I was the first chairman of the Big Thicket Coordinating Committee and have had a strong interest in preservation efforts on behalf of the Big Thicket for many years. I have previously testified in the Senate hearings on Big Thicket on June 12, 1970 in Beaumont, Texas, the House hearings in Beaumont June 10, 1972, and the House hearings held in Washington July 16-17, 1973. These hearings have been published.

I own 200 acres of land in Montgomery County, Texas. This county was once entirely Big Thicket country and my land still is, but the Big Thicket is gone from most of the county. I have watched it dissolve around my property over the last 45 years, and can see what is in store for land that is not put in a Big Thicket Preserve.

A great deal of information has already been presented both in the Senate and in the House about the Big Thicket and the overwhelming opinion of necessity for preserving it. Both the senators from Texas, Senator Tower and Senator Bentsen felt it was so important a piece of legislation that they not only introduced bills in the Senate to establish a Preserve but they each took time out from their busy schedule to appear before the House Subcommittee on National Parks and Recreation last July to testify in its behalf and in favor of at least 100,000 acres being set aside. Big Thicket was supported in the House by bills sponsored and co-sponsored by 21 Texas representatives, almost unanimous.

The purpose, location, size and description of the Big Thicket country was excellently detailed and summarized in the Report Accompanying HR 11546 which was passed by the House on December 3, 1973. I refer this Committee to it for details concerning the magnificent variety of plant and animal life which is assembled in this Biological Crossroads of North America and the strong case presented there to preserve it.

The first federal legislation on Big Thicket was a bill introduced by Senator Yarborough in October of 1966 in the 89th Congress which started the ball rolling. He reintroduced it in January 1967 as S. 4 of the 90th Congress and again as S. 4 of the 91st Congress. It was passed by the Senate in the 91st Congress in December of 1970 for 100,000 acres.

Senator Yarborough stated (see Congressional Record, 91st Congress, January 15, 1969) that he had originally introduced his Big Thicket bill

"not as a detailed proposal ready for immediate enactment but as an attempt to focus attention on this need until the best recommendation from all interested parties became available . . . I have recently received other suggestions from such nationally known groups as The Wilderness Society and the Sierra Club who have become quite concerned with this project."

Senator Yarborough had been defeated for reelection in 1970. Both he and this Senate Committee felt that his great efforts on the Big Thicket should have recognition before the Senator left office by the passage of a Big Thicket bill.

After the hearings in Beaumont on June 12, 1970, this Senate Committee made a great effort to obtain from the National Park Service the necessary details and description of the tracts involved. The Park Service had made several comprehensive studies of the Big Thicket. George Hartzog, then Director of the National Park Service, attended the Beaumont Senate Committee hearing and heard all the testimony. This Senate Committee asked the National Park Service for its recommendations and set the date for a hearing on September S. 1970, which was subsequently postponed by request of the Administration. The Administration continued to stall. The Chairman of this Senate Committee felt that action should be taken on the bill before Mr. Yarborough left office and set down a definite hearing date for November 24, 1970, and notified the Department of the Interior to present its report at that time. A representative of the Department appeared and said there was no report. The Chairman of this Senate Committee then publicly insisted that the Department make a report. He reset the hearing for two weeks. This Committee was ignored and no report was made. We were told by Hartzog that the Administration had ordered that no report be made. (In fact, for almost three years this situation between the Administration and Congress continued.) So S.4 was enacted in December 1970 as originally drawn and not as a detailed proposal. It provided only that:

"the Secretary of the Interior shall establish the Big Thicket National Park consisting of land and interests in land not more than 100,000 acres in Hardin, Liberty, San Jacinto, Polk and Tyler Counties, Texas."

The bill was not in complete form, but it was neither the fault of Senator Yarborough nor of this Committee that the details were not completed.

Senator Bentsen, who had defeated Senator Yarborough in the primaries and subsequently won the election, as one of his first acts as senator, reintroduced on January 25, 1971, the previously passed Senate bill, now under S. 118.

The other senator from Texas, Senator Tower, likewise offered a bill for 100,000 acres. Some of its details were incorporated into the House bill.

A great deal of work and considerable discussion was done in the House Subcommittee and by members of the House in developing the details for H.R. 11546. It was passed and is now before this Senate Committee. In general we hope the Senate will follow the House bill except for adding acreage to bring it up to the 100,000 acres as previously determined by the Senate.

We certainly support the areas included in the House bill which represent most of the unique plant communities of the area. However, it does omit a major, one-of-a-kind botanical and geological wonder that should have a high priority in a Biological Preserve. We feel that the Arid Sandylands-Ponds Unit is extremely significant and should be included, being an area that carries no permanent residences at this time. Acreage not now occupied by homeowners in the Saratoga Triangle could also be added to bring up the desired acreage.

The present provisions in the House bill, such as those that follow, are excellent and should not be changed.

1. *Legislative Taking.*—Failure to include this provision would have two results:

(a) There would be no protection for the areas being taken. We would have no way to prevent further cutting, particularly on those lands not protected by the industry's voluntary moratorium. There has already been some spite cutting, and more is threatened.

(b) Another effect would be speculation and increase in prices which might even double the cost of the Preserve to the American taxpayer a whole lot more than the 6% interest involved. Merely discussing a Big Thicket Park has already resulted in a substantial increase.

2. *Authorization Out of the Land and Water Conservation Fund.*—This is exactly the purpose of the Land and Water Conservation Fund. As pointed out, prompt action in acquiring the Preserve is necessary. It is estimated that each day we delay establishing the Big Thicket Park, we lose 50 acres. To go through the regular appropriation process might take several years more (as it did on Padre Island) and would result in an irreparable loss. The Land and Water Conservation Fund is ample to take care of the financing.

3. *Park Management—Hunting.*—This provision is politically necessary in order to obtain local support and I would not want to see it changed. I think the House bill has adequate provisions to enable the Secretary of the Interior to regulate or forbid hunting in any part of the Park necessary, and I feel that this can be done gradually, equitably, and adequately without stirring up a political hornet's nest at this time.

I am sure, Senator Bible, you will see that the people of Texas and the Nation get the best possible Big Thicket Preserve.

Mr. BONNEY. I am a lawyer. I actually live in Montgomery County, Tex. I have property there. Montgomery County was once part of the Big Thicket. I have had a home there for 45 years. It is no longer Big Thicket country, my land, but the rest of it is. And I have watched it dissolve away with the subdivisions and various things they call improvements and that sort of thing.

So it is no longer that sort of country. I am a lawyer and as you mentioned I am vice president of the Sierra Club. I was first chairman of the Big Thicket Coordinating Committee and I have had a strong interest in preservation efforts in behalf of the Big Thicket for many years.

I previously testified before the Senate in Beaumont before the House hearings in Beaumont and the House hearings in Washington. Those have been published. And my statements are there, and I will not elaborate on those.

A great deal of information has already been presented both in the Senate and in the House on the Big Thicket, and the Senators from Texas testified here this morning, Senator Tower and Senator Bentsen also appeared before the House, which I think is somewhat unusual.

It showed their intense interest in the Big Thicket and they testified there last July when the hearings were held there. They testified for 100,000 acres as they did this morning.

The purpose, location, size and description of the Big Thicket country was excellently summarized in the report accompanying the House bill, which was passed by the House on December 3.

I just referred to it rather than elaborate on it now. There has been some further mention of it today. In the 91st Congress of 1970 a Big Thicket bill was passed there for 100,000 acres. Senator Yarborough at that time stated that he felt it ought to be passed and it ought to be passed before he left the Senate.

He had been defeated for reelection in 1970, but he felt that it ought to be passed by the Senate, and the Senate did pass it. Quoting Senator Yarborough from the Congressional Record, quote: "Not as a detailed proposal, ready for immediate enactment but as an attempt to

focus attention on this need until the best recommendation from all interested parties becomes available." Unquote.

The bill merely specified that the Secretary of the Interior shall establish the Big Thicket National Park, consisting of land and interests in land of not more than 100,000 acres and named the six counties.

Then Senator Bentsen, one of the first acts that he did, he defeated Senator Yarborough in the primaries and had been elected. But the first act he committed was to introduce, reintroduce the bill which had already passed the Senate.

That was one of his first acts as Senator, to reintroduce that bill. So it is still—if you go back to that bill, it is not a complete bill, and it is necessary to consider some of the revisions that should go into the bill.

Fundamentally, most of us feel that the House bill, H.R. 11546, a great deal of work was done there and it is a good bill. The provisions are very good and in general we hope that the Senate will follow that bill, except for adding acreage which would bring it up to the 100,000 acres.

We felt that it omitted one of a kind of botanical and geological wonder. It should have a high priority in a biological preserve, and we felt that the arid sandylands ponds unit was significant and should be included.

A map of that was introduced in evidence this morning, I think by Senator Yarborough. And the area there advocating introducing carries no permanent residences. We understand Senator Wilson's having worked out a compromise, and we think he is to be commended in working out a compromise.

I do not know why he should not go the full limit of the 100,000 acres. I sympathize with him. He is in a county which is controlled by the timber interests. He worked for the Temple Lumber Co. before he was elected to Congress.

So he is working against some of what those people feel at times. They had come out for 35,000 acres, as you recall, from Beaumont, and now it has been worked up to this. I am sort of a practical individual.

If it develops into too much controversy, I do not think you would find any problem with Charlie Wilson agreeing that when you take it to conference agreeing that more land appear along the Neches, just in the narrow corridor there, and this small acreage, in this Lance Rosier unit, those are other possibilities.

I am not trying to compromise it myself or tell anybody to compromise it, because you are all more expert on that sort of thing.

Senator BIBLE. It is just obvious to me that if you do not compromise with some, you are not going to get any bills. So you had better make up your mind.

Mr. BONNEY. That may be the facts of life. So I suggest that if—I do not know why there is any opposition to the sandylands. But if there is, why this other property would be—

Senator BIBLE. We will try to work it out.

Mr. BONNEY. It would still keep it up to what the Senators have declared themselves for, everybody except Charlie Wilson declared themselves for 100,000 acres.

Senator BIBLE. I do not think everybody but I will take your statement. I have gone through this once and I have a little familiarity with it.

Mr. BONNEY. Yes. Now, on some of the other features, I am in favor of this legislative taking. The Sierra Club is also. It is quite imperative. I think Senator Tower this morning was commenting on it, that if we do not do that, if we do not take it immediately, this legislative taking, and you saw the photographs here that the lady presented this morning:

We may lose the whole thing.

Senator BIBLE. I understand the position.

Mr. BONNEY. If we wait 1 or 2 or 3 years, we are not having anything to legislate about. So it needs immediate taking. Another thing, there has been a lot of speculation as a result of the publicity that has been given the idea of the Big Thicket.

If we do not take it immediately, it would probably more than double the cost of it. If we wait 1, 2, or 3 years, as the administration suggested, then it will cost us a whole lot more than just a mere 6-percent interest involved.

That is about the main reason they did not want to bring it in and then they wanted to spread out the claiming of the fund. But I think we should take it immediately. I think it is well to take it out of the land and water conservation fund.

The fund is ample. Prompt action is necessary. If we go through a regular appropriation process it might take several years, as it did on Padre Island, and would result in irreparable loss. There is nothing in the bill saying what the priorities are, and I do not think that came up this morning.

I do not think we—I think we ought to let the administration follow through on that. Hunting. Senator Yarborough felt that hunting should be prohibited. I think the bill as written is very good. I think that it will take care of any situation there.

It permits the Secretary of the Interior to designate any area which he feels there should not be any hunting, because of safety and other features. So he can gradually take care of that situation. If, as time goes on, it appears that hunting is being taken care of elsewhere and that there should not be any hunting there, why he can gradually put that into effect.

So those are the main things that I wanted to point out.

Senator BIBLE. It is very good to see you again. Again, I repeat I hope we can move this bill on its way to the White House within the near future.

Mr. BONNEY. I realize you have been doing very well with this yourself to keep it moving, and I hope you continue that.

Senator BIBLE. I would not be here hearing this if I did not intend to do it.

Mr. BONNEY. We greatly appreciate it.

Senator BIBLE. Our next panel will be composed of Mr. J. T. Williams and Mr. William Nelson. Are these gentlemen in the audience? If not, their statement will be incorporated in full in the record.



[The statement referred to above follows:]

STATEMENT OF J. T. WILLIAMS, BOARD PRESIDENT AND W. M. NELSON, SUPERINTENDENT, LUMBERTON INDEPENDENT SCHOOL DISTRICT

GEOGRAPHIC, DEMOGRAPHIC, AND FISCAL INFORMATION OF LUMBERTON INDEPENDENT SCHOOL DISTRICT AS RELATED TO THE PROPOSED BIG THICKET NATIONAL PRESERVE

Lumberton Independent School District is a political subdivision encompassing 115 square miles of the southeast corner of Hardin County, Texas. It is a suburban rural area with approximately 8,000 residents.

The district is bounded on the north by Village Creek, on the east by the Neches river and on the south by the Pine Island Bayou. The southern boundary is shared by the City of Beaumont.

The annual school budget is in the neighborhood of \$1,147,061.00, approximately 41.5% of which is derived by local taxation with the *ad-valorem* property tax as its base.

Currently, and for the past few years, the district has been taxed at \$1.59/\$100.00 valuation and valuation has been set at 100% of true market value.

Local effort is considered high when compared with other districts in the state. In the event that a large portion of the tax base is excluded from the jurisdiction of the school taxing body, the patrons of this district will either have to pay more taxes or the school program will have to be curtailed to a less desirable standard.

The present enrollment at Lumberton is approximately 1650 students. This represents more than 100% growth within the past ten years. There is presently no indication of any tendency toward a reduction in the rate of growth of this area which suggests that in the future the district will be charged with more to do with less tax base on which to depend for school finance.

The Big Thicket National Preserve as proposed suggests educational disadvantage to the youth of Lumberton.

BIG THICKET NATIONAL PRESERVE

The Lumberton Independent School District is a political subdivision which is to be included in part of the Big Thicket National Preserve as the bills are currently written.

As in the case of all Texas public schools a large portion of revenue for operation and maintenance, and total costs of construction of buildings is furnished by local *ad-valorem* property taxes.

Inclusion of lands and properties as outlined by H.R. 11546 (Report No. 93-676) would cut deeply into the financial and therefore the educational capabilities of Lumberton Independent School District.

Areas of direct concern to the school district are: The Beaumont unit (p. 3, line 24—p. 4, line 4) comprising approximately six thousand acres; the Little Pine Island—Pine Island Bayou Corridor unit (p. 4, lines 10-12).

These areas include properties in three categories as follows:

- I. Improved properties within an incorporated municipality.
- II. Improved properties within an unincorporated subdivision and other improved properties.
- III. Unimproved properties.

The House Resolution provides (p. 2, lines 14-22) "that the Secretary of Interior shall locate the boundaries of the stream corridors and . . . shall make every reasonable effort to exclude from the units . . . any improved year round residential properties which he determines, in his discretion, are not necessary for the protection of the values of the area or for its proper administration."

It therefore is uncertain the extent to which the tax base of the school district will be reduced.

If the Secretary of Interior chose, at his discretion, to remove the corridors from the preserve, there would be no economic or educational damage. On the other hand, if he chose to include all resident property within the corridors, the result would be the loss of approximately 10% of the local revenues.

Further, as Lumberton I. S. D. has had a history of growth in pupil population, it has had a concurrent growth in *ad-valorem* tax base. Inclusion of the corridors as proposed would serve to limit if not preclude industrial growth as suggested on page 10, lines 1-11.

Implicit in the definition of the Lower Neches River corridor unit (p. 3, line 24, through p. 4, line 4) industry must have access to fresh water sources. Having further stipulated that existing railroads, pipelines, and public utilities and their easements are excluded suggests that further growth in the area will be limited.

The proposal makes no provision for payment in lieu of taxes or for any form of compensation for damage to future growth of value within the tax jurisdiction of the school district.

It is felt that a bill lacking in provisions for loss of revenue, both present and future, will have an immediate and lasting detrimental effect on the educational capabilities of the Lumberton Independent School District.

In summation there has been no *quid pro quo* offered in relation to loss of tax base and loss of future growth. We therefore ask that corridors contiguous to and inclusive of properties within the Lumberton Independent School District be excluded from the Big Thicket National Preserve.

Senator BIBLE. Our next witness will be Mr. Dempsie Henley, Texas Commission for Indian Affairs, Liberty, Tex. Is Mr. Henley here?  
[No response.]

Our next witness is Mr. James Webster.

#### STATEMENT OF JAMES WEBSTER, PRESIDENT, TEXAS FORESTRY ASSOCIATION, HOUSTON, TEX.

Mr. WEBSTER. I would say very briefly we would like to support the 75,000 acres recommended by the Park Service for two reasons. One, their experts recommend it, and second, I understand we can fund it.

Like almost everybody else here we would like the issue resolved as quickly as possible. One of the reasons is that I think we stand in grave danger of losing the existing moratorium on some of the timberlands there, if we do not.

As you know, the original string of pearls proposal, the 35,000-acre proposal, had an official moratorium put on it by members of the Texas Forestry Association. Then we also had sort of a nonofficial moratorium on some of the other proposed areas, probably another 80,000 acres, plus or minus.

It would be a little bit hard to say. Some of the people are getting a little bit edgy. For that reason, particularly, we would like the issue to be resolved. I would like to mention that we would strongly urge that compensation be arranged for the local taxing jurisdictions who will be sustaining losses by the establishment of the biological reserve.

Particularly, I think, since the nature of the reserve itself does not lend itself, in my opinion, to tourist attractions that might increase the tax base of the area. So in sum, we would like the Congress to act as promptly as possible, sir, in the interest of the landowners and the taxing jurisdictions in the Nation.

And I would be glad to answer any questions that I can.

Senator BIBLE. When does this moratorium that you mentioned expire? The self-imposed moratorium by the Forestry Association?

Mr. WEBSTER. It has no expiration date. The only problem is that some of the people begin to get a little edgy. In the first 5 years of the moratorium ad valorem taxes among the major owners in the 35,000-acre proposal had totaled up to something over \$125,000.

Of course there is no compensation for that. They are willing to sit still and since that time a number of other areas have been suggested for inclusion. For example, the Triangle area, spoken of here today.

Taxes go right on in areas like this. And sometimes some of the owners begin to get a little edgy and come by and say, "Jim, how long

do we have to do this?" We say, "Well, we try to hold out as long as we can."

Senator BIBLE. Is there any cutting by the forestry people, the lumber interests in the taking area of the Big Thicket at the present time?

Mr. WEBSTER. Insofar as I know, but then where is the taking area? This is the problem that we get into.

Senator BIBLE. I realize it is a little fluid. But Miss Johnston showed some pictures indicating that there was some lumbering and clear-cutting in part. The picture showed there was clearcutting. Whether that was in the taking area—you have three versions.

Maybe you have four versions.

Mr. WEBSTER. Sir, we have more than that.

Senator BIBLE. I mean before us. You have the administration bill, Senator Tower's bill, Senator Bentsen's bill and the House bill. So, is there any taking within any one of those four bills?

Mr. WEBSTER. Sir, insofar as I know, no. But today was the first day I heard of this, I talked to Miss Johnston about it afterward. She asked me about a particular company that she thinks is doing some clearcutting.

I do not think that that particular landowner is a member of the TFA, but I will have to go back and find out.

Senator BIBLE. You are going to supply her with that and the committee?

Mr. WEBSTER. Yes.

Senator BIBLE. I would hope that as president of the Texas Forestry Association you would have members of the association hold back on clearcutting or any other kind of timbering until this is resolved. This should be resolved rather quickly, I think.

Mr. WEBSTER. Do you have any idea about the time?

Senator BIBLE. Anybody who ever speaks on the timetable for Congress would probably be subject to recall or he would not get elected again. But I would think—we have heard this once. We passed this once, I would think within 30 to 40 days. Maybe I am a little optimistic, but I am not too much off base.

So I would say within 2 months, 60 days.

Mr. Webster, I will do everything that I can to hold it down. We are faced with this one thing down there. We have had so much rain. I think Galveston Weather Bureau says we have had more rain in the last year than we have had in 103 years.

A lot of the companies are short on logs, and if a small landowner comes in and says he wants to sell timber, then they are put between the rock and the hard place. But we will certainly do our very best to encourage them not to do any cutting in what we assume to be the taking area.

Senator BIBLE. I think the Congress would appreciate it. I know that I, personally, would appreciate it. We are coming down to grips in this problem where we should be in the homestretch, barring something unforeseen.

So I would appreciate that spirit of cooperation. Thank you very much.

Mr. WEBSTER. Thank you.

[The prepared statement and subsequent communications of Mr. Webster follow:]

## STATEMENT OF J. B. WEBSTER, REPRESENTING THE TEXAS FORESTRY ASSOCIATION

I am J. B. Webster, president of the Texas Forestry Association, an organization which has promoted forest conservation and the forest economy of Texas for 60 years.

Our Association's membership is made up of over 2,000 Texans and Texas firms. It includes forest industry members such as pulp and paper producers, sawmills and forest products processors as well as tree farmers, woodland owners, civic groups and individuals of various professional occupations.

From the beginning, the Texas Forestry Association has recognized the desirability of setting aside lands for the preservation of portions of that area of Texas known as the Big Thicket, and I am happy today to again appear before this subcommittee in support of the creation of a Big Thicket National Preserve. We only ask that the Senate now move quickly to resolve this knotty issue which has been under consideration for over six years.

To fully comprehend the extent and implications of the controversy related to the establishment of such a preserve, one must first understand the meaning of the term "Big Thicket."

In recent years, the term has become associated with virtually all the forest land in East and Southeast Texas, much like Broadway has become associated with the theater, Madison Avenue with the advertising world, and Wall Street with finance.

Consequently, many alternative Big Thicket proposals have been suggested by various groups and individuals, alternatives ranging in size from 35,500 acres to an area ten times that large, and each proposal moved about to meet the objectives of those who proposed it.

As a result, the Texas Forestry Association's argument has been one concerning size and location of key areas to be preserved. We have not suggested that such a preserve is not desirable, merely that areas set aside should be selected for the ecological contributions they can make rather than mere contributions to overall size.

In 1967, a report issued by the National Park Service cited various ecological units totaling 35,500 acres as containing examples of unique biomes and suggested that the units be preserved in a national monument. During the years of our organization's existence, our members have become well acquainted with our state's woodlands, and we, too, recognized these units as "pearls" exemplary of nature's gifts. We agreed that they should be preserved. The proposed monument was the first definition of the Big Thicket, and we immediately endorsed and promoted the concept.

Our initial endorsement of the proposal included a cutting moratorium on all timber harvesting on the lands owned by members within the recommended area. This action preserved some one-hundred million feet of pine and hardwood timber, and the halt of timber cutting has been observed over the past six years in spite of allegations to the contrary by some misinformed individuals and organizations.

Since the announcement of the Department of Interior's initial plan, six years of intensive consideration should have provided Congress with sufficient information to resolve the issue; however, a final solution doesn't exist at this time. The Texas Forestry Association encourages you to resolve this impasse before greater complications arise.

Through 1972, the major landowners alone paid over \$100,000 in ad valorem taxes for the lands they voluntarily placed under moratorium in the 35,500-acre monument proposal. In addition, there are now roughly 80,000 acres under unofficial moratorium in other areas Congress is considering for inclusion in the "Big Thicket National Area;" unfortunately, I have no official summary of tax losses for these areas. If negotiations continue to drag on as they have in the past, how long can we expect landowners to maintain this moratorium on good faith alone when faced with compounding taxes without offsetting income?

The House of Representatives recently voted favorably on a resolution which would create a Big Thicket National Preserve. Although the House has entertained its share of Big Thicket park bills, the action was the first time it had voted favorably—or voted at all—for legislation preserving the Big Thicket.

The House approval was the first action accomplished in the history of the controversy which would significantly contribute to the objective of saving the Big Thicket. But it includes more land than we think is desirable for preservation, since it is larger than the National Park Service's 1973 recommendation for establishment of the Preserve. We feel the Senate should adjust downward to the approximately 75,000 acres proposed by the Park Service.

In summary, the issue has been worked on and fully debated in Congress for over six years. In that time, its members have had ample opportunity to become well informed of the consequences of the controversy and should be able to arrive at a logical solution to the dilemma.

Preservation of the Big Thicket is not an issue—the quarrel now involves the dozens of proposals for expansion and relocation of the areas to be preserved. We strongly advocate the establishment of a preserve following the basic 1973 Department of Interior proposal for the establishment of roughly a 75,000 acre national preserve. We urge also that the Congress provide appropriate compensations to those local taxing jurisdictions whose tax bases will be reduced by establishment of the preserve.

Please act promptly to resolve this matter in a manner equitable to the land-owners concerned, the taxing jurisdictions concerned, and to the nation as a whole.

Thank you.

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TEXAS FORESTRY ASSOCIATION,  
*Lufkin, Tex., February 11, 1974.*

HON. ALAN BIBLE,  
*U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR BIBLE: In accordance with your request at your Subcommittee hearings last week concerning the Big Thicket National Preserve, I am enclosing, for your information, a copy of the letter I have sent to Forest Products Industries in Southeast Texas.

I do hope the Big Thicket Issue will be resolved at an early date.

Respectfully,

JAMES B. WEBSTER, *President.*

Enclosure.

TEXAS FORESTRY ASSOCIATION,  
*Lufkin, Tex., February 11, 1974.*

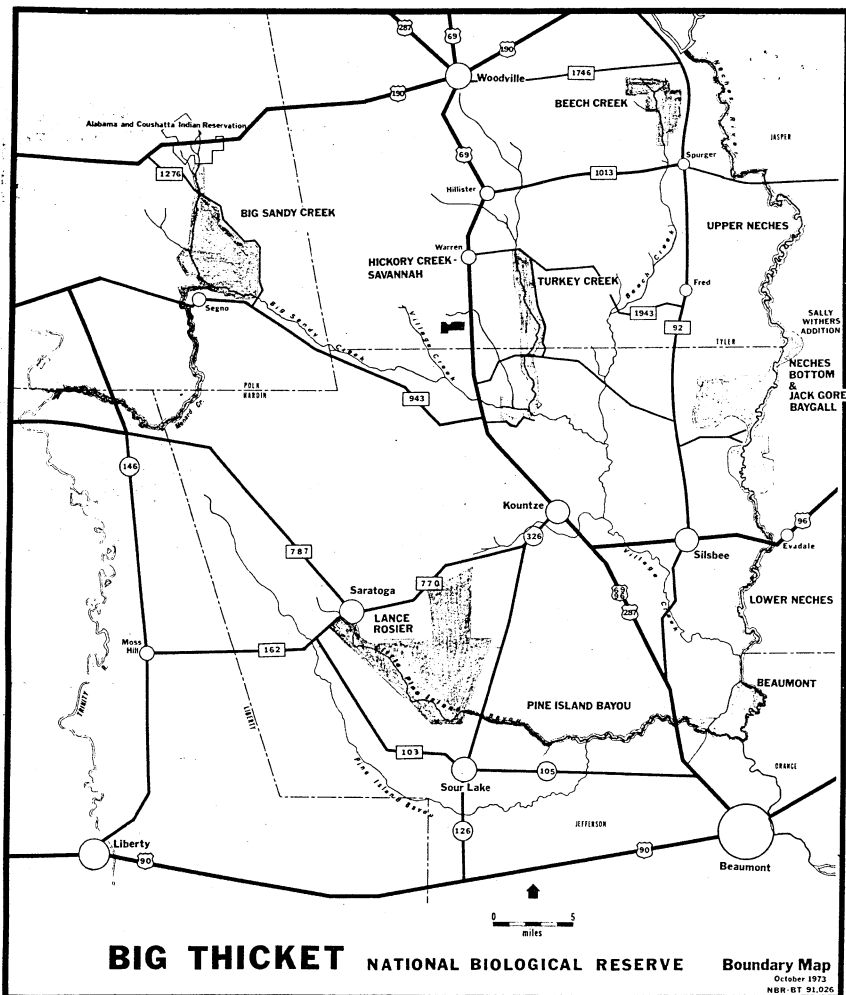
To: Texas Forest Industry Executives of South East Texas

Gentlemen: On February 5, 1974 Senator Alan Bible, chairman of the Senate subcommittee on Parks and Recreation advised that he anticipate final passage of the Big Thicket Biological Reserve legislation will take place within the next two months. In order to cooperate with the Senate subcommittee, I am taking this manner of asking each of you to avoid any cutting of timber within the confines of the Reserve area, designated by Congressman Charles Wilson on the attached map, during that two month period.

A decision on the matter appears to be close at hand. I do urge that each of you cooperate with our stated position of support for final resolution of this matter by observing this temporary moratorium for cutting (on your own land or that of others.)

Respectfully,

JAMES B. WEBSTER.



TEXAS FORESTRY ASSOCIATION,  
Lufkin, Tex., February 15, 1974.

HON. ALAN BIBLE,

Chairman, Senate Subcommittee on Parks and Recreation, Committee on Interior and Insular Affairs, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE, Thank you for your courtesy in listening to my testimony before the Subcommittee on February 5. My comments may not change the course of history, but I do appreciate having had the opportunity to make them.

My purpose in writing is to verify one point which developed during the hearing: Several of those testifying (and I particularly recall Mr. Fritz' comments on February 6) implied or stated that "lumber companies" had been grossly remiss in permitting cutting operations to go on in the sandy lands pond areas" in direct violation of their stated moratorium positions.

The implications involved are greatly misleading, since the various industrial landholders in the area have formally declared a moratorium on cutting operations only in the original, 35,500-acre "String of Pearls" National Monument proposal; this was done under the aegis of the Texas Forestry Association. Be-

yond that, several of the industrial owners involved have individually declared moratoriums on several additional portions of their holdings in which strong interest has been evidenced by the Park Service, the Congress, and/or certain of the more vocal environmental activities. However, to the best of my knowledge, no Texas Forestry Association member ever heard of the "sandy lands pond areas" prior to the hearings February 5 and 6, 1974.

I believe this action to be typical of the environmental activists who demand the preservation of each bit of Southeast Texas which happens to strike their fancy. Depending upon the environmentalist with whom one is speaking, the "real Big Thicket" is moved about and added to regularly (I do not recall its having been reduced in size in their plans). Thus, it becomes impossible for timberland owners in the area to ever "do the right thing" by establishing a cutting moratorium (at the landowners expense); the landowner always winds up touted as a crass materialist dedicated to the destruction of the environment.

It has become obvious to me as president of the Texas Forestry Association that the private landowner can never voluntarily satisfy the greed of these people. Therefore, I again urge that the Congress act quickly to settle this matter once and for all so that each landowner involved can get on about the business of managing his remaining forests for the perpetual benefit of the people.

Sincerely,

J. B. WEBSTER.

Senator BIBLE. Did Mr. Dempsie Henley return? That is the last listed witness that I have for today. We will resume tomorrow morning. Are there others here—is everyone else out in the room witnesses? Everyone who is a witness raise their hand.

[A show of hands.]

Senator BIBLE. Well, maybe we can dispose of two or three of them. We have about 30 minutes. We will start right at the first. Is Mrs. Judith Allen of Batson, Tex. here? We can hear you today, if that helps you.

Mrs. ALLEN. Fine.

Senator BIBLE. Then I will go to Mrs. Geraldine Watson. Is she here?

Mrs. WATSON. I am scheduled for tomorrow. Can't I go tomorrow?

Senator BIBLE. Sure enough, honey, I just tried to take you people who want to go back to Texas. Mrs. Allen of Batson, Tex. We will hear Mrs. Judith Allen and then we will hear Mr. Dempsie Henley and we will be in session tomorrow at 10 o'clock. You may proceed.

#### STATEMENT OF JUDITH C. ALLEN, BATSON, TEX.

Mrs. ALLEN. As a resident of Batson, and Hardin County, Tex., and as an owner of acreage which has been marked for inclusion in the Big Thicket National Biological Preserve, I am heartily in favor of the legislation recently passed by the U.S. House of Representatives.

My grandparents came to this area in 1903, and my husband's grandparents settled here in 1905, although my husband and I have had the opportunity to live in many different parts of our Nation, we have chosen to establish our home in this small community which is near the proposed Saratoga Triangle unit.

We believe our remote area affords many opportunities for our children to grow in contact with and respect for the beauty and diversity of nature, both plants and animal species. The opportunities afforded by the development of a biological preserve will aid us greatly in teaching our children the many mysteries of the woodlands, which surround us.

We are of the opinion, also, that the healthy development of tourism in our area would be most beneficial to the depressed community which presently exists in Batson and surrounding small towns.

We endorse the request of the Big Thicket Coordinating Committee that the arid sandylands unit be included in your legislation, and that the provision for legislative taking of property is absolutely necessary. We have found that many voices have been raised against this preserve, which lacks foresight for future development in our area.

We hope you will act with all deliberate speed to protect the birth-right of our children, which appears threatened if the Big Thicket National Biological Preserve does not become a reality.

Thank you for your consideration.

Senator BIBLE. Thank you very much. I am happy to hear you and I like the brevity of your statement. I think that says just as much as the statements that are 20 pages long. I appreciate it.

Our next witness is Mr. Dempsie Henley, Texas Commission for Indian Affairs, Liberty, Tex. You look familiar. Didn't I meet you down there?

Mr. HENLEY. Yes, sir, Mr. Chairman.

Senator BIBLE. I remember you now.

#### STATEMENT OF DEMPSIE HENLEY, CHAIRMAN, TEXAS COMMISSION FOR INDIAN AFFAIRS, LIBERTY, TEX.

Mr. HENLEY. I am from Liberty, Tex., Mr. Chairman. I am submitting a resolution here today for the Texas Commission for Indian Affairs, of which I am chairman, for the county court at Liberty, the city of Liberty, Liberty chairmen, port of Liberty, Liberty Industrial Foundation, and myself as an individual.

I will make my remarks very brief. I will not go into detail as to the merits of the Big Thicket. You have reams and reams of—

Senator BIBLE. I visited there personally and I visited with you and went over the Indian reservation, as you remember.

Mr. HENLEY. Thank you, sir.

To qualify myself as a witness, not necessarily as an expert, but as a witness, my parents, too, my forefathers were born in the Big Thicket and received a Mexican land grant.

My people still live on this land. I have served four times as the mayor of Liberty. I have been 8 years chairman of the commission. I have served 5 years as secretary of the Big Thicket Association which originally fronted this effort, to get the momentum going.

I had the good pleasure of hosting Senator Yarborough and William Douglas in my home. I was also a chairman of a 31-man study committee when Governor Price Daniel first made an effort to do something at a State level.

I am just here to say that while we all are trying to get a 100,000-acre park which would be ideal, it appears from my public service and my judgment that it would be nearly impossible, at this point, to get the 100,000 acres.

And I am convinced that concessions have been made by everyone, including the lumbering industry, and it appears that the Texas delegation of the House are resolved to stick by the 85,000 acres. Being in public service I find that we, too, would like to support this position, because time is of the essence.

We should go ahead and try to get the 84,500 acres as it is presently presented. It has some shortcomings, as do most public arrangements.



But we feel maybe in the future we could supplement this and complement this. I know personally I can refer to the government of Texas who has assured me, and the Texas Park and Wildlife Commission, another State agency, are very interested in, this moment, acquiring additional acreage. Perhaps in a recreational area, that could complement this park and also the University of Texas, considering the requirements of the unique areas down there.

So I would urge this committee, rather than going through long debate and conflict, that we go ahead and pass the 84,500 acres and get on with this. And, like Padre Island, we have complemented that with some additional acreage since its inception.

For my own responsibility as chairman of the Indian commission, we are thriving in Texas with no Federal aid, with no assistance from the Bureau of Indian Affairs, of tourism. I am convinced that with one of the entries to this park, it would just cinch our goals of self-determination and end all future appropriations from the Federal Government and the State, because we would have another 500 or 500,000 or a million visitors per year that would come into an area that has national status.

So I urge that you consider this and hopefully it does not go into a long, drawn-out battle. Everyone seems to be more or less agreed upon this, and if we cannot get the 100,000 acres we should immediately go ahead and take the compromise position of 84,500.

I am positive, from my interviews and discussions with the other people of Texas, and the House of Representatives and the Congress that they would approve this without any difficulties.

I hope your committee can come up somewhere within this range that we can get on with this, get this park created. I appreciate your great work as chairman of this committee. Not only on this park, but all the others throughout the country.

We owe you a great deal of gratitude. I salute Senator Yarborough and Senator Bentsen and Senator Tower for their efforts in keeping their word and trying to get a 100,000-acre park. But if that cannot be at this time, we should immediately proceed to go ahead and get the 84,500-acre park or biological preserve as quickly as possible.

[The resolution submitted by Mr. Henley follows:]

## RESOLUTION

WHEREAS, the citizens of Liberty County and the State of Texas and of the United States benefit from the facilities of National Parks, and

WHEREAS, the citizens of Liberty County, the State of Texas and the United States would materially benefit by the preservation of botanical and wilderness areas, and

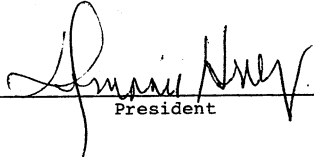
WHEREAS, the creation of a 84,500 acre "Big Thicket" National Park would preserve one of the nation's last botanical wildernesses and preserve the remaining virgin timber, provide additional recreational areas, and aid in preserving many species of wildlife.

WHEREAS, the preservation of rare wildlife is of great interest to the citizens of the United States, and

NOW, therefore, Let It Be Resolved, that the Liberty Industrial Foundation, Liberty, Texas, does hereby urge that the United States Sub-Committee on Parks and Recreation give favorable recommendation to the creation of and the maintenance of a National Park of at least 84,500 acres in East Texas area to be known as the "Big Thicket National Park", and

FURTHER, Let It Be Resolved, that Dempsie Henley, former Mayor of the City of Liberty, be requested to deliver this resolution to the Honorable Alan Bible, Chairman of the United States Senate Sub-Committee on Parks and Recreation in Washington, D.C., February 5 & 6, 1974.

APPROVED on this 25th day of January, 1974.

  
\_\_\_\_\_  
President

Senator BIBLE. I think that is a very fine statement. I think it is practical. It seems to me that you are talking good, commonsense. I do not know what the correct size of this park is or should be. I have never been positive of that. I do not think anybody is positive.

But as a practical politician, I am aware of what can be done and what cannot be done. I think it is better to get what you can rather than get nothing. I suppose that is what this boils down to. We will hear the witnesses tomorrow and will try to move it forward at a very early date.

Thank you very much. We stand in recess until 10 o'clock tomorrow morning.

[Whereupon, at 2:40 p.m., the subcommittee recessed to reconvene, Wednesday, February 6, 1974, at 10 a.m.]



## BIG THICKET NATIONAL PARK

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WEDNESDAY, FEBRUARY 6, 1974

U.S. SENATE,  
SUBCOMMITTEE ON PARKS AND RECREATION,  
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110, Dirksen Office Building, Hon. Alan Bible, chairman, presiding.

Present: Senator Bible.

Also present: Jerry T. Verkler, staff director; and James P. Beirne, special counsel.

### OPENING STATEMENT OF HON. ALAN BIBLE, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator BIBLE. The hearing will come to order. This is a continuation of our hearing on the various bills that we have before us on the Big Thicket. I think it might be well, preliminarily, to indicate to this list of witnesses, because we still have a lot of them, I see no need of repeating the beauties of this area and that it should be made either a reserve or a park, because one bill provides for a park, the other provides for a national biological preserve.

I would hope that you would take your statements, incorporate them in full in the record, and that you would highlight it and say which size park or preserve you prefer. Make a comment on the legislative taking. Make a comment on the corridors.

It seems to me that is what this problem resolves itself into. As you know, we passed a park bill introduced by Senator Yarborough when he was in the Senate. It passed the Senate, and that bill, I think was 100,000 acres, if I recall correctly.

It was 100,000 acres and not to exceed 100,000 acres, I believe is the way it read. Now the Department wants 68,000 and the House bill passed was 84,000. So I would just like to have you comment on your preferences in that.

I am very anxious to clear the hearing this morning and notwithstanding the headway we thought we made yesterday, I have more witnesses today than I had yesterday. But we will proceed in that manner. Our first witness will be Geraldine Watson, Silsbee, Tex.

Senator YARBOROUGH. Mr. Chairman, may I make the statement I spoke to the Chair about yesterday?

Senator BIBLE. Yes; I will first recognize Senator Yarborough.

STATEMENT OF HON. RALPH W. YARBOROUGH, FORMER U.S.  
SENATOR FROM THE STATE OF TEXAS

Senator YARBOROUGH. Only 2 minutes, Mr. Chairman, to tell you that we appreciate very much the opportunity for a fuller presentation yesterday. But since then I have been phoned from Texas, and make that statement on behalf of the following organizations in addition to just myself. The Texas Sportsman Club, headquartered in Houston, with 26,500 members, some in each one of the 50 States.

That is the Texas Sportsman's Club. There is another organization in Texas, Mr. Chairman, Sportsman's Club of Texas, headquartered at Dallas. I do not speak for them. I also speak for the Houston Sportsman's Club, which is 6,000 families.

And for the Texas Statewide Bow Hunters' Club. There are 1,675 members of the Bow Hunters' Club. They join in the position requesting a national park of 100,000 acres. I also ask your leave to have the statement printed in the record from Mike Wiesner, president of the University of Texas Big Thicket Association.

He is chairman of it, and 40,000 students there that have been very active, militant organization that has had so much publicity, Mr. Chairman, and so much activity that Time has bought a quarter of a page ad in the Dallas Texan to answer them.

I also ask leave, Mr. Chairman, to have printed in the record this article in the last issue of Environmental Action of December 22, 1973, "Last Chance for the Big Thicket." It was authored by Pete Gunter, who has already testified.

Senator BIBLE. We would be happy to have that in the record.

Senator YARBOROUGH. Thank you for giving me the opportunity to add these additional statements on behalf of the people supporting the Big Thicket.

[The documents referred to above follow:]



## Houston Sportsmen's Club

OFFICE OF THE SECRETARY  
P. O. BOX 9751  
HOUSTON, TEXAS 77015

February 21, 1974

The Honorable Alan Bible, SENATOR  
Senate Office Building  
Washington, D.C. 20510

Re: BIG THICKET NATIONAL RESERVE IN TEXAS

Dear Senator Bible:

TRUTH IS TRUTH. Error is Error. Truth cannot be changed to Error; nor can Error be transposed to TRUTH. TRUTH needs no guidelines.

An organization, headquartered in Austin, Texas, testified on behalf of special interests at the hearings held on the above Bill. The Executive Director stated that his Sportsmen's Club of Texas represented all outdoorsmen in this State.

Please be advised that that organization of pompous and selfish individuals does not speak for, represent, nor is it affiliated in any way with the TEXAS SPORTSMEN'S CLUB, the HOUSTON SPORTSMEN'S CLUB, the TEXAS BOWHUNTERS ASSOCIATION and other affiliated kindred organizations in the Gulf Coast area. It is a Judas organization and will remain so among outdoorsmen of all types.

The position of the Texas Sportsmen's Club, the Houston Sportsmen's Club, the Texas Bowhunters and other associated conservation organizations is 100,000 acres and not 84,5000 acres as approved by the House.

We ask that you and your Committee hold steadfast for the 100,000 acre biological preserve.

Wildlife does not flourish in a desert of soft pine trees; nor in any desert. Please check the wildlife and human population in the Gobi Desert and the Sahara Desert. There isn't any. When wildlife disappears, man disappears. It is our God-given duty to preserve and enhance all wildlife species; otherwise man himself will vanish.

Our organizations are the vanguard for all other conservation groups in the Gulf Coast Region. This Region needs the 100,000 acre Reserve to give wildlife a chance to breed and survive. The additional 14,500 acres when assessed against the total acreage of the special interests can be compared to urinating into the Potomac River by one man.

Corridors are necessary for the maintenance of game trails from habitat to habitat. As wildlife population increases and expands, it must have escape trails to extend its lebensraum. Compare the effort and monies expended to increase the Whooping Crane population from a low of 15 to the present 47 to the initial cost of acquiring an additional 14,500 acres. The comparison is that of a hub cap to a new Cadillac automobile.

Our members do not belong to rich men's exclusive, lease hunting clubs. We are the people who carry the burden for our nation to survive.

Please hold steadfast and preserve for us the 100,000 acre Reserve. We all ask this of your Committee.

Senator Bible; please print this letter in the record of the hearing, so that our members in all of the fifty(50) states will know of our appeal, as well as all of the members of the Senate.

On behalf of the Board of Directors, the Executive Committee, and our families, we extend to you and members of your fine Committee, the warmest of personal regards and felicitations.

I am



Frank J. Gradesky, President  
 THE HOUSTON SPORTSMEN'S CLUB  
 THE TEXAS SPORTSMEN'S CLUB  
 THE TEXAS BOWHUNTERS ASSOCIATION

FJH/jcm



# UNIVERSITY BIG THICKET ASSOCIATION

**CHAIRMAN:**

**Mike Wiesner**  
506 W. 16th St.  
Austin, Texas 78701

Texas Union 340  
University of Texas  
Austin, Texas 78712

January 29, 1974

Honorable Senator Alan Bible,  
United States Senate  
Washington D.C. 20010

Dear Senator Bible,

Our organization is concerned about the final fate of the Big Thicket National Preserve which is to be decided in the Senate Hearings on February 4. We wish to stress the need to include all of the Village Creek, Big Sandy Creek, and Pine Island Bayou portions of the area. We believe that these waterways are particularly important in preserving the ecological balance within the various units of the Thicket. These waterways are also necessary in preserving much of what remains of the zoology native to this region.

Thank you veyr much for your help.

Sincerely yours,



Mike Wiesner

# Big Thicket: park or tree farm?

By Pete Gunter

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While Congress looks the other way, a unique area of jungle, swamp, woodland and desert is being bulldozed to death.

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**T**exas conjures up an image of desert, dry creeks and sagebrush. But the Big Thicket of southeastern Texas is far removed from this image: it is a place of bayou bald cypress and semi-jungle.

The Thicket's proximity to the Gulf of Mexico provides both a stable semi-tropical climate and over 50 inches of rainfall a year. Its soils are ideally suited to the storage of water and the growing of trees, at least 15 of which are the largest of their species in the United States.

But while the region has the climate and the ecosystems of the deep South, it also has a northern and a western exposure. Beech, sugar maple and witch hazel are found there, sometimes in plant growth patterns almost identical with those found in the southern Appalachians, many miles to the east. Other areas, the "arid sandyland" communities, contain the wild flowers, mesquite trees, post oak, yucca and cactus of the American Southwest. Other areas resemble jungles in the Mexican states of Tamaulipas and Vera Cruz.

The Big Thicket is also a place of legend and folklore. Long cut off from the nearby cities of Beaumont and Houston, it has a reputation as a sanctuary for "outsiders" of every stripe. During the Civil War, conscientious objectors hid there to avoid conscription, in spite of the persistent efforts of Confederate troops to root them out. Escaped convicts used to flee from a nearby state prison in Huntsville, Texas, to the Thicket a step ahead of the baying hounds. East Texas's lone Indian reservation is on the northwest border of the Thicket which has traditionally afforded the Indian a refuge. The region provides one of the last havens for the alligator, the golden eagle and the Texas red wolf, and some people insist that a few last bear and panther still exist there too.

But the Big Thicket is in danger. The unique area's abundant natural resources are coveted by lumber companies and developers.

Efforts to preserve the Big Thicket date back as far as 1927, when the first Big Thicket Association was formed. At that time the ecological importance of the sprawling wilderness was barely beginning to be realized, although conservationists asked for a contiguous block of 440,000 acres as a minimum wilderness preserve. Unfortunately, the drive to create a Big Thicket National Park in the 1930s was destroyed by the Second World War. Today, as the remarkable ecological diversity of the Thicket becomes more apparent, conservationists are pleading for 100,000 acres of wilderness — before the region is lost forever.

**R**ecent controversy over the Thicket began in the mid-1960s and has consisted largely of a struggle between conservationists and lumber interests. The lumber companies and their supporters originally argued that the Big Thicket deserved no environmental protection. But as public interest grew they opted for a 35,000 acre park, the "String of Pearls," made up of widely separated tracts.

In the meantime, conservationists had gradually united behind a park configuration of 100,000 acres, or at a high point of optimism, 191,000 acres. Conservationists found little to complain about in the individual tract concept proposed by lumber interests, but they did object to the fact that these isolated areas would be cut off from their natural water supply and would soon die, as they were surrounded by sprawling subdivisions. In contrast to the lumber com-

panies' "postage stamp" proposals, conservationists opted to run corridors between the pearls based on existing streams, and add acreage to the pearls wherever possible.

The original lumber-interest proposal included several ecosystems: a longleaf pine savannah, a virgin loblolly pine forest, two beech groves, a virgin river-bottom forest, a river-bottom swamp area noted for its heron and egret rookeries, a virtually untouched swamp-bottomland forest and a corridor ranging from the hills at the Thicket's northern limits to the poorly drained cypress-palmetto-hardwood ecosystems on its southern edge.

However, soon after the industry proposal was made, two of the areas were cut by private lumber operators and a third was bulldozed to create a vacation subdivision. Subsequently the lumber companies imposed a cutting moratorium on 35,000 acres, but since they owned or controlled only 18,000 acres of the total, as much as one-third has been cut by smaller lumber operators and local land owners.

**M**eanwhile the movement to create a park continued to grow. While lumber company lobbyists toured the state insisting that their 35,000 acre plan was an environmentalist proposal, conservationists protested loudly, insisting that new areas had to be added or the park could not survive. To preserve the Thicket, they argued, it would be necessary to protect its major watercourses: the Neches River Valley, the Big Sandy-Village Creek corridor and the Big Pine and Little Pine Island Bayou. Besides saving three completely different types of streams, such a system of corridors would ensure the water supply of the isolated "pearls" and would provide uninterrupted hiking and canoeing opportunities. Along with the proposed stream corridors, three biological units were envisioned: Jack Gore Baygall (semi-swamp), the Saratoga Triangle (lowlands laced with streams and

sloughs) and the Turkey Creek Mini biome (an area which includes all of the Thicket's ecosystems).

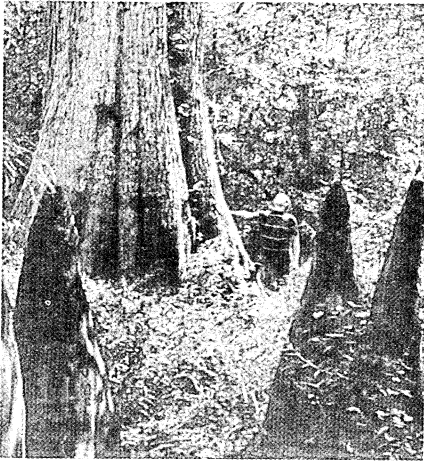
But while the conservationists made the rounds of television and radio talk shows and argued their case before service clubs and newspaper bigwigs, they felt the pressure of time. The Thicket cannot last forever because the lumber companies that were once willing to cut selectively in the area now propose to convert the great majority of the area into monoculture: row after row of nothing but pines. In such "pine plantations" only one species of tree, the pulp or slash pine, would be allowed to exist, and the ferns, vines, wading birds, owls, mushrooms, orchids and small game of the original Thicket could not survive.

**S**ome of the giants of American industry are heading the assault on the Thicket: Santa Fe Industries (Chicago) which owns Kirby Lumber Company; International Paper (New York); Owens-Illinois (Toledo); Champion International (New York); Southland Paper Mills (Lufkin, Texas, but 40 percent owned by St. Regis of New York); and Time Inc., now the third largest land owner in Texas (1,060,000 acres) after a merger of its Eastex subsidiary with locally-owned Temple Industries. In the past, Temple avoided bulldozer and monoculture timber technology while Eastex planned to turn at least 80 percent of its 600,000 acre Texas holdings into slash pine. It is unclear whether the two contradictory policies will be maintained in the two divisions or whether one of the two will prevail.

Student boycotts of Time Inc. Magazines (*Time*, *Sports Illustrated* and *Fortune*) have made that corporation more sensitive to public opinion and the addition of Texas's most rational and far-sighted lumberman, Temple Industries' Arthur Temple Jr., to Time's ranks may foster a more balanced land-use policy in the region. Temple, for example, has offered to protect all rare or endangered species on Time's Texas lands.

Whatever the future may hold, conservationists concede ruefully that the Thicket's remaining 300,000 acres are being irretrievably lost at the rate of 35,000 acres per year to sterile pine monoculture. The problem with sterile pine monoculture — a term which is liable to send lumbermen into fits of frustrated rage — is that it does not permit multiple use. During the first few years a pine plantation constitutes essentially a prairie ecosystem and in such an ecosystem quail, rabbits and deer manage to survive. And, assuming a rotational system of cutting and replanting, a certain amount of the original pine-hardwood forest would be kept in prairie, and thus be available to hunters. But besides this minimal multiple use, pine plantations are as mono-usage as they are monoculture. They are not attractive for hiking, photographing or picnicking. After they are bulldozed right up to the stream-banks and the resulting brush, refuse and debris are pushed into the stream (as used to happen in the Thicket with regularity), the stream is no longer a good place to canoe, fish, swim or camp.

Most of the scientific value is also lost in a monoculture. Virtually every major university in the United States has at one time or another sent scientists to the Big Thicket looking for biological specimens. More recently biologists have used the Thicket to study those intricately interrelated groups of species known as ecosystems, such as a series of ponds in different stages of ecological succession, or a swamp containing several species of aquatic fauna not known to co-exist



Inside The Big Thicket. The author is standing beside what is believed to be the largest cypress in North America. (photo by Roy Hamric)

elsewhere, or a hill whose slope contains four different ecosystems in 100 feet. But in a pine plantation there is little to interest the scientist except the pine bark beetle and pine "root rot."

**F**ormer Texas Senator Ralph Yarborough, one of the Thicket's staunchest defenders, scored a big victory in 1970 with the Senate passage of a bill to establish a 100,000 acre Big Thicket National Park. Tragically, the House did not act in time to pass a similar bill because Wayne Aspinall, then the Chairman of the House Interior Committee, got married and went on a vacation which lasted until the Congressional session ended. This made it necessary to start all over again with new legislation. Equally tragic for the Thicket's prospects was Senator Yarborough's defeat at the polls and subsequent retirement from Congress. Though he continued to fight from the political sidelines, it became necessary for Rep. Bob Eckhardt (D-Tex.) to take up the crusade.

On December 3, 1973, the House passed a new compromise bill (H.R. 11547) to establish a 84,500 acre park. The compromise, worked out last summer between Rep. Eckhardt and newly-elected Rep. Charles Wilson (D-Tex.) whose district contains the Big Thicket, drops the magnificent Big Sandy-Village Creek corridor from the park while picking up a corridor along heretofore neglected Menard Creek, which flows west into the Trinity River. The compromise was necessary to pass the bill, but valuable acreage was lost in the process and an entire ecosystem, the arid-sandyland community, was left out of the national area. Since the

point of the Big Thicket National Preserve is to safeguard specimens of each ecosystem in the area, this is a serious omission.

A Senate Interior Committee staff member told *Environmental Action* the Committee may reinstate the Big Sandy-Village Creek corridor in the Senate bill, scheduled for hearings in late January or early February. If the Senate passes a bill which includes the corridor, the dispute would be settled in a House-Senate conference.

Texas's two senators, Lloyd Bentsen (D) and John Tower (R) have both committed themselves to passage of Big Thicket legislation. But failure to pass a bill early in 1974 could cause the Big Thicket to be swept aside as congressmen rush home to begin Senate and House election campaigns. If no bill has been enacted by the time the 93rd Congress adjourns, all current efforts will be erased from the lawmaking process, and by the time new bills have cleared all the nooks and crannies of Congress again, there may be little left of the Big Thicket.

For its diversity, richness and sheer abundance of life, the Thicket may not be equalled on the surface of the planet. It must be preserved. ■

#### WHAT TO DO:

*Write your Senator, as well as Texas Senators Bentsen and Tower, and Senator Henry Jackson (D-Wash.) who heads the Interior Committee to express your support for the Big Thicket National Park. Urge them to include Big-Sandy Village Creek corridor in the Senate version of the bill. Don't delay — hearings may be held before the end of January.*

Senator BIBLE. It has been called to my attention that some of my statements yesterday about my unhappiness with the redwood experience and the difficulties of the legislative taking might have been interpreted by some as meaning that there would be no taking at all.

That certainly is not my intent. If I did leave that inference, then I am sorry, because that was not my intention because it should be made very clear that with the redwoods legislation, if the Big Thicket national legislation is passed in one form or another or whatever size, certainly there would be a right of combination.

So there could be taking, and taking at an early date, as a matter of protecting the area. So I want to make that very clear. The legislative taking is another means of doing it. We have had that unhappy experience in Redwood, and I am not sure it is in the best interest of the public that we proceed that way.

But certainly there will be protection for the area, because that is the purpose of acquiring this area. I thought I would make that clear. Our first witness is Mrs. Watson.

#### STATEMENT OF GERALDINE WATSON, SILSBEE, TEX.

Mrs. WATSON. Senator Bible, I always argued for preservation of the Big Thicket on the basis of its scientific value. But this has been well covered by all the scientists, and there is no longer any question of its scientific value, so I will not go into that, other than to say this. People say that I know the Big Thicket better than anyone since Lance Rosier died. I hope you will accept, or at least give credit to what I am about to say.

Senator BIBLE. I am sure I will.

Mrs. WATSON. Any plan for preservation which does not include arid sandylands has missed the entire meaning of the Big Thicket.

Senator BIBLE. That is along that creek that they referred to yesterday?

Mrs. WATSON. Yes. Now Congressman Wilson felt that we had been unfair in not bringing this up before. The reason we have not brought this up before is that we had hoped to get Village Creek with corridors so that we could expand the corridors in certain places, to take in the best of the arid sandylands.

But Congressman Wilson left Village Creek completely out of his bill, so we had no choice except to add another unit to include some arid sandylands. I also want to make an appeal for corridors. We desperately need corridors, to protect our streams.

We have some of the most beautiful, unpolluted streams left in the country. But they are being ruined by overdevelopment, by being bulldozed right up to the very banks and the debris pushed in.

We need protection for our streams and the States is not going to lift a finger. You can rest assured in that.

Senator BIBLE. I was told that yesterday so I will take what you say as true.

Mrs. WATSON. We need the corridors, not only to protect the streams but to protect people.

Senator BIBLE. To what corridors do you refer?

Mrs. WATSON. I would like to see corridors down all of them.

Senator BIBLE. I understand. But you are a realist and so am I, and if you want a bill you have to make some concessions.

Mrs. WATSON. Yes. Especially Pine Island Bayou and especially Village Creek, because these two creeks are singled out for development.

Senator BIBLE. Are they in the Bentsen bill, the Tower bill, the administration bill?

Mrs. WATSON. Pine Island Bayou is included in Charles Wilson's bill and a large section of Village Creek is included in Tower's bill, in the arid sandyland area. But these two streams have been singled out by the developers.

Unscrupulous developers take people to these lands in the dry summertime. People who do not know about our periodic floods. They sell these lands. People build big homes right on the banks, and when we have our periodic floods they are flooded out.

There has been a tragic thing this past year to see people fighting with sandbags to save their homes. Those are the two points that I wanted to make on that. I want to speak today simply as a citizen of the Big Thicket.

Most of us are poor people here. We have been literally scarced to death by false propaganda into signing petitions. All our area is in a state of hysteria because of this false propaganda, but most of the people there are for preserving the Big Thicket.

But I want to make a few points. We are poor people in southeast Texas. According to the 1973 Survey of Buying Power, the average effective buying income per family in this five-county area is \$5,950 yearly. That is poverty level.

Our young people have to leave home to find jobs. We need the boost to our economy that a national preserve will bring. We need the tax money it will bring. Our county and school administrations stay on the verge of bankruptcy. We need to diversify our sick one-product economy to break the stranglehold our one industry has on every aspect of life in southeast Texas.

A Big Thicket national preserve will bring in visitors and the economic benefits that we will enjoy from this will equal those that Florida enjoys from that of the Everglades. We do have many, many visitors coming in now.

There is no way to keep any records of it. But I am in close contact with the people who come in. My people have been in this area for generations. Unfortunately, neither they nor I had any talent for making money, nor were we lucky enough to inherit any, so we have no legal claim to any land in Texas.

Still, I grew up believing this was my land. We had no home, just a sawmill rent house, but I did not feel deprived. Daddy and I walked the virgin forests together, along every stream, lake and pond in southeast Texas, freely, and to us this was home.

I have a nice house today, a stereo and a collection of musical masterpieces, yet I would give it all to go back and sit under a virgin longleaf pine and listen to the music of the birds and the wind in the branches. This is still my homeland, but it is a captive land, and I want to free at least some of it.

I want to make a comment at this point.

Senator BIBLE. I want you to make your comments quickly because I am for you. You might talk yourself out of the bill before you get done.

Mrs. WATSON. Let me make this point. I resent Congressman Wilson's inference that we people in southeast Texas do not have the intelligence to appreciate the finer aspects of southeast Texas.

Senator BIBLE. I do not think he said that. You may have interpreted it that way. I think he thinks you are great people, just like I do.

Mrs. WATSON. We do have the ability to appreciate the finer aspects of the Big Thicket.

Senator BIBLE. He must have a few friends there if he was unopposed for his election.

Mrs. WATSON. He was unopposed because nobody has the money to match him, but I will not waste time going into that.

Senator BIBLE. I don't want to rerun a Texas political campaign. There is no need of paying your respects to the various Congressmen because I think they are dedicated people and I think he is trying to be helpful to you.

I was much impressed with him.

Mrs. WATSON. We like Charlie. We hope he has a long and good political career.

Senator BIBLE. Just finish your statement.

Mrs. WATSON. We have to straighten him out on a few points. Let me finish my statement. There are around 360,000 people in these six counties. The people who want to use it to make money are to have 3,400,000 acres while all of the 360,000 of the rest of us plus all the nature lovers and scientists of the world are to have maybe 100,000 acres to roam in.

That is pitiful. Only those who have the money to buy land or join hunting clubs can have access to our forests and streams.

Senator BIBLE. Why don't you stay with your script?

Mrs. WATSON. I was under the impression that I did not have to.

Senator BIBLE. Yes, indeed, you have to stay with the statement because otherwise I will never get done, my dear. You give me one statement. I have been trying to follow you and you have not said anything that you say here. But why don't you just finish your statement?

You are over on the last paragraph on page 2, "We live within sight of Village Creek."

Mrs. WATSON. Yes, sir. If you have my statement and can read my statement then why do I have to read it?

Senator BIBLE. You do not have to read it if you do not want to, and that is really what I was hoping you might do. Just say, "I would like to file my statement for the record and make a few points."

I want to hear everybody and I have 18 witnesses to go.

Mrs. WATSON. Then we have already finished my 5 minutes. Thank you very much, Senator Bible.

[The prepared statements of Mrs. Watson, Richard C. Harrel, and Phillip Malnassy follows:]

STATEMENT OF MRS. EARL (GERALDINE) WATSON, SILSBEE, TEX.

In previous hearings, I have urged the preservation of the Big Thicket on the basis of its scientific value. The words of the many scientists submitted for this hearing record, some of which are appended to this statement, should be sufficient on that point.

Today, I wish to speak simply as a citizen of the Big Thicket. Most of us are poor people here. According to the 1973 Survey of Buying Power, the average effective buying income per family in this five-county area is \$5,950 yearly. That's poverty level! Our young people have to leave home to find jobs. We need the boost to our economy that a National Preserve will bring. We need the tax money it will bring. Our county and school administrations stay on the verge of bankruptcy. We need to diversify our sick one-product economy to break the strangle hold our one industry has on every aspect of life in Southeast Texas.

My people have been in this area for generations. Unfortunately, they nor I had any talent for making money, nor were we lucky enough to inherit any, so we have no legal claim to land. Still, I grew up believing this was my land. We had no home—just a sawmill rent house—but I didn't feel deprived. Daddy and I walked the virgin forests together, along every stream, lake and pond in Southeast Texas—freely—and to us *this* was home. I have a nice house today, a stereo, and a collection of musical masterpieces, yet I would give it all to go back and sit under a virgin longleaf pine and listen to the music of the birds and the wind in the branches. This is still my homeland, but it is a captive land, and I want to free at least some of it. There are 3,500,000 acres involved here. There are around 360,000 people in these six counties. The people who want to use it to make money are to have 3,400,000 acres while all of the 360,000 of the rest of us plus all the nature lovers and scientists of the world are to have maybe 100,000 acres to roam in. That's pitiful.

Only those who have the money to buy land or join hunting clubs can have access to our forests and streams. We live within sight of Village Creek yet my children can't swim there—someone owns the land between it and us. There are two public campgrounds in Big Thicket country, but I can't recommend them to student groups because there might be a black, tan or brown child among them. The campgrounds are closed to blacks. I had my life threatened at one of them because the driver of a chartered bus hired by a group I was with was black, and I refused to ask the group to leave in the middle of their picnic lunch. Hunting clubs are closed to blacks. Is it fair to ask black boys to be loyal to *their* country and fight for *their* land when it is closed to them? I am only asking that you give back to us a little of piece of the ground we walked with our fathers, so that our children may walk it with us.

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LAMAR UNIVERSITY,  
Beaumont, Tex., February 1, 1974.

Senator ALAN BIBLE,  
Chairman, Subcommittee on Parks and Recreation,  
Washington, D.C.

DEAR SENATOR BIBLE: I am the head of the Department of Biology at Lamar University. We are located near the Big Thicket. The Big Thicket National Biological Preserve of not less than 100,000 acres is needed for use by students from not only Lamar but other educational institutions ringing the Big Thicket.

The previous plans for the Thicket Park Area does not include the desert vegetation, an important part of the unique biological area making up the Big Thicket Ecotone. This desert area should be included and protected within the park complex.

Yours truly,

M. E. WARREN,  
Head, Department of Biology.

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STATEMENT OF RICHARD C. HARREL, ASSISTANT PROFESSOR OF BIOLOGY, LAMAR UNIVERSITY, BEAUMONT, TEX.

For the past eight years I have been an instructor of undergraduate and graduate terrestrial ecology and aquatic ecology classes at Lamar University. The major portion of the laboratory of these courses involves collection and analysis of field data that illustrates the stages of ecology succession. The sites of these studies have been within the proposed Sandylands-Ponds Unit along Village Creek. This area extends from the McNeely Lake area southeast to the Massey Lake area. Within this area there is a very diverse number of ecological communities in a small geographic area. The various developmental stages of terrestrial and aquatic ecological succession can be visited in a single day. These areas clearly illustrate the changes in physical, chemical and biological conditions that characterize ecological succession.



This area also includes the most scenic portion of Village Creek from which most of the lakes and ponds developed.

I believe the inclusion of the Sandylands-Ponds Unit would greatly enhance the scientific value of the Big Thicket National Preserve.

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STATEMENT OF PHILLIP MALNASSY, ASSISTANT PROFESSOR OF BIOLOGY, LAMAR UNIVERSITY, BEAUMONT, TEX.

After finishing my doctoral studies in plant science at Rutgers University and teaching for two years in West Virginia, I became attracted to Lamar University in part because of its proximity to the Big Thicket.

As a plant scientist and teacher, I feel that the Big Thicket area of Southeast Texas offers an unparalleled opportunity to study the flora of various plant communities within a small area. Floristically, this area is unique because it is a biological cross-roads consisting of diverse vegetational areas. Each individual plant community results from different combinations of geologic, soil, and environmental factors. Indeed, it would require at least 100,000 acres to preserve the ecological and biological integrity of this unique area.

I was extremely surprised to learn that the xerophytic communities were omitted from the proposed Big Thicket National Preserve. These sandyland communities are among the most unusual and interesting of all the plant communities in the Big Thicket. The study of desert plants in this community is an integral part of the laboratory segment of my plant taxonomy course at Lamar University.

I feel that these xerophytic communities would constitute an invaluable addition to the Big Thicket National Preserve.

Senator BIBLE. Our next witness will be Sharon K. Gossett of Beaumont, Tex.

VOICE. Mr. Chairman, Mrs. Gossett has been very ill and could not be here. I note the men from our school board are here and I wonder if they could go in this space.

Senator BIBLE. No, but I will put them down at the end of the list. But the next witness will be Mr. Houston Thompson, attorney from Silsbee, Tex. Mr. Thompson.

STATEMENT OF HOUSTON THOMPSON, ATTORNEY, SILSBEE, TEX.

Mr. THOMPSON. Senator, I would ask that my complete statement be filed.

Senator BIBLE. Without objection, the full statement will be in the record.

Mr. THOMPSON. I want to say that I am in favor of each bill that has been introduced and my position is that we need the most we can have without too great an interference with those people who live there and who are near occupancy of the property.

Actually, I favor 100,000 acres. But what we want is a bill. And if we cannot get the 100,000 we want 90,000. If we cannot get 90,000 we will get something, because we have been fighting for this since 1930.

Senator BIBLE. I realize that. As I said repeatedly yesterday I will do everything that I can to see that you get a bill. It may not be what everyone wants, but it will be the best we can get.

Mr. THOMPSON. I would like to point out, since there was some talk about Representative Wilson, he carried Hardin County, I believe, by 76 percent and one of his four planks was the establishment of the Big Thicket Park.

I think if the people of Hardin County were not for the park he would not have gotten that kind of vote. I think that 95 percent of the people of Hardin County are for some kind of a park. We argue over how big, where it ought to be and things of that sort.

But everybody that I know of thinks it will do Hardin County good. Now there are people who feel that it ought to be over yonder instead of where they live. I have four pieces of land that will be taken. They are small. They would be taken in the 100,000 acre one. I would rather see my land put into this use. I think it is the highest and best use that could be made of my land.

I have a personal interest in the Big Thicket because I am 52 years old and since I was 50 I have developed a sinus condition. I find that I cannot live in areas where there is a lot of pollution. In the Big Thicket area, with your pine trees and your greenery I find it is easier to breathe.

We need a place somewhere that we can go. I started to move to Houston one time and I had to get out before dark. I came back to the Big Thicket area and I intend to stay in Hardin County the rest of my life.

I would like to have a place where I can live in some kind of happiness. Since I have been up here I have been sick. I do not know what is wrong with Washington—

Senator BIBLE. There are a lot of things wrong with Washington, but I do not want you to tell me about that. I do not want you—

Mr. THOMPSON. Well, I am ready to go back to the Big Thicket and I think that is all I need to say. I would be open to any questions you might have.

[The prepared statement of Mr. Thompson follows:]

STATEMENT OF HOUSTON THOMPSON, ATTORNEY, SILSBEE, TEX.

My name is Houston Thompson. I am an Attorney at Law with my office in Silsbee, Texas. I was born in Silsbee 52 years ago and have spent all my life in Hardin County with the exception of the time I spent in the Air Corps in World War II and while attending school. I am familiar with most of Hardin County and the areas proposed to be put into the National Park or Preserve.

My father was the Big Thicket Watkins Products peddler from 1915 to about 1925 when he decided to take advantage of the benefits of the Volstead Act. As a Watkins Products salesman he traveled throughout Hardin County peddling extract, linament, soap and the various sundry items that he carried in his horse drawn buggy. In those days he was the main link of communication for the Big Thicket residents. In those days of few visitors and little or no mail, the people of the Big Thicket were hospitable to the traveling salesman, particularly after they found out that the salesman was not a nosey revenue agent whose business was the discovery of the location of the shinney mills that dotted the woodlands. My Dad used to say that he was as welcome as the Sears Roebuck Catalog.

My Dad would peddle his wares all day, stopping at the farm homes for meals and lodging. He became acquainted with almost everyone in the isolated areas and he would trade the news and his company for the homesteaders' hospitality. At night, around the open fire of a mud-stick chimney, the peddler and his hosts would swap yarns and their knowledge of what was going on. When my Dad came home on the weekends, he would entertain us with what he had learned in Bragg, Batson, Saratoga and other Thicket towns during his weekly rounds.

About 1925 my father's business as a traveling salesman declined, so he joined that growing profession in the area and he became the best and most famous shinney maker in the Big Thicket. I know he made the best whiskey because he told me so. And I know he was the most famous and the hardest to catch because he was the only one that received a code name by the District Revenue Agent. "Old Battle Ax" was what they called him and he dodged the Feds for years. He put his knowledge of the woods and streams of the Big Thicket up against the skill and detecting equipment of the Revenue Agents and the Federal Government. He was caught once but he got out of it because he was able to prove that the sack of sugar found on his horse's saddle at his

still in the Neches Bottom Unit was really salt and was for his cattle instead of the mash barrels at his still. At least, the officers couldn't prove otherwise, and the sugar that had been confiscated came up missing at the trial, which he always contended was further proof that his whiskey had good enough flavor to get the stamp of federal approval.

My Dad used to have a delivery route in the Thicket country. He used to deposit Mason fruit jars full of his product behind stumps and trees for his regular customers. He was usually paid in U.S. currency although some of his customers still were under allegiance to Jeff Davis and the Confederacy. My Dad said the Thicketeers were honest because everyone respected his neighbor's moon-shine drop.

When I went off to school, I went to Texas A&M. In my studies in the Department of Rural Sociology I studied the effects of rural isolation on the life of rural Anglo-Saxons. I read about Kentucky and Tennessee Highland folks. I wrote my thesis in rural sociology. I wrote about the Sandy Creek Community southeast of Fred very near the border line between Hardin and Tyler County in the Swamplands of the Neches Bottoms. This area is included in the proposed National Park and near by are over a dozen log cabins that are representative of the Big Thicket of about 1850.

After World War II and law school, I drifted back to the Pineywoods of Southeast Texas. I have been here ever since.

In 1962 I established a political newspaper in Hardin County. Its name was the "Pine Needle" and we claimed to print all the truth about the politics of the County. Very soon after we got started, we became aware of the hold that the Forest Products Industry has on Hardin County. Hardin County was under the influence of a single industry that tried to control the political life of the County. If the County officials sought to equalize the tax base, the land and oil companies staged tax strikes against the County government and the school districts. Through the political power of their employees' votes they controlled the outcome of the local elections except in the few cases where the issues were obvious even to the most uninformed voter. The companies were able to determine the tax rate, receive favorable tax valuation, determine bond elections, etc. Through the subsidization of the local newspapers by the placing of weekly company institutional ads, the land and oil companies kept the local press in line and kept down any effort to break their hold. If one raised his voice in opposition, he was branded a radical seeking political power. And the local kept press was able to convince the voters to stay with the established political leaders who owed their existence to the Companies and their political machine.

With the obvious need to break the hold of the one industry economy, the Pine Needle newspaper set out to promote the establishment of other industries that would broaden the tax base and widen the job opportunities of the people. With the long campaign to save the Big Thicket almost a tradition in Hardin County, the newspaper moved in that direction to improve the economy of the area.

In the 1960's a small group under the leadership of R. E. Jackson of Silsbee established the Big Thicket Association of Southeast Texas. This organization tried to persuade the federal and state government to save four hundred and thirty-six thousand acres of the Big Thicket. But the depression and World War II intervened and we missed the chance to save this great forest at a time before the push of residential development and at a time when the cost would have been minimal.

In 1964 in answer to a call issued by the Pine Needle, a small group of interested people met in the Methodist Church in Saratoga and formed the present Big Thicket Association. From this group has come the leadership in our efforts to save the Big Thicket.

Since World War II the influx of people has greatly increased the populated areas and have strengthened the need to take affirmative action to preserve the forest if we are going to preserve any of it at all. Fifty acres of land per day is being cut up by the timber companies and sub-dividers. Speculators are now buying up much of the wood lands and real estate prices are sky rocketing. If the Federal Government does not put a workable legislative taking provision in the bill adopted, vast areas will be lost and the price of acquisition will greatly increase in a matter of weeks.

If the U.S. sets up a representative, meaningful national Park in this Area of Southeast Texas, it will be one of the finest and most used of our National Parks System. Most of our National Parks are in areas remote from centers of population and are inaccessible except on vacations. The Big Thicket is within a five hours drive of the residences of over thirteen million people. Over five million are

within two hours drive. The recreational benefits to a major part of the United States will be available and at close hand.

Because this great forest is so close to centers of population means that many homeowners are apprehensive about the possibility of their land being taken. I hope this committee can give these people reassurance because no one wants to take brick homes and developed areas. We would rather spend the money and get more wilderness area.

I believe ninety-five percent of the people in Hardin County favor the Big Thicket Park. Some want a smaller park, but just about everyone believes it will be good for Hardin County. Most of the opposition comes from those that are afraid their homes or land will be taken without adequate compensation. Some of the opposition comes from those that want to save different parts of the Thicket. They argue about the location, size, shape and type, but the people want to save as much of the Thicket as possible without undue hardship on the people that are in actual occupancy.

Now, I am not a scientist—not even an ecologist. I don't know the difference between a mushroom and a toadstool. I do know the difference between a pine tree and cypress. I know the difference between fresh air and the polluted air from the Eastex Papermill. I can look and see the difference between fresh water and what is now in Mill Creek. I know unless the U.S. Government steps in, the forest will be cut and the streams of the Big Thicket will be ruined for now and for future generations. I want to continue to live in Hardin County with my sinus condition. I know I can't live in Houston—I've already tried it And I want the protection that the trees and green chlorophyll give to me and all others in my situation.

I have refused to get involved in the argument about where the Big Thicket is. My contention is that we should save that area that is still available for saving, that will promote—not stop—the economic development of the area, and that is worth saving. This is a beautiful area and America will benefit if it can be preserved in its present state.

Senator BIBLE. I have no questions of you, and I appreciate your appearance here, and your coming up here and telling us of your interest. Our next witness, I want to put the statement of Mrs. Gossett in the record. I have her full statement and that will be incorporated in full in the record at this point.

[The prepared statement of Mrs. Gossett follows:]

STATEMENT OF SHARON GOSSETT, CITIZEN'S COORDINATION COMMITTEE

Gentlemen, my name is Mrs. Sharon Kaye Gossett. My home is in the lower part of the Turkey Creek Unit of the Proposed Big Thicket National Preserve. I am Vice Chairman of the Citizens Coordinating Committee and on the Board of Directors of Save Our Homes and Land Assoc. We represent every citizen concerned over the Big Thicket Preserve.

The people in this Preserve area are working people, the very backbone of America. Most of us have spent our lives working on and for the land this Preserve threatens to take away from us. There are thousands of acres of undeveloped land in South East Texas. Why come into such a highly populated area to try and make a Preserve? I have herd the expression that every Park or Preserve in the United States Represents someone losing their home. This could be true, but if so, it should not have been if the owners were not entirely willing. As far as I can find, other Parks and Preserves were established in sparsely populated areas, not in areas such as ours.

House Bill 11546 states that the Secretary of Interior shall make every reasonable effort to exclude from the Units any improved year-round residential properties which he determines, in his discretion, are not necessary for the protection of the value of the area or for its proper administration. Then it comes back and defines the term "improved property" as a one-family dwelling not exceeding three acres of land. Most of our people have over three acres of land. They are farmers and cattlemen. They keep various kinds of livestock as part of their livelihood. They raise hay to feed their cattle through the winter. Surely anyone can see this takes more than a house and three acres of land. Because of the high cost of living, people should be encouraged to provide for their own needs as much as possible.

Some of this land has been in families for generations. Others bought their land in good faith to work on and build homes for their children, grandchildren and so on down the line. They had no idea all this work would be for nothing.

A Preserve of this type will not be for family or general public recreation, only a few hard-core naturalist will be able to enjoy it. We feel this Preserve should be limited for the few that will use it.

I have also heard it said that you can not get to the creek for the privately owned land and homes. Just off Farm Road 420, which is the lower line of the Turkey Creek Unit, there is a large area between Highway 69 and any privately owned land or homes. Farther down Farm Road 420 there is an area set aside for the naturalist and just off the blacktop all the way to Highway 418 there is 6,500 acres with six or seven miles of creek, as the crow flies. All this land joins Village Creek. The public can hike, camp and fish anywhere in any of these areas. As for canoeing, the creeks belong to the state and any one can canoe all they want to.

We feel that an impartial committee to work with a team of scientific naturalists should be appointed to make a *thorough* study of the Big Thicket Preserve area. If this should happen, we feel our situation will speak for itself.

We feel if one person is hurt by this Preserve, it is one person too many.

Senator BIBLE. Our next witness will be Mrs. Lorraine Bonney of Houston, Tex. We will be very happy to hear from you. Your statement will be incorporated in full in the record. I remember you very well. I just hope you will file your full statement and then respond to any questions.

Mrs. BONNEY. I also testified before you in Pineville, Wyo., Senator.

Senator BIBLE. That is absolutely right. I had forgotten about that.

Mrs. BONNEY. You accused me of following you around the country.

Senator BIBLE. Well, I kind of like that. I thought that was pretty good. Your full statement has been incorporated in the record. Why don't you just comment on whether you want the big park, the medium sized park or the little park.

#### STATEMENT OF LORRAINE BONNEY, HOUSTON, TEX.

Mrs. BONNEY. I am all for the full sized park, 100,000 acres or more. I would like to emphasize several points in my statement and make them my last pitch for the inclusion of from Village Creek, Big Sandy Corridor.

Senator BIBLE. Which one of the corridors is that?

Mrs. BONNEY. That is the unit that we have been talking about, the Sandylands Ponds Unit and the Village Creek.

Senator BIBLE. All right. How many acres does that embrace?

Mrs. BONNEY. There are 16,000 acres, or 12,000 at least that have no homesites in it.

Senator BIBLE. Is it in the bill that the House passed?

Mrs. BONNEY. No, sir.

Senator BIBLE. Is it in the bill that the administration testified to?

Mrs. BONNEY. No.

Senator BIBLE. Is it in Senator Bentsen's bill?

Mrs. BONNEY. Senator Bensen asked for it yesterday.

Senator BIBLE. And Senator Tower?

Mrs. BONNEY. Senator Tower asked for it yesterday.

Senator BIBLE. Thank you.

Mrs. BONNEY. A viable, Big Thicket Preserve should not be dependent on one man's whims. I believe the test for a Big Thicket Park will be when future generations look at the Big Thicket Preserve, will they thank this generation for doing a good job or will they say, "Thanks a

lot for nothing." I consider Village Creek to be the jugular vein of the Big Thicket. If Village Creek has become a symbol to the homeowners as Mr. Wilson charges it has also become a symbol for the survival of Big Thicket.

Senator BIBLE. You want Village Creek in, you make it very clear.

Mrs. BONNEY. I do not think Big Thicket can survive without Village Creek.

Senator BIBLE. Your statement is, "We must have Village Creek in." We put Village Creek in on the Senate side, we go to conference and they say, "You will either take Village Creek out or you will not get a bill." What would you say then?

Mrs. BONNEY. Well, of course—

Senator BIBLE. I am inclined to put it in. I think that is what I will do.

Mrs. BONNEY. This is for you to decide. I am only making my pitch for Village Creek. If you will remember Everglades, the American public has been watching the Everglades dying because of the lack of water control.

Senator BIBLE. Let us not get into the Everglades. I have enough problems on Big Thicket.

Mrs. BONNEY. But legislation has had to be created to create a Big Cypress Natural Water Preserve to save the Everglades.

Senator BIBLE. Part of that bill gives me great concern because it is going to cost between \$175 million and \$200 million, and that is the only problem that I am worried about.

Mrs. BONNEY. The same thing is going to happen to Big Thicket. Big Thicket is so water dependent that if you do not give it its water Village Creek, its juglar vein, and protect it—

Senator BIBLE. If that is your argument for including it I am inclined to include it. Now, what else did you want to say?

Mrs. BONNEY. Well, the National Park Service even admits that there is a need for water control, but instead of putting it in the park while they can get it now they suggest the alternative, that they will try to control any projects, private, State, local, or otherwise.

They will try to control any projects that will affect the water control of the Big Thicket Park. Here they have this chance now of getting Big Thicket in, of getting the corridors in of Big Thicket now.

Senator BIBLE. Which corridors are you talking about? There is more than one corridor.

Mrs. BONNEY. I think Village Creek is the most important corridor.

Senator BIBLE. You are for putting Village Creek in.

Senator Bentsen is putting Village Creek in. Senator Tower is for putting Village Creek in. I am inclined to put it in, so you do not have to ask me to put it in because I say I will do it and then we will take it to conference.

Mrs. BONNEY. Yes, sir. There have been rumors of a dam to be built on Village Creek. Rumors have persisted for years. But they are getting stronger lately. Should this happen, the U.S. Government will spend many times the sum now required to buy Village Creek corridors.

When they start to buy out all the homeowners and all the developed acreage that will be flooded by the reservoir. A dam and a reservoir would wipe out homes, land, trees, and everything. But a Big Thicket

Preserve would allow those same homeowners to live in their homes until they die, or for 25 years, whichever they choose.

The should be far better off with the preserve than with the reservoir, that is bound to come if Village Creek is——

Senator BIBLE. I think you make your point. I still am for a Big Thicket Preserve, so you do not have to convince me.

Mrs. BONNEY. All right. Then I will get into something else. One other point that I would like to make is, I was interested to hear that the National Park Service is waiting for word from the State on what the State will do for Big Thicket.

The National Park Service has a very short memory. They ask the question——

Senator BIBLE. You do not need to convince me of that. I am not going to wait to hear from the State of Texas, because it was pointed out yesterday that they are apt to do nothing. So that will not enter into my judgment on this bill.

Mrs. BONNEY. I want to make one point. Back in 1944 the State of Texas, through donations, legislation, and purchases acquired and donated to the National Park Service all of the 768,000 acres that is now Big Ben National Park. No strings attached.

No other State has done such a thing that I know of.

Senator BIBLE. Yes, they have. North Carolina is the leader of the whole bunch. They gave all of the land at Cape Hatteras. They bought it themselves as a State project and deeded it to the Federal Government.

I thought they set the best example of everybody. Texas did that, not only at Big Ben but they did it at Guadalupe. They deserve a little credit, and we are very happy to spread it on the record.

Mrs. BONNEY. It came up in the House at the hearing last July that Texas should do something for Big Thicket and put its money where its mouth was, and I feel that Texas has already done that. Texas should not have to beg.

Senator BIBLE. I am willing to buy your argument.

Mrs. BONNEY. All right. I guess that is a point that is made. I have a picture here that I would like to enter into the record.

Senator BIBLE. Without objection, the picture will be incorporated by reference.

Mrs. BONNEY. I have an article here that I wrote.

Senator BIBLE. Without objection, the article will be incorporated by reference.

Mrs. BONNEY. All right, thank you.

[The prepared statement of Mrs. Bonney follows:]

STATEMENT OF LORRAINE BONNEY, HOUSTON, TEX.

Senator Bible, honorable members of the committee, my name is Lorraine Bonney. I am a citizen of Texas, and an 18-year resident of Montgomery County in Rep. Charles Wilson's district. My husband and I live on 200 acres in what used to be considered Big Thicket country until proximity to Houston and overzealous land developers have turned the county into a bedroom district to Houston. It's not easy to sit back and watch the relentless change from forest wonderland into instant suburbia. I have found it only takes a day or two to bulldoze out a project area and destroy the work of centuries. Because of this I have long been interested in saving as much of a Big Thicket Park as is possible. Consequently I wrote the script to a slide show called "The Vanishing Big Thicket" and have given numerous talks and lectures on Big Thicket. The

slide show has appeared hundreds of times throughout Texas and the Nation. Everywhere I personally talked I found unabated enthusiasm and a great desire for a Big Thicket Park of 100,000 acres.

I strongly believe that the glorious natural resource called Big Thicket should be preserved as part of our heritage as is Williamsburg, Plymouth Rock, the Redwoods or Everglades. Your Committee controls the climax of this long and hard struggle for a Big Thicket Park. I believe your Committee is the best qualified in deciding what should go into a National Park or Biological Preserve. I believe the Senate is less influenced by special interests than the House. You've heard the arguments, pro and con, many times before—the locality is different, the name is different, but the arguments are always the same. You know that almost every other park has had to deal with property owners within those boundaries, and you know the problem is resolved satisfactorily because YOU judge what is best for the Nation.

It isn't easy, of course. And Big Thicket IS controversial. At stake now are crucial stream corridors without which a Big Thicket Preserve will be a Nothing Preserve because, like the Everglades, it cannot exist without control or protection of its streamways. It is up to you to make the right decision—to save the National Park Service from its disastrous choice of seven disconnected units—and to convince Rep. Wilson that an ecologically sound park will benefit best the American public and bring lasting glory to his name as a leading force in the fight for a viable Big Thicket Preserve.

I consider HR 11546, the Eckhardt-Wilson bill, to be an excellent bill in all but acreage, and I am adamantly for 100,000 acres. These two gentlemen must be commended in their efforts to bring the Big Thicket as far legislatively as it is now. I am with them all the way with their clauses of Legislative Taking, funding by the Land and Water Conservation Fund (for which the Fund was established), and with hunting in the Park controlled by the Secretary. I disagree only on the matter of acreage. I am not being arbitrary or hard to get along with. I simply believe we need 100,000 acres to make Big Thicket a viable park, able to survive the onslaught of encroaching developments that will descend upon it. Even the 100,000 acres will one day prove to be insufficient, but only time can prove that statement right. Will following generations look at Big Thicket Preserve and thank this generation for doing a good job? Or will they say, "Thanks a lot for nothing!"

We have never been so close to having a Big Thicket Preserve as now, thanks to Representatives Eckhardt and Wilson. Emotionally I can only compare the struggle for this park to climbing a mountain. There are physical and mental challenges every inch of the way as you search and explore the right route toward a difficult summit. Once won, there are a few exhilarating moments, a glorious view, and feelings of accomplishment. However, a glance in the West shows thunderheads looming. And the real test comes in the long, grueling descent, the time of accidents. The test will prove whether the leader had the foresight and vision to anticipate and prepare for the pitfalls involved in the descent—the race against time and weather, the weakened state of his party, etc.

Establishing a Big Thicket Preserve has to be done with just as much foresight and planning—keeping the long range view in mind. To leave stream corridors out of the Big Thicket package as the National Park Service has deliberately done is like cutting the jugular vein of Big Thicket. No doubt the Preserve will survive for a few years, like the Everglades has managed to squeak through the time of drouth. Meanwhile, unlimited development, uninhibited growth, lack of zoning and drouth will attack and squeeze mercilessly around those disconnected areas, those priceless islands of biological gems, like arteriosclerosis thickens the veins to the heart and cut off the blood supply. Village Creek is the jugular of Big Thicket.

There is no way that Big Thicket can survive without water control. Expert after expert has testified again and again for the need of protected stream corridors for the survival of Big Thicket. The scientists call for 200,000 acres because they know the importance all the corridors will have in the survival of Big Thicket. About the most foolish statement I've heard in a long time is that of the National Park Service in its Draft Environmental Statement in trying to justify its request for 7 disjunct units with no unifying stream corridors. First the Park Service admits the importance of water control to the ecology of Big Thicket:

"Control of hydrological manipulation within the reserve's watersheds is critical in the preservation of the natural biota. Alteration of existing water flows has potentially significant adverse ecological effects."



But instead of asking for the much needed water control, the Park Service allows itself to be ruled by economics of OMB and deliberately hedges with an impossible alternate course of action in one of the weakest, most thoughtless and impractical utterances of the entire Draft Environmental Statement:

"Alteration in the objectives and implementation plans for other Federal, State, local and private projects within watersheds that affect the reserve's units may become necessary to preserve the integrity of natural ecosystems."

Incredible as it may seem, the NPS is actually saying that the Federal Government will *try* to control what goes on outside the Reserve, if those projects, including private projects, would affect the Reserve. Needless to say, if the NPS doesn't get control NOW when it has the chance, it simply will have no say in what goes on outside its jurisdiction. The NPS has forgotten three important things:

1. The long battle to get ANY land in a park;
2. ALL the land in Big Thicket involved is in private ownership. No one is about to let the Feds dictate to them on how to manage their land;
3. The Florida Everglades is in such a mess now because the NPS has no control over the water system outside the Park boundaries.

I am very glad the House saw fit to override the NPS by adding the much needed Neches River corridors. You, gentlemen of the Committee, must also keep the National Park Service on the right track by doing what is necessary—saving the jugular to Big Thicket and by selecting an even more ecologically sound Park. (I am submitting for the record a newspaper article I wrote on the above matter which I hope can be placed in the record following my statement.)

I am for a Big Thicket Park of 100,000 acres or more including that section of corridor on Village Creek called the Sandyland-Ponds Unit. A thorough investigation of the area has turned up no permanent homes and very few vacation homes. I know Rep. Wilson can see no redeeming value to this unit. However, he has also called the Big Thicket a place of "rats and snakes, mosquitoes and humid weather," so someone else must judge the value of the Sandyland-Ponds area and it looks like you will have to do it. The House found it too controversial because of the homeowners fight against its addition but there are no homes in it. According to the experts, this area is one-of-a-kind and should rightly take its place in a Biological Preserve as a major plant community that is represented nowhere else. A Biological Preserve should represent ALL major plant communities in the area. How would it be possible to leave one out, as unique geologically and botanically as it is. You would never live it down. In addition, most of the Big Thicket Preserve in the House bill is swampy floodplain area. A combined Turkey Creek Unit and Sandyland-Ponds Unit would create the only dry, year round backpack trail in the Big Thicket Preserve—48 miles of streambank, high bluff hiking. (It must be remembered here, for the record, that until a few years ago Texas had only a total of 106 miles of hiking trails in the entire state including Big Bend National Park. The situation has changed a bit since then by the addition of the Lone Star Hundred Mile Hiking Trail which the Sierra Club built in the National Forest, but with the boom in hiking throughout the Nation it is still all peanuts. Texas certainly needs all the trails it can get.)

There are other reasons why Village Creek should be placed into a Park or Preserve. It is the finest smoothwater family canoeing stream between East Texas and Florida, and extremely popular as such. Parents teach their children to canoe on this stream. The establishment of a reserve will increase its popularity and unfortunately will also increase clashes between the landowners and the canoists if the situation remains as is. All navigable streams in Texas are state owned. It's too bad Texas was not very farseeing in reserving public access to its streams and still hasn't done right by the public on the newly built reservoirs that are surrounded by developments and private property. Consequently the streams and reservoirs are landlocked by indignant owners who resent trespassing. Access to canoeing streams like Village Creek is at bridge crossings only. Canoists are often paced by irritated landowners or land leasers wielding guns to make sure nobody gets out on the land. (The Guadalupe River is the best example of how landowner-canoist clashes have resulted in one killing of a canoist because of trespassing. The law is behind the landowners. See Guns along the Guadalupe, Texas Observer, Sept. 21, 1973)

Rep. Eckhardt has worked long and hard for the open beach-open stream concept. He says if beaches and stream corridors are left open to the public, land values on ALL lots—front and back—increase. In this way everybody—

land developers, landowners, fishermen, boaters—all enjoy the benefits of the open beach and stream corridors.

Village Creek doesn't just flood every 50 or 100 years. It floods every year and last year it flooded eleven times. Yet if that corridor is not put into a Park, developers will sell those floodplains, people will build there and get flooded out as a routine matter in the life of the stream. (I enclose a picture of Village Creek herewith for the record.) Last spring's floodings in East Texas were enough for the governor to call it a disaster area. And the taxpayers foot the bill because special interests fight land use planning. The establishment of a Big Thicket Park is an opportunity of a lifetime to place the corridors of Village Creek into the Park for the enjoyment of the public at minimum cost.

Otherwise, undoubtedly the local plans to dam Village Creek will be fired up again. Rumors of a dam on this stream have persisted for years, but are getting stronger lately. Should this happen, the U.S. Government will end up paying many times the sum now required to buy Village Creek corridors in order to buy up all the developed acreage to be flooded by the reservoir. It's really odd how the building and widening of highways and freeways and the building of giant reservoirs can gobble up many more homes than a Big Thicket Park ever would and with no fuss made. Reservoirs like Toledo Bend, Dam B, Rayburn not only take people's lands but they wipe out entire communities—homes, lands and all, with never a word of organized resistance. Again, thousands of acres owned by the timber industry were inundated by Toledo Bend (181,600 surface acres) on the Sabine River with never a rumble out of the timber industry who lost plenty. But try to take some of their acreage for a Big Thicket Park for the benefit of the public and the industry fights you eyeball to eyeball down the line.

Rep. Wilson likes to say that only hardcore naturalists will ever use Big Thicket. That's about like saying that only hardcore mountain climbers use Grand Teton or Yosemite National Parks, or that only hardcore naturalists use Everglades. The annual Big Thicket Pilgrimage attracted hundreds of Texas families eager to learn a little something about Big Thicket. You certainly can't call the many children who attended hardcore naturalists. In any case the addition of Village Creek would add hiking and canoeing recreation for the non-naturalists that will visit the areas. The greatly visited Everglades has nature and canoe trails. Canoe trails are most popular, where one follows colored tags through the mangrove swamps and river of grass for miles. Canoeing in Big Thicket will be the favorite way of seeing the area, especially for families, and Village Creek will be by far the most popular year-round stream with the heaviest traffic whether it is included in the Park or not.

Texas should not have to beg for an ecologically sound and viable Big Thicket Park. The National Park Service has a short memory. Back in 1944 the State of Texas, through donations, legislation and purchases, acquired and donated to the NPS ALL of the 768,000 acres that is now Big Bend National Park, no strings attached. No other state has done such a thing. Now Texans should not be forced to accept a second rate, short-sighted Big Thicket Preserve.

Again I want to thank you, Senator Bible and your Committee for holding this hearing. I want to thank Senators Bentsen and Tower for their Big Thicket bills and for taking up the cause of Big Thicket. I again want to thank Rep. Eckhardt and Wilson for resolving their differences in the House compromise bill. Without that we wouldn't be here today. The decision is now in the hands of your Committee. I have faith in your ability to work the miracle that will save at least 100,000 acres of that unique forest wonderland called Big Thicket.

Senator BIBLE. Thank you very much. It is good to see you again. Have a happy trip back to Wyoming. The next witness is Gay B. Moxon, attorney, Beaumont, Tex.

#### STATEMENT OF GAY B. MOXON, ATTORNEY, BEAUMONT, TEX.

Ms. Moxon. Mr. Chairman, I am Gay Baker Moxon, legal counsel to the Spirit organization, and I would like my statement entered into the record.

I represent a group called Spirit, a group of concerned citizens and property owners who support an amendment to the bill under discussion which would exclude that part of the so-called Pine Island Bayou Corridor which is heavily populated.

To avoid any confusion as to which area I specifically refer, I would like to point it out to you on the map. From about here over. I am speaking of approximately a 5-mile strip.

Senator BIBLE. All right.

Ms. MOXON. This group is anxious for passage of a bill, a bill which will accomplish the aims of a national preserve. Inclusion of a heavily populated area of no ecological value is certainly not within the concept of a national preserve, nor does the inclusion of this corridor have any particular recreational value.

This bayou is now and has always been open to the public. Access to the stream is limited. However, those wishing to travel upon the bayou have been provided with public access areas. Further, pollution control is already under the jurisdiction of the Texas Water Quality Control Board.

The concept of joining the Lance Rosier unit with the Beaumont unit via the Pine Island Bayou Corridor has certain merit when only drainage maps are studied. At the time the idea of including Pine Island Bayou as a corridor was conceived there were no population density maps available, specifically depicting permanent improvements on the Pine Island Bayou.

Such lack of information was admitted by the Honorable Nathaniel P. Reed, Assistant Secretary of the Interior, in his statement to the House committee which conducted previous hearings.

Lack of information about this area is additionally evidenced by the omission of the environmental impact statement to make any mention of the proposed corridors. There is no suggestion of impact to the areas included in the corridors.

But the statement does state clearly and unequivocally that there is no pressing need for additional recreational facilities in the area. The general vicinity abounds in locations available for recreation. It is understandable how the error of including the Pine Island Bayou was made. In past hearings good information was not available and therefore a mistake was made.

This is no longer the situation. The next speaker, Mr. C. M. Harless, will present maps which show clearly and concisely that there are almost 100 homes and permanent improvements contained in a small part of the proposed Pine Island Corridor.

There is no longer any excuse for error. You will have the facts. You already have the Parks Department statement that the corridors as now designed are not feasible, not necessary and are impossible to manage.

I would like to point out that there is precedence in House bill 11546 for excluding areas in the corridors, as was done for a special interest group on the Neches River Corridor. I speak specifically of the papermill plant.

No one would argue that the inclusion of a papermill plant is integral to the park. We want the papermill. We need the papermill.

Senator BIBLE. Now, this Pine Island Corridor is in the House-passed bill. Is it in Senator Bentsen's bill? Has he introduced it?

Ms. MOXON. It is in three of the four bills that were listed. It was in Tower's.

Senator BIBLE. Is it in the administration bill?

Ms. MOXON. No, it is not in the administration bill.

Senator BIBLE. You prefer the administration bill insofar as it deals with the Pine Island Corridor problem?

Ms. MOXON. Yes, sir. And we will present very hard evidence. Evidence that has never been available before. The maps used before were 3 years out of date. They were drainage maps and it is an odd situation, because this is a county line and a district line, with Jefferson County being below and Hardin County being above.

Most maps will quit there. There were no overlaps. The maps we will present have been made by a civil engineer in the area, who has made onsite inspections. The time has come to exclude the heavily populated portion of the corridor from the preserve.

There are no viable alternatives. You either have a corridor which takes within its boundaries 100 homes or you do not. There is no way to have a corridor—

Senator BIBLE. That was the testimony yesterday. I thought they said there were only 57 homes in the taking area.

Ms. MOXON. This has been the problem all along. They will tell you this, but show me a map which shows 57 homes. We have it.

Senator BIBLE. You say there are 100 homes there?

Ms. MOXON. Yes, sir. We have tax roll information.

Senator BIBLE. The Park Service man is here. Can you clear this point up?

Mr. HENNEBERGER. The 57 properties are only in the Department's bill. We have no complete analysis of what is in the corridors.

Senator BIBLE. Why don't you have the analysis of what is in the corridors? Oh, you exclude the corridors in the administration bill?

Mr. HENNEBERGER. Yes.

Senator BIBLE. That accounts for it. Have you ever made a count of the homes in the Department?

Mr. HENNEBERGER. Yes, we have, sir. We figure around 45 in that corridor on Pine Island Bayou, but with the expectation that we have to delete as many permanent homes as we possibly could.

Senator BIBLE. There is quite a variance between 45 and 100.

Mr. HENNEBERGER. Forty-five we show as being taken in the 14-mile corridor of Pine Island Bayou.

Senator BIBLE. That is the corridor that is in three of the four bills?

Mr. HENNEBERGER. Right, sir.

Senator BIBLE. You say there are 45 homes and this very beautiful witness here says there are 100. I would rather believe her, I think. But what are the facts? As a good lawyer you ought to be able to reconcile that.

Ms. MOXON. The next speaker will present the very hard, specific evidence. He has the number of homes. My primary purpose, really, is to introduce him. In 5 minutes he cannot do all of it.

Senator BIBLE. You may proceed.

Ms. MOXON. We have also estimated, and believe me it is an estimate, depending upon where the lines are drawn, it could cost \$5 million to acquire about 1,000 acres, which is about 1.2 percent of the entire preserve.

And it is patently obvious that this narrow strip containing residences should not be taken in order to protect its unique biological features. I fail to see how this committee could, in light of new infor-

mation to be brought forth in this hearing, decline to exclude that portion of the Pine Island Bayou Corridor, which is heavily populated.

You have been told that this area is neither necessary nor integral to the preserve. Its inclusion would not in any way complement the preserve. The next speaker, Mr. C. M. Harless, will provide hard evidence in support of these statements.

In addition, you have been shown that the bill in its present form does not afford certainty of protection to the small landowner but does specifically provide protection to special interest groups. Further, to include this area would be inviting extensive litigation which, even if unsuccessful, would delay the fulfillment of the purposes for which this preserve is intended.

The high cost alone of taking this small area should provide enough basis for exclusion from the preserve, especially in view of the fact that the purchase adds little or nothing of value to the preserve.

Gentlemen, I refuse to believe that you of this committee, representatives of our country's most august legislative body, can or will ignore the facts which have been presented to you.

Senator BIBLE. Thank you very much. That is an excellent statement, and I am going to call the next witness.

[The prepared statement of Ms. Moxon follows:]

#### STATEMENT OF GAY BAKER MOXON, LEGAL COUNSEL TO THE SPIRIT ORGANIZATION

Mr. Chairman and members of the Committee, SPIRIT is a group of concerned citizens and property owners who support an amendment to the Bill under discussion which would exclude that part of the so-called Pine Island Bayou Corridor which is heavily populated. This group is anxious for passage of a bill, a bill which will accomplish the aims of a National Preserve. Inclusion of a heavily populated area of no ecological value is certainly not within the concept of a National Preserve, nor does the inclusion of this corridor have any particular recreational value. This Bayou is now and has always been open to the public. Access to the stream is limited; however, those wishing to travel upon the Bayou have been provided with public access areas. Further, pollution control is already under the jurisdiction of the Texas Water Quality Control Board.

The concept of joining the Lance Rossier Unit with the Beaumont Unit via the Pine Island Bayou Corridor has certain merit when only draining maps are studied. At the time the idea of including Pine Island Bayou as a corridor was conceived, there were no population density maps available specifically depicting permanent improvements on the Pine Island Bayou. Such lack of information was admitted by the Honorable Nathaniel P. Reed, Assistant Secretary of the Interior, in his statement to the House Committee which conducted previous hearings (see p. 122 of the published hearings). Lack of information about this area is additionally evidenced by the omission of the Environmental Impact Statement to make any mention of the proposed corridors. There is no suggestion of impact to the areas included in the corridors. But the statement does state clearly and unequivocally that there is no pressing need for additional recreational facilities in the area. The general vicinity abounds in locations available for recreation.

It is understandable how the error of including the Pine Island Bayou was made. In past hearings, good information was not available and therefore a mistake was made. This is no longer the situation. The next speaker Mr. C. M. Harless, will present maps which show clearly and concisely that there are almost 100 homes and permanent improvements contained in a small part of the proposed Pine Island Corridor. There is no longer any excuse for error. You will have the facts. You already have the Parks Department statement that the Corridors as now designed are not feasible, not necessary and are impossible to manage.

Numerous statements have been made in the press as well as by political representatives that the provision in the Bill which gives the Secretary of the Interior discretion to exclude permanent residences or other property not considered necessary to the integrity of the Preserve will give the homeowner ample

protection from the taking of his property. However, if this protection is so obvious and clear cut then why did a special interest group find it necessary to have their property specifically excluded from the Neches River Corridor? Few would argue that the taking of a large, industrial paper mill complex, employing many of the local population, would enhance the Preserve. The mere expense of purchasing such a large plant would be prohibitive. Yet, in order to be adequately protected, the plant owners managed to have their complex specifically excluded from the Preserve. Are homeowners not entitled to the same consideration? Are we not speaking of the same philosophy when we say that a five mile stretch of Pine Island Bayou is not complementary to the Preserve and the expense of such taking unreasonable? Congress can ill afford, at this time, in particular, to protect special interests of big business and at the same time ignore and fail to protect the small landholder.

The time has come to exclude the heavily populated portion of the Pine Island Bayou Corridor from the Preserve. There are no visible alternatives. You either have a corridor which takes within its boundaries 100 homes or you don't. There is no way to have a corridor through this area which can be justified on any basis. It has little or no value as a recreational area; it is not necessary in order to control pollution, such control being already under the auspices of a Texas Board; the cost is incredible. A rough estimate of the cost of acquiring this five mile stretch is more than 5 million dollars. An excess of 5 million dollars would be spent in order to acquire about 1,000 acres, 1.2% of the entire Preserve. And it is patently obvious that this narrow strip containing residences should not be taken in order to protect its unique biological features.

That a heavily populated area of little or no preservational, recreational or biological value should be included in this proposed Preserve might well form the basis of legal action to forbid such taking. Any Court action would well forestall condemnation proceedings and tie up the whole Preservation concept for some time. The possibility should be taken into consideration before this committee makes its final decision.

I fail to see how this Committee could, in light of the new information brought forth in this hearing, would decline to exclude that portion of the Pine Island Bayou Corridor which is heavily populated. You have been told that this area is neither necessary nor integral to the Preserve. Its inclusion would not in any way complement the Preserve. The next speaker, Mr. C. M. Harless, will provide hard evidence in support of these statements. In addition, you have been shown that the Bill in its present form does not afford certainty of protection to the small landowner but does specifically provide protection to special interest groups. Further, to include this area would be inviting extensive litigation which, even if unsuccessful, would delay the fulfillment of the purposes for which this Preserve is intended. The high cost alone of taking this small area should provide enough basis for exclusion from the Preserve especially in view of the fact that the purchase adds little or nothing of value to the Preserve.

Gentlemen, I refuse to believe that you of this Committee, representatives of our country's most august legislative body, can or will ignore the facts which have been presented to you.

Senator BIBLE. The next witness will be Mr. C. M. Harless. Because you, in effect, indicated you were introducing him. I am going to take a 5-minute recess, so that I can go out into the audience and shake hands with my two Randolph Hearst scholars from the great State of Nevada.

Just as soon as I say hello to them and compliment them on winning a thousand dollars apiece then I shall return. We stand in recess for 5 minutes.

[Whereupon, a short recess was taken.]

Senator BIBLE. The hearing will resume. Mr. Harless is to be our next witness.

#### STATEMENT OF C. M. HARLESS, SILSBEE, TEX.

Mr. HARLESS. Mr. Chairman, I am C. M. Harless, a resident of the city of Rose Hill Acres, in the Lumberton area of Hardin County, Tex. I am here on behalf of many interested citizens and the member

of Spirit, an organization formed to support Pine Island residents included in the thicket.

We do not have a membership of thousands throughout the Nation, nor funds to promote our cause nationally through lobbyists rather than personal efforts. We are a group of concerned homeowners directly affected by the broad and indefinite provisions of the proposed Big Thicket Reserve as established by recently passed House Bill 11546, as applied to the Pine Island Bayou Corridor.

Our friends, neighbors, and many others join us in objecting to the inclusion of this corridor because there is no way such a corridor could be effectively established without including many homes and other structures, plus much developed and semideveloped land definitely not desirable as part of a preserve.

H.R. 11546 apparently was acted on and passed without benefit of a correct environmental impact statement, as I understand the statement originally prepared as inaccurate and contained errors and omissions, particularly as regards homes, et cetera, in the Pine Island Bayou and Beaumont areas.

In the House hearings in July 1973, Congressman Eckhardt stated his estimate was in the neighborhood of 50 or 60 people with permanent residences who could possibly be affected against their will. Congressman Wilson also had a statement in the newspapers that he estimated fewer than 50 year-round homes would be affected.

These statements are indefeasibly and inexcusably inaccurate and indicate a serious lack of true information as to homes involved. In the Pine Island Bayou Corridor and Beaumont unit alone there are twice that many homes directly affected, based on our best interpretation of the indefinite boundaries indicated in H.R. 11546 as generally depicted on the official map.

In support of this statement, we have gone to considerable expense and effort to prepare maps showing the large number of structures and improved areas included in only approximately  $4\frac{1}{4}$  miles of Pine Island Bayou, measured along the bayou following the windings of the indicated corridor.

We procured fairly recent aerial survey photos for the areas shown, from which our maps presented herewith were prepared after making on-the-ground checks to assure that all structures were included so far as possible.

The general presence of many trees, which we cherish and preserve, prevents an aerial view from revealing all of the homes below. Map No. 1, beginning just west of the Beaumont city limits, were unable to find recent aerial survey photos for any farther west, includes some  $1\frac{1}{4}$  miles of corridor.

In this distance, there are shown, by our count, 26 homes, 2 mobile homes, 3 vacation homes, 1 business place, a plastic pipe manufacturing plant and attendant buildings near some homes.

It should be emphasized that practically all of these structures are on paved streets of Beaumont, hardly suitable as a biological preserve area. Map No. 2, continuing east, includes approximately 3 miles of corridor, in which there are structures on both sides of the bayou.

These include 59 or more homes, some attendant structures, a mobile home park with 8 homes, 2 mobile homes on individual lots, 1 business place and a Lower Neches Valley Authority pump station.

Of these, 23 are fine homes in a restricted subdivision in the incorporated city of Rose Hill Acres, having an estimated market value in excess of \$750,000. Others, in Pine Island Estates in Beaumont and on Cooks Lake Road in Hardin County are mainly brick homes of comparable value.

It is not unreasonable to estimate that the cost of acquiring all the homes and other property indicated to be in the corridor in this portion would well exceed \$1 million per mile, and provide nothing suitable for the purposes of the preserve.

Map No. 3, continuing east, contains four or more homes, some attendant buildings, and three or more vacation homes. The Beaumont unit north boundary has been interpreted to follow the south side of Cooks Lake Road to a juncture with the LNVA water canal.

Any movement northward of this boundary would undoubtedly increase the number of homes involved.

Senator BIBLE. You want this excluded; is that right?

Mr. HARLESS. Yes, sir.

Senator BIBLE. And the administration bill does exclude it?

Mr. HARLESS. It excludes it to this point.

Senator BIBLE. How about coming to your left?

Mr. HARLESS. From here to here it is not in the administration bill.

Senator BIBLE. But it is in the House passed bill.

Mr. HARLESS. In the other bill. Although we were unable to secure or prepare maps of the areas farther west along Big and Little Pine Island Bayous, there are homes and land developments in that area that have been overlooked by others.

The city of Bevil Oaks lies on the east side of the bayou in a bend where Big Pine Island Bayou turns sharply south and Little Pine Island Bayou continues west. The River Oaks Ranchette subdivision in Bevil Oaks extends to the banks of the bayou, with surfaced streets, drainage ditches, et cetera.

We do not have accurate information of the number of homes there. A short distance to the west on Little Pine Island Bayou the Pine-wood subdivision, a well-established community, has fine brick homes, a country club and part of the golf course within the corridor.

Senator BIBLE. Is that within the taking area?

Mr. HARLESS. Yes, sir.

Senator BIBLE. Which bill?

Mr. HARLESS. All but the administration bill.

Senator BIBLE. You mean the bills introduced by the two Senators and the bill that passed the House include the country club and part of the golf course; is that your statement?

Mr. HARLESS. And some homes.

Senator BIBLE. Yes, I understand the homes part.

Mr. HARLESS. We keep talking about Pine Island Bayou—

Senator BIBLE. I will ask the staff people to follow this very closely.

Mr. HARLESS. Originally, everything that we said about Pine Island corridor said Little Pine Island Bayou. Little Pine Island Bayou is that little speck right there. This is Big Pine Island Bayou. Later they got into both of them and included Big and Little Pine Island Bayou in the corridor.

At one time they had a corridor down this part of Pine Island, but that was removed by somebody. But this is Little Pine Island Bayou and this is Big Pine Island Bayou.