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THE BIG THICKET PRESERVE: A DREAM NEARS REALITY

by J. David Cox

The great conservationist John Muir in urging the preservation of our magnificent western forests, once observed that "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."¹ His words were true for the redwoods of California at the beginning of this century and his words are equally true for the hardwoods, virgin pines and flowering magnolias of the Big Thicket region of East Texas today. The Big Thicket is the western most part of a forest system that once extended across the entire southern region of the United States. Originally the Big Thicket's 3.5 million acres of forests and streams spread across twelve counties in southeast Texas, an area almost equalling the size of Connecticut. The first Spanish padres who worked their way across the great expanse of Texas recorded between their missions and the sea a forest so thick that it was impossible to travel through it on foot, and that Indians traveling from the missions to the Gulf of Mexico were forced to go by canoe down the numerous waterways.²

The first references to the Big Thicket are found in the logs of padres and soldiers of the Spanish king. An examination of early maps reveals that virtually all of the expeditions skirted the Thicket area and passed to the north of the area where the vegetation was less dense and the crossing of rivers less difficult. As Anglo-Saxon pioneers were drawn into the area in the 1820s, they found their way blocked by the jungle-like growth and swampy soils along the innumerable streams. They too found it necessary to travel either north or south of this immense forest.

During the Texas Revolution this almost impenetrable area became the hiding place and mustering ground for numerous filibustering expeditions and revolutionary movements against Mexico.³ Sam Houston planned to hide his army there had the attack on the Mexican army at San Jacinto failed. During the Civil War, conscientious objectors hid there to avoid conscription, and they easily eluded Confederate troops sent in to capture them. Escaped convicts fled from the nearby state prison at Huntsville to the Thicket, sometimes only a step ahead of baying hounds.⁴ After the Civil War the area became the sanctuary for renegade whites, fugitive blacks and relocated Indians brought by the American government from as far away as eastern Florida.

By this time the exploitation of the Thicket had begun. First, timber companies recognized the vast wealth contained in the wooded acres of the Thicket, and later oil interests searched for the source of oil seeps which had been observed in the area for sometime. The lumber barons ruthlessly slashed the pine forests and in the process destroyed much of the Thicket. The "cut and get out" policy of the lumber companies reached an extreme not realized before or since.⁵

It is a tribute to the richness of the region that the Big Thicket was able to survive the many onslaughts of civilization and yet remain a distinct biological

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entity. The idea of preserving part of the region in the form of a national park or wilderness area from future attacks is not new. The earliest organized effort dates at least from 1927, when a retired railroad conductor, R. E. Jackson of Silsbee, convened the first meeting of the East Texas Big Thicket Association. By the mid-1930s, proposals for preserving over 400,000 acres had been formulated and a number of prominent figures had been drawn into the struggle to preserve a portion of the Thicket. Under the prodding of U.S. Senator Morris Shephard, the National Park Service surveyed the area in 1939 and recommended the inclusion of the Big Thicket in the National Park System to the Congress. The area surveyed was approximately twenty-two miles in length, north to south, and twenty-one miles wide, east to west. With the advent of World War II, however, the park proposal was abruptly shelved and virtually forgotten.

As the need for the conservation of rapidly depleting natural resources became more and more evident in the years after World War II, renewed interest in the Big Thicket appeared. In 1964 the Big Thicket Association was officially re-organized, and two years later a bill to create a national park in the area was introduced in the U.S. Senate by Texas Senator Ralph Yarborough. National Park Service study teams visited the area, and in 1967 they prepared a "preliminary plan" which recommended that 35,500 acres in nine separate units, since referred to as the "string of pearls," be preserved. Almost without exception, however, conservationists emphatically disagreed with important aspects of the Park Service proposal. Two main areas of disagreement were the exceedingly small number of acres included in the park, and the failure of the plan to connect the "pearls" and to provide buffer zones so that their survival could be more adequately guaranteed. They felt that a park configuration of at least 100,000 acres, or at a high point of optimism, 191,000 acres, was essential from an ecological point of view. They opted to run corridors between unconnected units based on existing streams so as to insure that the areas would not be cut off from their natural water supplies. Conservationists felt that a 35,500 acre park did not adequately include the great variety of flora and fauna that made the Thicket unique and deserving of preservation.

In order to coordinate more effectively the activities of the numerous groups seeking to make a national park in Southeast Texas a reality, the Big Thicket Coordinating Committee was formed in 1968. It was composed of representatives from 23 conservation groups throughout the nation. The organization launched a major campaign to combat opposition to the park and to obtain support from members of the Texas Congressional delegation for a park of at least 100,000 acres. Representative John Dowdy of Athens, a long time foe of the Big Thicket Park proposal, was especially important because the major portion of the park was located in his congressional district. To the surprise of many, Representative Dowdy in 1969 introduced a bill calling for the creation of a Big Thicket National Monument. The monument was to contain approximately 35,500 acres. The bill, however, was felt by conservation leaders to be a move by lumber interests to head off the growing demand for a much larger park.⁶ To show their active support of the 35,500 acre proposal, the major lumber companies in the area declared a moratorium on timber cutting in the units set aside for the national monument.

Unwilling to accept what they felt was a totally inadequate park, Big Thicket supporters continued to push for congressional action on bills calling for a much larger area. The defeat of Ralph Yarborough in 1970 seemed a bad omen to many Thicket supporters. In the lame duck session of the 91st Congress,

however. Yarborough's Senate colleagues, mostly as a personal tribute to him, passed the bill he had introduced and fought for through four years: the creation of a Big Thicket National Park of "not more than" 100,000 acres. The bill died in committee in the House when its chairman, Colorado Representative Wayne Aspinall, married and took an extended honeymoon which lasted until the Congressional session had ended. This delay, along with the defeat of Senator Yarborough at the polls, required that new leadership be found to push the battle in Congress.

Leadership came from Representative Bob Eckhardt of Houston and the newly elected Senator, Lloyd Bentsen. Eckhardt had originally introduced a bill calling for a reserve of 191,000 acres, but he became convinced that to obtain the support in the House which was needed to get the bill to the Hearing stage that a downward revision to 100,000 acres was necessary. Senator Lloyd Bentsen, as the first official act in his newly elected position, reintroduced the Yarborough Bill and later saw it amended to read "not less than 100,000 acres." In the Fall of 1971, the Big Thicket Coordinating Committee accepted the 100,000 acre figure as a realistic goal and endorsed the proposal. Conservationists began to rally behind the Eckhardt-Bentsen proposal as activity in both Houses increased and hopes began to soar. Hearings were held in both Washington and in Texas to consider the details of the proposed park. Opponents and proponents alike took advantage of these hearings to make their views known on this important and controversial subject. The hearings brought together, for the first time, citizens and groups who had been long time antagonists about the need for such a park. The conflicting arguments presented by the various witnesses often led to angry verbal exchanges and heated denunciations of the motives and intentions of those testifying. Proponents of the park accused opponents of blocking action for self-serving purposes while those supporting the park were often accused of being more concerned about "ferns and bogs" than about homes and jobs endangered by such a park. This traditional democratic process of allowing grass roots participation by those most directly affected by the action of the legislative body illustrated the complex nature of law-making in a political system such as ours.

The retirement of Representative Dowdy in 1972 brought a new face to Congress to represent the Big Thicket area. Charles Wilson of Lufkin, a former member of the Texas Legislature, was overwhelmingly elected to represent the 2nd Congressional District. Despite his close ties to the empire of East Texas timber magnet Arthur Temple, Representative Wilson campaigned on a platform favoring a Big Thicket Reserve; he spoke throughout the area in support of such a proposal. Early in 1973, Wilson introduced a bill which called for the creation of a park, but to the surprise and anger of many conservationists, he omitted from his bill some 25,000 acres of wilderness land that seemed essential to those who felt that 100,000 acres was an absolute minimum figure. Areas not included in the Wilson Bill were extensive waterways as the Neches River Corridor, Big Sandy Creek and Village Creek in southern Hardin County, and other connecting waterways and terrain which some felt were essential.

Faced with strong counterproposals from other members of the Texas Congressional delegation and attacked by many at home who felt betrayed by his proposal, Wilson met with Big Thicket Coordinating Committee members and others and struck a compromise. He agreed to include additional acres which they felt were essential to the preservation of the area up to a figure of 84,550 acres, but insisted on the acceptance of this lesser figure by conservation

leaders.⁸ Wilson likewise agreed to work for immediate government ownership of the land through a seldom used process called legislative taking, rather than going through traditional methods of government acquisition of the land as money becomes available, a time consuming process. Despite the opposition of some who felt strongly that the 16,000 acres to be sacrificed was too high a price to pay, the Wilson compromise was accepted by a majority of the leadership of the movement, and in December, 1973, the House passed the bill (H.R. 11546) virtually without opposition. In May, 1974, the Senate also passed the bill, but with two significant amendments. The original Bentsen figure of 100,000 acres was retained and the legislative taking provision was dropped. After a period of bargaining and further compromise, key members of the two Houses worked out a version of the bill which was acceptable to enough of the main participants to permit its passage on October 1. Public Law 93-439 was signed by President Gerald R. Ford on October 11, 1974.

In its final form the law:

1. Authorized an 84,550 acre Big Thicket National Preserve consisting of twelve units located in parts of Polk, Tyler, Jasper, Hardin, Orange, Jefferson and Liberty Counties.
2. Authorized the National Park Service to survey and draw up a detailed description of each unit in the Preserve (published in the Federal Register on March 17, 1975).
3. Directed the Park Service to purchase at fair market value all real estate included in the Preserve and to make such purchases over a period of six years as funds were made available by the Congress.
4. Permitted residents whose homes were to be taken the option of immediate payment at the fair market value or the right to use and occupy the property until the death of the owner and his spouse, or for a period of not more than twenty-five years.
5. Instructed the National Park Service to administer the park area to assure the preservation, conservation and protection of the natural scenic and recreational value of the area.

After nearly 50 years of talk and 10 years of hard work a wilderness preserve in Southeast Texas was legally authorized by the Congress, but celebration still seems premature to many. The wheels of the federal bureaucracy often move more slowly than the buzz saw of the timber owner or the bulldozer of the subdivider, and the fragile nature of the Thicket remains highly vulnerable to the whims and ambitions of man. Unlike most national parks in the United States, the boundaries of the Thicket are not compact and contiguous. The scattered units and often extremely narrow connecting waterways are easily surrounded and invaded by forces unconcerned about the survival of the wilderness area. Unlike other park areas, the Thicket is not primarily intended for mass recreation and mass incursions into its primitive depths. Preservation and protection of the area is of the highest priority and thus makes swift action on the part of those responsible for protecting the area doubly important. The unique nature of the area was recognized by the Congress when it rejected the traditional National Park Service designations "park", "forest", "monument" and "reserve" in favor of a new designation — "preserve."⁹

Events since the passage of the Thicket Bill in October, 1974 illustrate the dangers still facing this delicate area. Until the national government legally purchases the land from property owners in the area, it is their land to do with as

they please. Unconvinced that the government will compensate them fairly or promptly for timber on their land, many owners have cut and sold valuable trees to sawmills in the area. The harvesting of huge oak, sycamore, magnolia and cedar trees which are hundreds of years old has been observed by residents of the area. The purchase of timber rights by lumber companies on over 1300 acres in the area has been carefully documented.¹⁰ In some cases the timber rights were purchased prior to final passage of the Big Thicket legislation, but the tracts remain threatened as the deadline nears for cutting on the preserved land.

Additional damage has been done to hundreds of acres which have been cut by real estate developers as subdivisions push closer to several of the Thicket units. Urbanization has forced lumber companies to sell their land as taxes are raised in once rural counties. In such counties as Montgomery County, just north of Houston and once a prime timber producing county, real estate developers have purchased much timber property for subdivision developments. As the population of the Houston and Beaumont metropolitan areas increases and the urban sprawl pushes further north, the isolated nature of the Thicket region is progressively threatened. In certain areas property owners are finding it financially attractive to sell their property to real estate developers rather than to wait for years for the federal government to purchase their land at an unspecified sum. A Thicket Preserve in close proximity to new housing developments and mobile home parks seems to many to be no Preserve at all.

Recent development in Hardin County illustrate a related type of danger to the Thicket. Two weeks of extensive flooding in the southern part of the county in the winter of 1975 resulted in the demand on the part of many property owners that action be taken to provide for the proper drainage of the area in case of future inundation. The demand for the immediate clearing and channeling of several streams in the area led to the introduction of a bill in the Texas House by Representative Herman Adams of Silsbee which provided for the creation of a drainage district in the lower half of the county. Fearing that such a district would adversely affect the watershed of the lower Thicket Preserve, conservationists were able to muster enough votes in the House of Representatives to prevent action by that body in the closing days of the session. There is a growing concern on the part of conservationists that similar attempts on the part of property owners in Hardin County in the future may meet with more success and may result in ecological damage to significant parts of the Preserve area.

Related problems will continue to plague the area as long as the Preserve is merely "authorized" and not an accomplished fact. Observers predict that until the ownership of the land is in the hands of the national government, additional acreage will fall prey to the buzz saw, the subdividers and the unconcerned. A former president of the Big Thicket Association, Miss Maxine Johnston of Batson, recorded nearly 2,000 acres of wooded area stripped of its marketable timber in the period from January 1974 to August 1975.¹¹ This destruction of about 100 acres per month is thought to be only a portion of the actual cutting that has taken place — a portion known to have been destroyed by only one observer. In a report sent to Representative Charles Wilson at his request in July, 1975, Miss Johnston pointed out that nearly 8,000 additional acres were being "thinned" by lumber companies in the area, with the announced purpose of controlling pine beetle infestation. Although the thinning presumably involved only pines, reliable observers in the area reported damage to the nearby foliage and extensive cutting of hardwoods in isolated areas — with log trucks loaded with hardwoods coming from these areas on numerous occasions.¹² Thus, by the

Fall of 1975, timber was being cut from over 10,000 acres out of a designated Preserve area of 84,550 acres.

Recognizing that additional action on the part of Congress was essential if the proposed wilderness area was to be preserved, in January 1975, Representatives Wilson and Eckhardt introduced H.R. 2554 to provide for early acquisition of the property in the Preserve. The bill, if passed, would "vest in the United States all right, title and interest in and right to immediate possession of, all real property located within the units of the preserve," effective January 1, 1976, or at a date set by the Congress. At the same time an effort was begun by several members of the Texas Congressional delegation to obtain an appropriation of 20 million dollars to permit the immediate purchase of endangered areas of the Preserve and to obtain the funds necessary for completion of the purchase in Fiscal Year 1977.¹³

Thus the next, and perhaps last, step in the drama of the Big Thicket is about to unfold. Whether "Uncle Sam" will take the necessary steps to "save the trees from man's folly" is a question as yet unanswered. Whether 50 years of organized effort from those who have dreamed of and worked for a wilderness preserve will have their dreams and efforts realized still depends on unpredictable political forces. If the past is any indicator of what may be expected in the future, the Big Thicket National Park faces additional months of political bargaining and compromising before it becomes a reality.

NOTES

¹Quoted by Senator Lloyd Bentsen at the *Hearings Before the Subcommittee on National Parks and Recreation*, Committee on Interior and Insular Affairs, House of Representatives, July 16, 1973, 100.

²H.B. Parks, "The Big Thicket," *Texas Geographic Magazine*, 2 (Summer 1938) 1, 17.

³Parks, "The Big Thicket," *Texas Geographic Magazine*, 17.

⁴Peter Gunter, "Big Thicket: Parks or Tree Farm?," *Environmental Action*, 5, (December 22, 1973), 16, 11.

⁵Peter Gunter, *The Big Thicket: A Challenge For Conservation* (Riverside, Connecticut: Chatham Press, 1971), 11-12.

⁶Gunter, *The Big Thicket: A Challenge For Conservation*, 84.

⁷Interview with Representative Bob Eckhardt, June 11, 1974.

⁸Interview with Representative Charles Wilson, June 10, 1974.

⁹Interview with Mr. Tom Lubbert, Big Thicket Preserve Project Manager, National Park Service, August 5, 1975.

¹⁰Report by Miss Maxine Johnston, Legislative Committee Chairman of the Big Thicket Association, to Advisory Board of the Big Thicket Association, July 26, 1975.

¹¹Johnston, Report to Advisory Board of the Big Thicket Association, July 26, 1975.

¹²Letter to Representative Charles Wilson, From Miss Maxine Johnston, July 27, 1975.

¹³Letter to Representative Roy N. Taylor, Chairman of the House Subcommittee on National Parks and Recreation, from Representative Charles Wilson, August 7, 1975.