

## THE WALLISVILLE LAKE PROJECT

Beginning in 1952, plans had begun to create a reservoir in the lower Trinity River area around the townsite of Wallisville, Texas. Funding was obtained and construction of what would be a 19,700-acre reservoir began in 1966. The purposes were navigation, water supply, saltwater control, wildlife enhancement and recreation. It would have inundated and killed off the last large remaining cypress swamp along the Texas coast. Sponsors included the City of Houston, U.S. Army Corps of Engineers, the Trinity River Authority, the Chambers-Liberty Counties Navigation District.

In 1971 the Sierra Club filed suit to stop this project and was joined by Houston Audubon and other conservation organizations. An injunction was obtained in 1973 stopping the project which was 72% complete. After that time, there were numerous protests and media events and site visits by conservationists meant to publicize the unique nature of this area and its importance to wildlife. Showing this site in person to influential decision makers played a part in changing opinions.

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The following is from James Blackburn's video history transcript:

“Wallisville had actually been initially litigated in the early 1970s, and a lawyer named Stuart Henry, who ended up being a very well-known Austin environmental lawyer, kind of led the legal charge down here. Houston Sportsman's Club, Houston Audubon Society, and a number of other groups – most of which don't exist anymore – brought the Wallisville case. It was probably one of the big early victories under the National Environmental Policy Act. And the Corps of Engineers got sent back to the drawing boards to kind of re-do the environmental impact statement, which is what usually happens when you win what's called a NEPA lawsuit.

And then in the 1980s, I think it's probably about 1984 time period, something like that, the case came back. The court had an injunction, and the court came in and asked that the injunction be lifted. And a lawyer named Ray Berry, from here in Houston, was the lead attorney for Houston Audubon as well as the other plaintiffs, and he asked me to join him as second chair. And so that was my first involvement with Wallisville, was being the second chair on what's called Wallisville Two, which we won at the federal district court, and then lost at the Fifth Circuit Court of Appeals. And it's a fascinating story. It came back, and it looked like the Corps was going to get permission to build a modified Wallisville Reservoir, which I think by that time had gone from 25,000 acres in size to 5,000 acres in size. But we still didn't like it. And we found an eagle's nest in Lake Charlotte. And at that time, the bald eagle was an endangered species. And that caused another stop in the Corps of Engineers' progress. And by this time, I had now taken over as lead attorney. We ultimately negotiated an agreement where there was no Wallisville Reservoir at all, and instead what we had was a saltwater barrier project that ended up being approved, and basically having 25,000 acres set aside as what is basically a nature preserve, although it's managed as a kind of a federal wildlife management area. “

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After 25 years of litigation and activism, the case was resolved in 1995 or 96. This case spanned twelve HAS BOD administrations, beginning with HAS President Hubert Davis, Jr. and ending during Lynne Aldrich's term as HAS President.

The saltwater barrier that exists now allows the river flow to be closed during times of low flow or storms to prevent saltwater from migrating up the river and damaging habitat, agriculture and water supply intakes. A lock system allows river traffic navigation. Before the saltwater barrier was built Lake Livingston was required to release a certain amount of water at all times to keep saline water from heading upstream. Levies which had been constructed have been breached allowing water flow into marshes around the area. JJ Mayes Wildlife area, Hugo Point and Cedar Hill Park are among the facilities that are available to the public for recreation and bird watching due to the preservation of this area.

After this litigation was resolved the efforts transitioned to protect freshwater inflows into the bay and estuaries of Trinity and Galveston Bays. Pressure for the use of this water comes from increased populations in the DFW area and Houston. The Bay and its estuaries provide important natural habitats for many species of particular environmental interest, such as colonial waterbirds, shorebirds, dolphins, sea turtles, alligators, and numerous other species. The brackish water is a nursery for young shrimp, oysters and many other species. The mix of fresh and saltwater creates highly productive habitat.

Regional Water Planning has been part of Texas water planning since 1997 and while environmental water needs are not directly recognized as a need by the state, efforts have been ongoing to protect the bays and estuaries. Continued vigilance is important as populations continue to increase and climate change and rising sea levels affect our bays and coastal areas.

The Saltwater Barrier and negotiations regarding freshwater inflows were part of the final settlement of the Wallisville Lake Project. It was a victory for Galveston Bay and certainly for the natural areas at Wallisville where today 19,000 acres of marsh, cypress swamp and bottom land hardwoods thrive with birds and wildlife. Thus concluded one of the earliest advocacy efforts by the Houston Audubon Society, which through protests, initiating litigation, and providing some of the required funding, did persevere and prevail at the end.

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Principal sources for this Wallisville Project history include:

- John Bartos, former President of HAS, now BOA member; former Chair of Galveston Bay Foundation, former President of the Houston Canoe Club and a member of the Region H Water Planning Group since 1997. Chair Trinity, San Jacinto, Galveston Bay and Basin Stakeholders Committee. John is a practicing attorney in Houston, Texas.
- James Blackburn, former HAS BOD member, currently BOA member; former partner of Blackburn Carter law firm; Co-Director of the Severe Storm Prevention, Education and

Evacuation from Disaster (SSPEED) Center at Rice University. He is a practicing environmental lawyer and planner and a Professor in the Practice in Environmental Law in the Civil and Environmental Engineering Department at Rice University where he also is a Faculty Scholar at the Baker Institute. He currently serves as Chair and CEO of BCarbon, as well as being President of the Bayou City Initiative, the Matagorda Bay Foundation, the Texas Coastal Exchange, and the Trinity Edwards Springs Protection Association.

- Trinity River Authority web site [Trinity River Authority, TX \(trinityra.org\)](http://trinityra.org)
- Wallisville Lake Project website [Galveston District > Locations > Wallisville Lake Project Office \(army.mil\)](http://army.mil)