My name is Jim Blackburn, and I'm an environmental lawyer and environmental planner. And I have been practicing law really since the early 1980s, practicing environmental planning since I got a master's degree at Rice after law school, back in 1973.

When we moved to Houston, my wife's mother knew a lady named Terry Hershey, and she told us that Terry Hershey was doing environmental stuff in Houston. Terry had been previously living in Ft. Worth, which is where Garland's mother was. And so we went over and met Terry Hershey, and she was really excited to find a budding environmental lawyer. And she said that she had just helped start this group called Houston Audubon Society, and she ended up getting both myself and my wife, Garland Kerr – Terry Hershey got us both on the board at a relatively early time. I think it was about the mid-1970s.

I was not yet 30, so I was in my late 30s when I first came on, and I really didn't know a lot about birding. I had a great interest in protecting the natural environment and habitat. I was a hunter and a fisherman, and so that was my love for the outdoors. And Terry said, "Well, we'll teach you about the birds. We need you because we need environmental lawyers involved." And like I said, I wasn't practicing law at that time, I was doing a lot more planning, but certainly had the legal background. The role I played was kind of doing a lot of legal advice, even though I wasn't really practicing at that time.

Well, it was interesting. When I was first pulled aside, it was sorta like Terry was saying, "Eureka! I have found a resource!" And my wife was an accountant. Y'know, "Pull her over and let her be treasurer." And she was assembling a team, and I'm not sure I had any appreciation of how shape – I mean, my wife and I shook hands, coming into Houston, saying we were only gonna stay one year. So, I mean, y'know, 50 years later or so, we're still here. But, I mean, so we didn't necessarily think of that being a long-term commitment to Houston, and it just grew over time. And I think part of it was learning the environment around here. I think the environment, the birding, it's the best-kept secret of Houston. And I think if we advertised it more, if we appreciated it more, if we celebrated it more, I think Houston would gain in reputation as a quality-of-life place. And I think those powers that be never wanted to go that direction with Houston, and I think it's a big mistake.

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 gonna 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.

They stuck it out, and I think ended up with probably one of the best results I've ever achieved, or was a part of achieving. And I think the important thing there is, it wasn't necessarily an absolute victory, but it was a very practical victory that protected the essential resources that were of concern. That cypress swamp was protected. It would have died over time had the impalement gone in, and that's the furthest west major cypress swamp in Texas. And so that – it's important habitat.

I think it's important to note that really Houston Audubon was one of the few, dependable voices for stepping up and being willing to fight for the environment. There weren't many groups that were willing to do that. It sometimes cuts into your ability to raise funds; it certainly can cut off some of your community support avenues, to be opposed to something that may be a popular project with the city or the county or outlying county. But I think, y'know, Audubon's always had a very deep principle to them, which is one reason that I am so much a fan of Houston Audubon – because they've always been there. And I think that the importance of that cannot be overstated. And I think anytime there is a real environmental emergency, if you will, particularly involving habitat and birds, Houston Audubon will be there. National Audubon may not. I mean, they're very distinct organizations. But Houston Audubon usually will be there.

Well, I mean, I ended up being the lead attorney against the westside airport. Never involved litigation. A lot of times – I stress this, and it's sometimes hard for groups to understand – but sometimes if you can hire a lawyer before litigation is required, you can oftentimes stop a project before it gets too far along. One of the worst things is to have someone come to you after a project's already been approved; it's in the final stages before construction. And trying to stop it at that point, I mean, that's a really difficult task, given the way the law works. It's oftentimes much easier to come in and basically deflect something early. In the case of the westside airport, much of that was about putting together a coalition of interest that would include perhaps – I think we had support from Continental Airlines at the time, as well as a lot of environmental groups. And we began to see our first alliances, in that particular fight, between business interests and environmental interests, and how we might work together on certain things. And that was somewhat unique, that that occurred at that point in time. And for all of those reasons, we were very successful in, certainly, stopping that westside airport. Now, protecting the Katy prairie more generally has been difficult and sort of a war of attrition, because obviously, Houston has moved to the west. And the Grand Parkway came in, and there was a lot of concern and objections about that, and I think at that point, Sierra Club joined as a major litigant as well. But Audubon was always there to speak up. One of the funny stories about the westside airport is that we can all remember Kathy Whitmire, the mayor, coming out and visiting the Katy prairie in the middle of the summer, and talking about how she just didn't understand what the big thing was about all the geese. And someone had to remind her that the geese were migratory and only came down in the fall and the winter, and I think that was something that had escaped her at that moment, so.

Well, Sharon Stewart, from Lake Jackson, was the central person in the Lake Jackson Golf Course fight. And I think Audubon, I thing Gulf Coast Bird Observatory – there was a tremendous kind of support group for Sharon. I mean, Sharon was down in Lake Jackson, and she took a lot of kind of the personal kind of front that comes with standing up and saying, "Stop." And we filed a federal court litigation; we filed a major protest with the Corps; and that was really a unified effort of a lot of the different groups, Audubon included. And we really made a major difference down there, even though we lost the golf course battle. And I think that's a real important point about environmental litigation: you can lose the court battle and win the overall war. And at the time of the litigation, it looked like the Columbia bottomlands, that big, beautiful hardwood forest down on the Brazos and the San Bernard and the parts of it on the Colorado River – that whole area, where those rivers run into the gulf, is a beautiful hardwood forest that is just kind of swamped with migratory birds during the spring migration. It's the first time I ever saw birds on radar, the flights of birds coming off of the Columbia bottomlands. And I mean, one of the neat things about being an environmental lawyer, you got to see some fascinating places – Wallisville, the Katy prairie, Columbia bottomlands. And ultimately, 200 acres got developed for a golf course. But what happened was a consensus emerged during the fight that that area was worth preservation. Also, we were arguing with the Corps over the definition of wetlands. And our feeling was that there were areas we call mosaic wetlands that were small wetland pieces interspersed with kinda upland areas. But it's a mosaic of wetlands, and the Corps had been not classifying those as wetlands. And if they were classified as wetlands, much of the Columbia bottomlands would require a Corps of Engineers' permit. And at the time when we started, they were not. As a result of that litigation, one, we got the Corps to recognize and begin to regulate mosaic wetlands; and then secondly, the US Fish and Wildlife Service began purchasing, over time, the Columbia Bottomland's National Wildlife Refuge, which is an extension of the – I think it's part of either, I think it's the Brazoria or possibly the San Bernard Wildlife Refuge, but there is now I think probably upwards of 100,000 acres of Columbia bottomland that is part of the National Wildlife Refuge system. And that effort was started, really, because of the fight on the Lake Jackson Golf Course. So, you have ripple effects that come from a willingness to stand up and take these issues on. And that's why, again, I cannot emphasize enough the importance of what Houston Audubon Society has done over the years. Because if no one is willing to stand up, you'll never have these issues heard, and heard by people that can make a difference. And you don't always know who those people are, but if you're willing to stand up and try, you have the potential of really achieving some really important things from an environmental standpoint. And I consider the occurrences down in the Columbia bottomlands after the golf course litigation to be among the most important long-term kind of solutions, implications of almost anything I've been involved in. And again, that had so much to do with the community support by groups like Audubon, Gulf Coast Bird Observatory, to name two, but it also takes strong, brave individuals, like in this case Sharon Stewart.

Y'know, it was kind of a core group of individuals that were, I would say, influential, were working together back in the '70s. Terry Hershey is kind of well known as kind of the grande dame of environmental – There's a woman named Hana Ginzbarg, who was from down in Bellaire, and oh, gosh, I can't remember Sarah's last name right now, and she was with Houston Sportsman's Club *(her name was Sarah H. Emmott).* And so there was kinda Audubon, and Hana kind of took it on as her personal kind of mandate to get Armand Bayou protected. And I'll never forget, we were laughing over it at Rice. I had been a graduate student, and then I had graduated from the master's program down there. And Herb Ward was the chairman of the department. And we were all laughing 'cause Hana had gotten Herb in a canoe on Armand

Bayou, and the idea of Herb going out canoeing just struck us all as a little bit funny. So there were women, very willful women, that were trying to make these positive things happen. And Armand Bayou was, again, a congealing of the community around an idea. And it's fascinating to watch an idea come to life. And I think being exposed to, particularly, those women in the '70s probably had more influence on me than I've ever really thought much about or talked much about. But, y'know, they just went out and did things, and ultimately made them happen. But Armand Bayou Nature Center was essentially carved out of controversy. Friendswood Development Company owned most of the land, and I can remember being involved in the initial negotiations to establish the Armand Bayou Nature Center. And then Friendswood Development, which was a subsidiary of Exxon at that time, y'know, really debating about what they were opening up if they were to set this land aside. Would they be then perhaps keeping their developments from unfolding in the Clear Lake area? They were very clear that they were gonna work with us and set some of this land aside. And I can't remember what payments were made, what donations were made – I don't remember those details. But I can remember negotiating in the living room of my house, over where we were living in the late '70s, with the lady that was representing Friendswood, and basically coming up with an agreement on setting up that nature center. And I can't remember if that was the land itself, or if it was the initial housing for the structure that became kind of the administration building there. But it was interesting, and I ended up on the board of Armand Bayou Nature Center when it was first created down there. And been thinking of just kind of wild times, because these were all things that had never been done before, and it was neat.

More recently, Houston Audubon has joined in on legal actions that were instigated by others. And I think that's important as well. You don't always have to be the leader in the litigation or in taking the fight public. But to throw your support, and to say, "Look, this is a righteous activity." The whooping crane litigation down the coast, back in 2008 – 2011 I think was when the suit was filed over the death of 23 whooping cranes. Houston Audubon joined a litigation down the coast because of interest in Houston in protecting the whooping cranes. Now, the Aransas Project was the group that they joined. TAP took the lead in the litigation. But having Houston Audubon, having a seriously good birding organization putting their name behind the concern about the cranes, was really important. I mean, we had Aransas County, we had the International Crane Foundation – I mean, there was a lot of partners on that. But Audubon's willingness was really both appreciated and was incredibly important. And I think the same thing's gonna be true with upcoming controversies of various types. A willingness to be supportive of the effort of others is as important as taking the lead. Every now and then, you have to take the lead, but more likely you're gonna be helping others. But it's that consolidation of interest on the environmental side that I think sends a really important message. And Audubon has always been there for that.

I worry a lot about how to connect with the younger generation. I mean, I teach at Rice, in civil and environmental engineering, and I'm teaching 20-year-olds, 21-year-olds for the most part. And of course they kinda have to pay attention to what I'm talking about, but you can tell – every now and then I can hit 'em, and I can get their interest. But you're competing with electronic devices; they have a shorter attention span, I think, than when I first started teaching; and I think that it may challenge us to come up with communications that will help 'em – I mean, if you think about Houston, so many people have moved to Houston from other places. The parents don't know the outdoors here. And so I think if we could get more guides, if we could get more outside experiences for the youngsters. Kayaking is one thing I have been

pushing, because the young people will love the coast. Most people, when you talk about the Texas coast, they think about Galveston Beach, or perhaps some other beach. But you don't hear 'em talk much about the bays. And among other things, our bays are somewhat hard to get to, if you don't have a boat. Kayak, though, opens all of that up. And so I think we have to create the interest, and I don't know that I'm the best person to be creating that interest. I'd like to see us spend a lot more time trying to develop programs to reach our young people, and particularly, maybe, high schoolers and younger, and get them comfortable with the outdoors here on the Texas coast, because I do think you have to learn how to do it. You look at Galveston Bay and what a lot of people would call, " Oh, that's a dirty bay." Well, that's a bay that's rich in fresh water inflow that's bringing in sediment; it's full of nutrients – that's life. It is a huge production arena. I mean, y'know, all of the phytoplankton leading to all of the small fish that lead to the big fish that I like to catch – that whole kind of ecosystem aspect of Galveston Bay, you have to learn that. You just don't look at it and get it. Most people like to see crystal-clear water that they can see their feet, so they know where they're stepping and things like that. And Galveston Bay is not gonna give you that comfort. The Texas coast, You have to get pretty far south to get clear water. And I think that if we can teach an understanding of what's going on, and then show the young people how to get out and enjoy it, that'll make so much difference.

I started off because, I would say, just in my head, intellectually, I wanted to protect habitat. Perhaps for self-serving reasons – I love to hunt; I love to fish. I quit hunting many decades ago, but when I first started, that was kind of the background I came from. And for me, it was personal. Y'know, it was protecting things that I might enjoy. You might almost say there was perhaps a personal use side. What I have come to appreciate is the spiritual side of my connection with the environment, which has really grown over time. What I would tell a young person is, if they get to know nature, it is a wonderful companion through life. And a group like Audubon, by focusing on birds, has really focused on life. And I think we don't get life. We don't understand the earth. And when you think about it, we wouldn't exist but for the earth, but it's not part of basically our spiritual makeup, our ethical makeup. We just take it as a given. And we're not at a point any longer where we can take it as a given, so I think if a young person could learn to have that spiritual connection with nature by learning about it, by experiencing it, by being out in it, that would be the best gift I think they could receive for their entire life. So, I think of Audubon as being a mechanism for a spiritual connection with the natural system. And that word spirituality throws off a lot of people. A lot of people go, "Ugh," y'know, "spirituality." But for me, it's about understanding the essence of life. And Audubon's about life. And I think that you can't do much better than that.

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