

**GILCHRIST COMMUNITY ASSOCIATION**  
**Conservation and Recreation for the Benefit of All**

FOR IMMEDIATE RELEASE

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**CLOSURE OF ROLLOVER PASS IS PREMATURE**

*TEXAS GLO SHOWS CONTEMPT FOR DUE PROCESS OF LAW*

[GILCHRIST, TEXAS, Sept. 30, 2019] A Galveston newspaper on Sunday said the last days of Rollover Pass, a famed fishing site at Gilchrist, Texas, are arriving. The report was based on a September 6, 2019 announcement by George P. Bush, the Commissioner of the Texas General Land Office (GLO), that demolition work to close the pass would start very soon. Lawyers for the Gilchrist Community Association (GCA) say closure is premature because Bush is disregarding the right to appeal in an ongoing court case, undermining constitutional rights to due process of law.

Rollover Pass is the subject of a fight between Galveston County and the GCA over eminent domain (the governmental taking of property through the courts). The current focus of the dispute in the County's claim that the GCA lacks standing to oppose closure of the Pass. The GCA invokes the concept of associational standing, long recognized for environmental and civil rights cases. The County says that associational standing is not applicable to eminent domain cases, but a federal D.C. Circuit Court has permitted it. A county court judge ruled for the County, but an appeal has not yet started because a final judgment has not issued.

The GCA says eminent domain power was illegally delegated by the County to the GLO, which has no eminent domain power of its own. County officials have admitted that the suit was brought at the request of the GLO, which can influence county governments through GLO control of funding programs. Texas law also requires the government to prove that its proposed public use (in this case, a park) is superior to the existing public use at Rollover Pass, which has been a popular public fishing location since the 1950s. With paved, bulkheaded banks close to the water, the Pass is well suited for fishing by children, as compared to a pier, jetty, or the surf. The Pass also serves as a migratory route for sea life and provides drainage for storm flooding. The GCA has suggested, without success, that an improved state park which kept the Pass open is the best plan.

Lawyers for the GCA denounced Bush's plan to start closing the Pass before the judicial system finishes its work, stating Bush "shows contempt for the judicial branch of government."

The Gilchrist Community Association is a non-profit community group dedicated to promoting conservation and recreation of the Bolivar Peninsula. Membership is free.

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For more information and photos, see FACEBOOK page Save Rollover Pass Movement.

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