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## Judge blocks Dallas plans for Fastrill Reservoir in East Texas

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The city of Dallas suffered a significant setback Tuesday to its plans to build a massive water reservoir in East Texas.

A federal judge in Dallas threw out much of the city's lawsuit against the U.S. Fish and Wildlife Service, shuttering for now a key element of Dallas's long-range water plan, a proposed Fastrill Reservoir to supply water to the city for decades.

"If the ruling stands and the city does not prevail on its remaining claims, the city will not be able to build Fastrill Reservoir," said First Assistant City Attorney Chris Bowers.

The city had claimed that the Fish and Wildlife Service violated federal environmental law by designating more than 25,000 acres in Anderson and Cherokee counties as a national wildlife refuge.

The refuge and the reservoir are planned on much of the same land and cannot co-exist.

U.S. District Judge Jorge Solis dismissed Dallas' claim that the Fish and Wildlife Service failed to prepare an adequate environmental assessment regarding its plans to establish the Neches River National Wildlife Refuge.

The judge also threw out the city's claim that Fish and Wildlife should have, but did not, file a more extensive environmental impact statement.

Such a statement wasn't necessary, the judge ruled, because "establishment of the Refuge will not alter the condition of the land as it is today."

The ruling also applies to a separate lawsuit filed by the Texas Water Development Board against the U.S. Interior Department.

Mr. Bowers said city officials will consult with the state attorney general's office and the water board before deciding whether to appeal. Officials in the attorney general's office could not be reached for comment.

The ruling comes three years after Dallas included construction of the Fastrill Reservoir as a major element of its long-range water plan.

On completion, the reservoir was expected to provide about 80 million gallons of water a day to Dallas Water Utilities, which serves Dallas and 22 suburbs.

City officials have argued that Fastrill was among the best choices for future water sources because the water would be less expensive and the environmental impact would be less significant than alternative sites.

But some environmental groups have organized against construction of the Fastrill Reservoir, arguing that not only that it would disrupt the nature of the area but that it is unnecessary to Dallas' future water needs.

In a brief filed in the case, the **Texas Conservation Alliance** expressed its support for the wildlife refuge as an important habitat and place for public recreation.

While a major element of the lawsuit was dismissed, the city does have some claims remaining against the federal government.

The key claim is that federal officials exceeded their authority when they established a 1-acre conservation easement that became the toehold for planning the larger refuge.

The city is expected to push forward on that claim, although, given Tuesday's ruling, it appears to be a fight that will be difficult to win.