

# The Dallas Morning News

## Court panel rules against Dallas' plans to build East Texas reservoir

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The city of Dallas' long-term plan to provide water to its residents was dealt a significant blow by a federal appeals court this week.

In an opinion issued late Thursday, a panel of the 5th Circuit Court of Appeals ruled against Dallas' effort to build a massive reservoir along the Upper Neches River in East Texas.

Lake Fastrill, as the planned reservoir was to be called, has been a part of Dallas' water plans since the early 1960s.

But since the mid-1980s, the federal government has intended to use the same huge spread of piney land in Anderson and Cherokee counties as a wildlife reserve.

Dallas sued to prevent that from happening but had most of the suit tossed out by a federal district court.

Thursday's ruling upheld that decision and leaves Dallas with few options and little hope that Fastrill will ever be realized as a water source.

At this point, Dallas could seek to appeal to the full 5th Circuit or attempt to appeal to the U.S. Supreme Court.

The decision of where to go from here has yet to be made, however.

"We're disappointed in the court's ruling. We are still assessing it, and we will work with our partners, the Texas Water Development Board and the attorney general's office, to determine what our next steps will be," said Chris Bowers, first assistant city attorney for Dallas.

Conservationists, meanwhile, were delighted with the ruling.

"It's wonderful news for us. I think it will be totally positive," said Janice Bezanson, executive director of the Texas Conservation Alliance.

Bezanson described the area as perfect for a refuge.

"It's very important for migrating ducks and geese and songbirds," she said.

So far, the refuge exists largely on paper. The U.S. Fish and Wildlife Service has secured only one acre of land as a toehold for what someday could be a refuge of more than 25,000 acres.

Bezanson said thousands of acres are waiting to be donated to the refuge but have not yet been handed over because of ongoing litigation.

She also said that Dallas will be able to find water from any number of different sources and existing reservoirs.

City officials aren't so certain.

Competition for water sources is significant, and costs can be very high. And as more time goes by, those sources become more and more scarce.

Bowers said that while he was sorry about the result in the case, he was grateful that the appeals court ruled quickly.

"All of the parties agreed that a prompt ruling was desirable and requested a prompt ruling so that each of us could make other plans sooner rather than later for the public's benefit," he said.