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Supreme Court Denies 3 High-Profile Environmental Cases

In its first set of orders since returning from a month long recess, the Supreme Court...

Development and conservation

Another case denied review was *Texas Water Development Board v. Department of Interior*, which weighed prospective future development against environmental conservation. The decision not to review the case derails plans by Dallas-area officials to someday build the proposed Lake Fastrill reservoir along the Neches River.

In that case, a three-judge panel on the 5th U.S. Circuit Court of Appeals had unanimously upheld a lower court's decision that the Fish and Wildlife Service did not violate the National Environmental Policy Act by designating 25,000 acres of east Texas wetlands as the Neches River National Wildlife Refuge in 2006. Local governments said they would likely need to build the reservoir by 2050 to accommodate increased water demand ([Greenwire](#), Oct. 8, 2009).

"The city and TWDB never committed to constructing the reservoir and may never have done so, or may have constructed a reservoir at another site," Judge Kurt Engelhardt wrote in the court's opinion last March. "Further, the effects of establishing the refuge, and thus precluding the reservoir, are highly speculative and cannot be shown to be the proximate cause of future water shortages in Dallas."

Local environmental groups declared victory after the Supreme Court declined to take the case, saying the wildlife refuge protects rare bottomland hardwood habitat and the migratory birds that rely upon it.

"We heartily endorse the Court's decision," said Janice Bezanson, executive director of the Texas Conservation Alliance, in a statement. "There is enough water in existing reservoirs for Dallas to have all the water it needs for future growth."

Reporter Sara Goodman contributed.

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