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Activists threaten lawsuit over hunting club road in the Atchafalaya Basin

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Dean Wilson

New Orleans – Tulane University’s Environmental Law Clinic has filed a notice of intent to sue an oil company and an absentee Atchafalaya Basin landowner for violations of the federal Clean Water Act.

The notice claims that Beusa Energy and A. Wilbert’s Sons, LLC, a Texas-based family partnership, have the intent to build a road over a natural bayou by laying culverts and filling in around them with dirt and rocks.

Complainants in the case are the Atchafalaya Basinkeeper, Louisiana Environmental Action Network (LEAN), and Louisiana Crawfish Producers Association – West.

“Culverts currently sit on the bank of the east branch of Brown Bayou, which Complainants understand are for use in constructing a road across the bayou and wetlands in the area,” reads the notice.

“Complainants are aware that BEUSA Energy has built roads using dirt and rocks as fill in other areas of the Atchafalaya Basin on property owned by A. Wilbert’s Sons without first obtaining a permit that would allow such activities.”

Under the Clean Water Act, fill material is considered a pollutant and any discharge of fill is subject to permitting by the U.S. Army Corps of Engineers, the letters states.

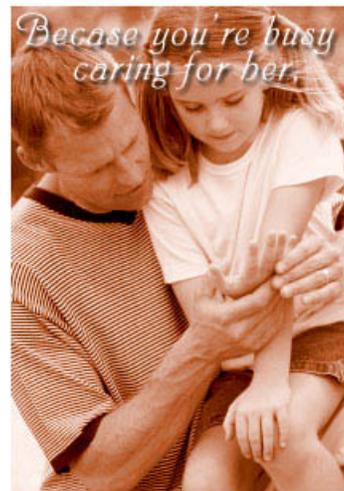
According to Atchafalaya Basinkeeper Dean Wilson, In 2007 Bidas Energy, parent company of Beusa Energy, applied for a permit to “lay boards on an existing logging road” for Wilbert’s Sons Well No. 1 (the well near Ramah that blew out that November and shut down Interstate 10 for days). Rather than lay boards, however, the company constructed a permanent limestone road, blocking navigation and stemming seasonal flooding in three natural bayous.

The same operators and landowner had done the same thing to another well back in 2000, Wilson said.

The dirt road being planned over the east branch of Brown Bayou is apparently to benefit a hunting club, he said.

The Clean Water Act includes a provision for enforcement via citizen suit.

Wilson, a non-profit environmental watchdog, complains that the Corps of Engineers has tended to issue permits on incomplete or falsified applications and then rectify the situation by issuing after-the-fact permits.



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