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Groups sue over basin project

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Members of several Louisiana environmental groups are continuing their legal battle in federal court against a water-control project they say could cause long-term harm to the Atchafalaya Basin.

The Atchafalaya Basinkeeper, Louisiana Crawfish Producers Association and Louisiana Environmental Action Network claim in a pending federal lawsuit that Mallard Basin Inc. and Whiskey Bay Island LLC continue to damage the basin since building a water-control structure in 2006, before the companies received the required permits for the project.

The suit also accuses the U.S. Army Corps of Engineers of encouraging "lawless behavior" when it eventually granted those permits.

According to federal court documents, the companies built a water-control system near Fisher Lake, Lake Warner and Bayou Cane

beginning in late 2006. Federal permits were not issued until 2010, the documents say.

In a letter asking for a denial of the permit, Alabama attorney Leigh Haynie wrote the project could have a severe negative impact on the basin, with effects including an increase in greenhouse gases, blocking navigation for commercial crawfishermen and the loss of fish and wildlife habitats.

"This project has significant adverse effects on shellfish, specifically the commercial crawfish fishery, wildlife in the area and the associated special aquatic sites," Haynie wrote. "This project has significantly adversely affected the aquatic ecosystem diversity, productivity and stability by dredging and deposition of spoil. This project has significantly adversely affected the economic value of the fishery contained in the wetlands."

Attorneys for Mallard Basin Inc. and Whiskey Bay Island LLC did not respond to calls for comment. Ricky Boyette, a spokesman for the U.S. Army Corps of Engineers, said the agency does not comment on pending litigation.

However, in court filings, the defendants deny the allegations.

Atchafalaya Basinkeeper's Dean Wilson said he's seen the effects of the project, in particular lower water levels and less access to some areas of the basin.

"The way the basin works, you have high water times of the year and low water times of the year. It's dry in the summer and when the water comes up, the fish can migrate into the lake and swamps, then spawn and people can crawfish," Wilson said. "What they did is dam the bayou and put culverts in and it remains dry. You are taking away almost 300 acres of wetlands and disconnecting it from the rest of the basin."

Wilson said that some areas of the basin are now inaccessible because of the dam.

Lisa Jordan, supervising attorney at the Tulane Environmental Law Clinic who is representing the plaintiffs, said one of the lawsuits is on hold while the Corps re-evaluates the permits given to Mallard Basin Inc. The property in question now has a new owner, Jordan said.

"We opposed the request, because we think the Corps is using the sale of the property as an excuse to arrange it so that the judge never decides our existing case," Jordan said. She said the plaintiffs have appealed the stay and expect a judge to rule on when the case will move forward.

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Abstract (Document Summary)

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