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## Groups to sue over construction

The Daily Advertiser - Lafayette, La.

Author: Nicholas Persac

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## Document Text

Two local environmental groups and an industry organization plan to file a last-resort lawsuit against a landowner and an oil company for allegedly constructing unpermitted roadways within the Atchafalaya Basin that the groups say caused pollution and limited both human and natural access to the Louisiana wetland.

Atchafalaya Basinkeeper, Louisiana Environmental Action Network and the Louisiana Crawfish Producers Association West issued on Thursday a notice of intent to file a Clean Water Act lawsuit against BEUSA Energy, LLC and A. Wilbert's Sons, LLC.

Based on maximum daily violation fines outlined in the Clean Water Act and cited in the notice, the groups claim that BEUSA Energy and A. Wilbert's Sons could owe a combined total of more than \$250 million.

"Taking legal action is a last resort and is a sign of failure on the part of our agencies and the State to protect the rights of citizens and to uphold the environmental easements paid with tax dollars as well as the environmental law," Atchafalaya Basinkeeper staff scientist and executive assistant Cara Leverett said in an email.

"Atchafalaya Basinkeeper worked very, very hard to get the State of Louisiana and the Corps of Engineers to do their job and was left with no option but legal action," she said.

The notice cites two separate incidents in which BEUSE Energy and A. Wilbert's Sons allegedly built unpermitted roads in the basin, causing harm to the wetlands beginning in 2000.

Michelle Hall, an attorney with the Tulane Environmental Law Clinic in New Orleans, sent the notice on behalf of those three groups to Jeff Morris, president of the Woodlands, Texas based BEUSA Energy and to Klein Kirby, manager of the Plaquemine-based A. Wilbert's Sons.

In the first incident, Hall claims that BEUSA received permission from the U.S. Army Corps of Engineers to expand a preexisting road in the basin, but the business instead built an entirely new roadway.

In the second incident, Hall claims A. Wilbert's Sons built a hunting road with campsites without ever receiving the permit to do so.

"In this particular case, the fact that tax payers paid the landowner over \$1.5 million in easements did not deter the landowner from disobeying the law and ignoring his obligations under the easements," Leverett said.

The roads in question are near Ramah on the Eastern side of the basin. Hall said the construction lead to sand, rocks, limestone and other fill materials being dumped in the basin.

Further more, the roads choke off human and animal access to Brown Bayou, Bristow Bayou and Dixie Bayou since only a small amount of water is able to flow through the culverts built into the roads.

The notice of violation gives the oil company and the landowner a 60-day notice of the groups' intent to sue. The groups asked the defendants to remove the roadways at their own cost.

"Members from the Louisiana Crawfish Producers' Association, Atchafalaya Basinkeeper and Louisiana Environmental Network," Hall said, "can no longer access the bayou for fishing or recreational purposes."

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## Abstract (Document Summary)

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