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Judge postpones Atchafalaya Basin ruling

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Local crawfish farmers and environmental activists will have to wait another week before knowing if a legal battle against the U.S. Army Corps of Engineers will take a turn for the better.

Members of the Atchafalaya Basinkeeper, Louisiana Crawfish Producers Association West and the Louisiana Environmental Action Network are using a federal lawsuit in an attempt to force an Atchafalaya Basin landowner to remove a dam and other structures the corps permitted after the construction was already complete.

The groups claim the construction in the basin not only released pollutants into the wetlands but also impedes the natural flow of water in the area, restricting both animal and human movement. They want the dam removed and the after-the-fact permits from the corps revoked.

The corps, however, argued that the group's concerns about harm to the area have not come to fruition in the past and there is no basis to believe harm would occur in this case. The lawsuit also challenges the corps's ability to issue such after-the-fact permits to landowners who otherwise would be breaking the law without the permits.

The land in question is near Lake Warner and Fisher Lake. Mallard Basin Inc. allegedly built the illegal structures and received an after-the-fact permit for the construction.

Mallard Basin has since sold the land to an individual who wants to have the permits for the structures on the land transferred into his name.

Attorneys for the special interest groups, which are plaintiffs in the case, argued during a court hearing on Wednesday that the corps should not be able to transfer the permits and should not be given extra time to reevaluate the structures in question.

Magistrate Judge Patrick Hanna considered both motions to stay and to remand but delayed his ruling during that motion hearing Wednesday morning. Hanna asked the defense and the plaintiffs to submit supplementary reports within seven days to outline how his decision will affect the basin environment and how those effects may be alleviated.

"This dam is blocking my ability to pursue crawfish and everything else," said Jody Meche, who is a Basinkeeper board member and vice president of LCPA West. "It's a modern-day land grab. They're controlling it for private gain, but nobody can own or sell navigable waters. They're dictating how a natural system should work."

This lawsuit is not the ongoing litigation in which the special interest groups are involved.

The Atchafalaya Basinkeeper, Louisiana Crawfish Producers Association West and the Louisiana Environmental Action Network have all been proactive in finding landowners who build in the basin without permits, and the groups try to come to an agreement with landowners before seeking legal alternatives.

The same three plaintiffs also issued this past week a notice of intent to file a Clean Water Act lawsuit against BEUSA Energy, LLC and A. Wilbert's Sons, LLC for comparable

violations.

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Abstract (Document Summary)

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