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Bayou Bridge Fight Heads to Federal Court

Complaint alleges government failed to consider irreparable harm to Atchafalaya River Basin

BATON ROUGE—Representing the interests of the millions of people who use, visit, study and rely on the Atchafalaya Great River Swamp, several groups today asked a Louisiana federal district court to vacate a recent decision by the U.S. Army Corps of Engineers (Corps) that would allow the controversial Bayou Bridge pipeline to be constructed through the Atchafalaya Basin, one of the nation’s ecological crown jewels, and through hundreds of Louisiana’s streams, rivers, lakes, wetlands and bayous.

“Not only is the Atchafalaya Basin the most important ecosystem for neotropical migratory birds in the western hemisphere, but it is also critically important to protect much of south Louisiana and the Mississippi valley from major river floods. By allowing unsustainable development in the Basin, we are endangering hundreds of cities and communities and millions of people in southern Louisiana,” proclaims Dean Wilson, Executive Director of Atchafalaya Basinkeeper.

The groups – Atchafalaya Basinkeeper, the Louisiana Crawfish Producers Association (West), Gulf Restoration Network, Waterkeeper Alliance, Sierra Club and their lawyers at Earthjustice – filed a lawsuit (Case #) on Thursday to keep construction of the pipeline from moving forward. The lawsuit claims that the 162-mile pipeline would pose a serious threat, with risks of oil spills into wetlands, rivers and lakes; as well as the potential for permanent destruction of invaluable cypress and tupelo river swamps.

The pipeline project proposes to connect the controversial Dakota Access pipeline, which transports volatile and explosive Bakken crude oil from North Dakota, to refineries in St. James Parish and export terminals, forming the southern leg of the Bakken Pipeline. Energy Transfer Partners owns both the Dakota Access Pipeline and the proposed Bayou Bridge Pipeline.

“Energy Transfer Partners wants to bring its toxic mix of incompetence and greed to one of the nation’s crown jewel landscapes—the Atchafalaya Basin,” says Jan Hasselman, Earthjustice attorney for the plaintiffs. “The Corps refusal to look closely at the risks of this project is not just short-sighted, it’s illegal.”

The Atchafalaya Basin’s bottomland hardwoods, cypress swamps, bayous and backwater lakes are some of the country’s most productive wildlife habitats – home to 45 species of mammals, 250 species of birds and 40 species of reptiles – and a vital part of the region’s economy, with tourism and travel expenditures that exceed \$400 million annually.

“For too long, companies like Energy Transfer Partners have profited from the build-out of pipelines and lax enforcement by the government, while local communities and economies pay the price,” said Marc Yaggi, Executive Director of Waterkeeper Alliance. “When it comes to oil

pipelines, the sad reality is that it is not so much a question of if a spill will occur, but when. It's preposterous to put communities and our natural resources at risk for the sake of industrial polluters' profits."

"Oil and gas pipelines, and the spoil banks and canals associated with their construction, have degraded or destroyed extensive portions of the Basin's wetlands and waterways," the **complaint** reads.

The proposed pipeline threatens to further degrade forested swamps in the Atchafalaya Basin, and destroy wild crawfish habitat by making permanent illegal spoil banks that are already destroying swamps along the Bayou Bridge pipeline right-of-way. Before any more pipelines are built in the Basin, the Corps needs to enforce existing permits and bring illegal rights-of-way back into compliance.

"We have a right to a healthy environment. If the Cajun people of Louisiana had challenged the first pipeline when it came through Louisiana, we wouldn't be facing the environmental mess that we have in coastal Louisiana and the Atchafalaya Basin," said Jody Meche, a commercial crawfisherman with the Louisiana Crawfish Producer's Association, West. "It is the right thing to do to challenge the construction of a new pipeline by Energy Transfer Partners, which has a track record of flagrantly violating environmental laws."

The overall health of the basin would be threatened by potential leaks and spills – a routine occurrence for old and new pipelines. One study revealed an average of 20 major spills occur in Louisiana each year. In addition, federal data shows that Energy Transfer Partners and its subsidiary Sunoco Inc. were responsible for 329 "significant" pipeline incidents across the country in the last decade.

"The destruction of these wetlands, in direct opposition to the Louisiana Coastal Master Plan, would further weaken the state's storm defenses. Impacts to wetland forests are not 'temporary,' especially granted the severe hydrological alterations within the Atchafalaya Basin," said Scott Eustis of Gulf Restoration Network.

Despite repeated requests for adequate environmental review, the Corps issued permits and authorizations for the pipeline on December 14, 2017 without requiring an Environmental Impact Statement—a violation of the Clean Water Act, and National Environmental Protection Act, according to the complaint.

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