



News Release

**US Army Corps
of Engineers** ®

Mississippi Valley Division

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Appeal Filed by Earthjustice Legal Defense Fund

VICKSBURG, Miss., November 29, 1999 -- In a Notice of Appeal dated November 3, 1999, the Earthjustice Legal Defense Fund, Inc., appealed the September 8, 1999, decision of the District Court for the Eastern District of Louisiana, which upheld the adequacy of the Supplemental Environmental Impact Statement (SEIS) on the Corps' Mississippi River Mainline Levee Enlargement and Seepage Control Construction Project. The project consists of 1,610 miles of authorized levees and berms and associated seepage control measures along the Mississippi River in seven states. The Earthjustice Legal Defense Fund filed its appeal in the Circuit Court of Appeals for the Fifth Circuit. Construction has not been enjoined to date, so work is continuing on the levee project. Currently, construction is underway on approximately \$80 million worth of levee enlargement and seepage control measures in the Memphis, Vicksburg and New Orleans districts, with contracts for an additional \$21 million in work scheduled to be awarded during the remainder of Fiscal Year 2000.

The Earthjustice Legal Defense Fund, Inc., filed its initial lawsuit in October of 1996 and then filed a motion to enforce the Consent Decree in December of 1998 in the U.S. District Court for the Eastern District of Louisiana. The parties entered into a Consent Decree in June 1997 to suspend the proceedings of the initial lawsuit and to allow continuation of certain construction features until the SEIS was completed.

The original defendants listed in the lawsuit were H. Martin Lancaster, Assistant Secretary of the Army for Civil Works; Major General Pat M. Stevens IV, Commander, U.S. Army Corps of Engineers; Major General Robert B. Flowers, Division Engineer of the U.S. Army Engineer Division, Lower Mississippi Valley Division; Colonel Gary W. Wright, District Engineer, U.S. Army Corps of Engineers, Vicksburg District; and U.S. Army Corps of Engineers.