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**Lawsuit Filed to Halt Mid-Barataria Sediment Diversion Project**

**Army Corps Project Would Divert Mississippi Fresh Water, Mud and Toxins into the Barataria Wetland Basin with Devastating Impacts**

New Orleans, Louisiana –– Local commercial fishing organizations, health advocates, and conservationists filed a lawsuit today to halt the massive Army Corps of Engineers Mid-Barataria Sediment Diversion Project in Louisiana.

The purpose of the project is to attempt to build up sediment in the Basin, which is subject to erosion, subsidence, and sea level rise. But in doing so, the project will introduce fresh water into a saline environment, bury existing wetlands, and release extensive toxic contaminants into the Basin environment.

Among the serious impacts includes disruption and a likely end to many local fishing companies and fishermen, critical to the local economy and providing sustainable jobs. Fishermen are well aware of the impacts of these kinds of massive projects on the local habitat that they depend on for their livelihoods and work to preserve for their way of life.

“This project is the single biggest man-made disaster to ever hit Louisiana fisheries,” said **Mitch Jurisich**, a fourth-generation commercial fisherman and plaintiff. “We rebounded after the BP Deepwater Horizon oil disaster. We won’t rebound from this. It will wipe out fisheries, our culture, and our way of life. It will be over for my son and grandchild.”

West Plaquemine’s Parish supports the largest oyster fishery in the U.S. and a vibrant local economy. The fishermen grow oysters by creating coastal reefs and protecting water quality.

Jurisich is proud to be an environmental steward. He says, “Living oyster reefs are indicators of good water quality and an invaluable part of ecosystems—like coral reefs.” Jurisich is president of the Louisiana Oyster Task Force, and he owns Delta Marina in Empire, Louisiana, that services a large local fishing fleet.

The project would also impact foraging bald eagles, making a comeback after near extinction in the last century, and a population of bottlenose dolphins that are struggling to recover from the BP Deepwater Horizon oil disaster. The plan acknowledges that the dolphins will likely be wiped out by the project, but Congress exempted the project from the Marine Mammal Protection Act, circumventing the act with an amendment to a funding bill.

The Barataria Bay dolphins are subjects of a multi-year, government-funded effort to understand the long-term harm from the BP Deepwater Horizon oil disaster. **Dr. Riki Ott**, **Director of Earth Island Institute’s** [**ALERT Project**](https://alertproject.org/) and a plaintiff in the case, said, “The Barataria Bay dolphin studies advance understanding of molecular changes in genetic coding caused by oil spill exposures. This has applications for humans and other animals besides dolphins. Killing the subjects kills the studies and the knowledge that results from them.”

The case, brought in the United States District Court for the Eastern District of Louisiana, contends that the Army Corps’ approval of the project violates the National Environmental Policy Act, the Endangered Species Act, and Administrative Procedures Act.

In particular, the lawsuit argues that the Army Corps failed to adequately assess the project’s effects on sediment and water quality in the basin, including the impact of funneling hundreds of thousands of cubic feet per second of contaminated Mississippi River water into the Barataria Basin.

The lawsuit also alleges that the Army Corps and the agencies responsible for protecting threatened and endangered species, the Fish & Wildlife Service and the National Marine Fisheries Service, downplayed the project’s impacts on several endangered and threatened species, including at least three species of endangered sea turtles that use the Basin for foraging and nesting, and the red knot and the piping plover, both birds on the US Endangered and Threatened Species List.

Plaintiffs include Jurisich Oysters, LLC, AmeriPure Processing, Inc., Matthew Tesvich, the International Marine Mammal Project of Earth Island Institute, the ALERT Project of Earth

Island Institute, and the Earth Island Institute. The Plaintiffs are represented by the public interest law firm Eubanks & Associates, PLLC.

**Ott**, also a former commercial fisherman from Alaska, stated: “ALERT stands in solidarity with our Barataria Basin allies and the future sons and daughters of fishing families. The money and effort spent on this misguided and ill-conceived Army Corps of Engineers project would be far better spent on finding methods to restore marshland in less than 50 years without destroying existing marshland and the fishing community and economy it supports.”

“The Army Corps of Engineers has once again proposed a devastating project that will harm fishermen, endangered species, and the entire Barataria Basin through diversion of toxic-laden mud and fresh water from the Mississippi River,” stated **David Phillips, Director of the International Marine Mammal Project of Earth Island Institute**. “There are better ways to build up the wetland area against erosion.”

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