La. Flood Board to Sue Oil Companies Over Erosion

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NEW ORLEANS (AP) — The oil and gas industry has cost Louisiana hundreds of acres of coastal land that serve as a natural buffer against flooding from hurricanes, officials in charge of New Orleans-area flood protection say in a lawsuit seeking to hold dozens of companies responsible.

Corrosive saltwater from a network of oil and gas access and pipeline canals has killed vegetation and swept away mountains of soil, the Southeast Louisiana Flood Protection Authority-East's board of commissioners claims in the lawsuit, which it plans to file Wednesday in Orleans Parish Civil District Court. The wetlands are considered a crucial buffer against hurricanes because they can help keep floodwaters from storm surge at bay.

"What remains of these coastal lands is so seriously diseased that if nothing is done, it will slip into the Gulf of Mexico by the end of this century, if not sooner," a draft of the lawsuit says.

The board says it will have to bear many of the costs associated with the need for increased flood protection. Its suit seeks unspecified damages.

"Even the industry recognizes they are responsible for some of the land lost, and it's not an insignificant amount," said board vice president John Barry, author of "Rising Tide: The Great Mississippi Flood of 1927 and How It Changed America."

About 100 companies are named as defendants in the draft of the lawsuit, including Apache Corp., BP America Production Co., Chevron USA Inc., ConocoPhillips Co., Exxon Mobil Corp., Shell Oil Co. and The Pickens Co. Inc.

The board covers most of the New Orleans area, governing the Orleans Levee District, the Lake Borgne Basin Levee District and the East Jefferson Levee District.

"I think this is the first time that an entity like the authority has brought a suit like this," said Gladstone Jones, an attorney representing the board.

A protective buffer that took 6,000 years to form "has been brought to the brink of destruction over the course of a single human lifetime," the draft of the suit alleges.

"Unless immediate action is taken to reverse these losses and restore the region's natural defense, many of Louisiana's coastal communities will vanish into the sea," it says. "Meanwhile, inland cities and towns that once were well insulated from the sea will be left to face the ever-rising tide at their doorsteps."

The suit says the U.S. Geological Survey has determined that "altered hydrology" associated with oil and gas activities is one of the primary causes of coastal land loss.

"The increased storm surge risk resulting from the extensive and continuing land loss in southeast Louisiana ... has required, and will continue to require, increased flood protection at increasingly high cost," the suit says.

Local levee districts will bear increasing responsibility for the operation and maintenance of the multibillion-dollar system of gates, walls and armored levees that the U.S. Army Corps of Engineers has built following Hurricane Katrina in 2005, according to the suit.

"The reality is that despite the new system, New Orleans is going to be increasingly vulnerable as the coast continues to erode," Barry said. "You cannot build levees high enough to protect against the storms that are coming."

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