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U.S. Court of Appeals Reinstates Lawsuit Over Proposed Levee in Jefferson City, Missouri April 4, 2006

On April 4, 2006, the Eighth Circuit Court of Appeals reinstated a challenge Great Rivers Environmental Law Center filed on behalf of the Sierra Club over the Army Corps of Engineers' plans to build a 1,000 year levee in Jefferson City, Missouri. The case had been dismissed on procedural grounds.

Great Rivers filed suit on behalf of the Sierra Club against the Corps in 2003 alleging the Corps violated the National Environmental Policy Act by failing to study potential damage to the environment before approving the project. Great Rivers argued the levee would eliminate wildlife habitat, ruin wetlands and encourage construction in floodplains. The U.S. District Court for the Western District of Missouri found the Corps and Federal Emergency Management Agency had not made a final decision on the project and dismissed the lawsuit.

The Eighth Circuit disagreed with the trial court and ordered that the lawsuit be allowed to continue. The Court stated that the Corps' determination that the project would have no major environmental impact had enough authority to be challenged.