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For Immediate Release

November 28, 2012

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Citizens File Suit to Stop the Army Corps of Engineers and MSD from Lining Two Mile Creek with Concrete

Wednesday, November 28, 2012

On behalf of William and Pamelah Oakey, Great Rivers Environmental Law Center filed suit today claiming that the U.S. Army Corps of Engineers (“Corps”) violated the law when it failed to adequately assess the environmental impacts of a project by the Metropolitan Sewer District (“MSD”) to construct a concrete block wall in Two Mile Creek, a spring-fed creek and upland tributary of the Mississippi River in Des Peres, Missouri.

Great Rivers argues that the Corps granted MSD a permit for the project on the basis that MSD was proposing to construct a *plantable* wall, which would eventually fill with vegetation and support habitat. However, after submitting its permit application to the Corps, MSD changed its plans and now intends to fill the block wall with clean rock that would not support vegetation or provide habitat. Despite this significant change in plans, the Corps has failed to supplement or reassess its initial environmental assessment of the project.

“The Corps should have conducted additional evaluations of the impacts of the project after it learned the walls would not be plantable,” said Kathleen Henry, President of Great Rivers Environmental Law Center. “Federal law requires the Corps to supplement its environmental assessments when significant new information is presented.”

“MSD is wasting \$1 million of taxpayers’ money and needlessly destroying a beautiful creek,” said William Oakey, a resident of Des Peres who lives near Two Mile Creek. “The Corps should never have granted MSD a permit to do this unnecessary work.”

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to promote preservation of the environment and public health. Its web address is: www.greatriverslaw.org.