

Common Law/Clean Water Act Action: Lawrence County Landowners Lawsuit Challenging Lawrence County, Arkansas Bridge



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

10/16/2017

A group of landowners and farmers (collectively “landowners”) filed an October 10th lawsuit in the United States District Court for the Eastern District of Arkansas against Lawrence County, Arkansas. See No. : 3:17cv272-DPM.

The landowners’ lawsuit addresses a bridge they state was built by the County over the West Cache River Slough (“Slough”).

The Complaint alleges that the County replaced a wooden bridge with a:

... crude dirt and concrete embankment that had four rail boxcars acting as culverts to pass the entire flow in the Slough.”

The landowners allege in part that:

- The bridge was built without consulting an engineer, architect, or hydrologist
- Significant and obvious defects would have been identified by an engineer, architect or hydrologist
- Logs, debris and sediment limit water flow and have caused flooding on the landowners’ property causing damage
- A Clean Water Act 404 Permit was not obtained from the U.S. Corps of Engineers prior to construction
- The Corps granted the County a 404 “after-the-fact” Permit which was premised on maintenance and clearing of debris

The Causes of Action alleged in the Complaint include:

- Violation of Section 404 of the Clean Water Act
- Public Nuisance (Ark. Code Ann. § 14-268-105)
- Declaratory Judgment (Ark. Code Ann. § 18-15-703)
- Inverse Condemnation
- Violation of 42 U.S.C. §1983

The landowners request:

- Damages for “lost crops and property values that have been destroyed”
- Enjoin the County to remove the bridge and allow free flow of floodwaters and debris through the Slough unimpeded

- Attorney fees, costs and recovery of expert fees

[A copy of the Complaint without the exhibits can be downloaded here.](#)