Crawfish pond focus of wetlands dispute

By Bill Decker
Staff Writer

U.S. Sen. J. Bennett Johnston on Tuesday toured a St. Martin Parish crawfish pond that ran afoul of wetlands regulations, saying the rules should have exceptions for people who actually improve the environment.

But at least one environmentalist says the rules are needed to protect Louisiana’s valuable wetlands.

At issue is the crawfish pond owned by Wayne Domingue of Lafayette. Johnston and other officials visiting the site Tuesday.

Domingue said he received no indication that the permit was needed — not from the two lawyers or three construction companies involved in the project, and not from the parish government.

Domingue said he bought a 35-acre tract — located about three miles from Lafayette on Louisiana 353 — and built two levees to retain water along the length of an existing levee.

Along the way, Domingue said, he hauled out dozens of truckloads of trash dumped at the site, trash that might have washed into area waterways.

“We thought that be cleaning up the trash and stopping it from washing down, we’d be doing a great improvement,” Domingue said.

But as the development neared completion, the U.S. Army Corps of Engineers ordered a halt to the work because Domingue didn’t get the permit needed to fill wetlands.

In the meantime, Domingue said, the project may be halted, but the loan payments continue.

“We’ve finally started to realize that we’re behind months on everything,” Domingue said.

Among the officials at the site Tuesday was Col. Richard Gorski, district engineer of the Army Corps of Engineers New Orleans District.

“I denied the permit,”
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Gorski said.

The colonel commended Gorski for hauling the trash from the site, but that the work at the site falls under the regulations governing wetlands. The rules are set out under Section 404 of the 1972 Clean Water Act.

“I think the corps has bent over backwards to enforce the regulations under the 404 program to protect the environment,” Gorski said.

In an interview, Gorski said the permit was denied after a review of the project by the Environmental Protection Agency, the U.S. Fish and Wildlife Service and other agencies. And he said the corps tries to work with applicants to modify projects so they meet the regulations.

But Johnston, who spent the day touring Southwest Louisiana sites affected by new, broader definitions now used in wetlands regulations, said the case illustrates a flaw in the rules. “The trash will come back if Wayne leaves,” the senator said.

Harold Schoeffler of Lafayette, a state Sierra Club official, said that even a small project like Domingue’s can hinder the flood-control and filtration effect wetlands have on water bound for streams and aquifers. And he said that even if the Domingue project does no harm, the cumulative effect of others like might do damage.

Wetlands rules have come under scrutiny in the wake of complaints that the regulations work an economic hardship on landowners and developers. Environmentalists have opposed proposed changes in the rules, saying the rules are needed to halt the loss of wetlands.