Dredgers protest DNR restrictions on removing shell

By BOB ANDERSON
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Shell dredging companies have accused the Department of Natural Resources of being unreasonable in the restrictions it has written into the companies’ permits. In letters to DNR, the dredgers ask that many of the restrictions be changed.

DNR says it is not going to back down on any environmentally important restrictions it placed on the companies when it issued the permits on Dec. 29.

Environmentalists had fought issuance of the permits, saying that shell dredging has harmed important fish habitat, worsened coastal erosion and contributed to the pollution of Lake Pontchartrain.

DNR elected to issue the permits but added a number of environmental restrictions and provisions for monitoring the dredging vessels.

In their letters to DNR, the dredgers accused the department of being “unreasonable, arbitrary or capricious in nature.”

The companies alleged that the permit requirements “place an inequitable burden on the applicants.”

The letters questioned a provision of the permits under which the secretary of the Louisiana Department of Wildlife and Fisheries can require the dredgers to use some of the shells they dredge for restoration as a compensation for disturbance of water bottoms.

The dredgers say a restriction prohibiting dredging within half a mile of the existing shoreline in Atchafalaya Bay and Four League Bay “is not supported by any evidence and is contrary to recommendations from all state and federal agencies.”

“We strongly and vehemently object” to requirements that dredgers must cooperate in the study of the ecological effects of shell dredging by DNR or the Coastal Protection Trust Fund Task Force.

The dredgers say their lease requires them to give such data to the Department of Wildlife and Fisheries and they should not have to give it to other departments as well.

The dredgers also object to an engineering study that the permit requires them to undertake.

That study would require the companies to look at various measures that might lessen the environmental impact of dredging in Lakes Pontchartrain and Maurepas.

“Numerous engineering studies of the effects of shell dredging in Lakes Maurepas and Pontchartrain have been conducted over the past two decades, and, on occasion, permittees, under duress, were required to fund such studies only to have the studies later attacked by environmental zealots on the simple ground that funding originated with the industry,” said Robert D. Palmere, a spokesman for the dredgers.

He said the dredgers do not object to studies but think they should be funded by the Louisiana Legislature.

The dredgers also complained about limitations on how many dredges can work in specific areas.

The restriction will mean that the companies will have to limit the number of dredges at all times in order to stockpile shells for the future, the dredgers said.

Ed Lennox of Southern Industries said that, while the dredging companies may have considered going to court in a formal appeal on some of the permit restrictions, there has been no decision yet to do so.

Winston Day, deputy secretary of DNR, said the department is still reviewing the complaints by the dredgers.

DNR is willing to be flexible in any areas where it can make matters easier on the companies without lessening the strength of the permit requirements, he said.

“We are not going to diminish environmental protection,” he added.

He said the permit requirements are not unreasonable, arbitrary or capricious and that DNR spent a great deal of time gathering information upon which to base its decisions.

DNR has a mandate to both develop and protect the state’s coastal resources, and “that’s what we have done,” Day said.