Environmental groups file appeal

By Betsy Cook

Six organizations filed appeals Friday, Feb. 18 of the shell dredging permits granted last month by the Department of Natural Resources.

Earlier that week the Sierra Club filed a lawsuit challenging state leases to the dredgers.

The petitioners of the appeals asked that a stay order be issued by the Louisiana Coastal Commission halting dredging operations until it can make a decision on the appeal.

The granting of the permits "is unreasonable, arbitrary and capricious and is an abuse of discretion," alleges the appeal of the permit.

The appeal was filed jointly by Save Our Coast Inc., Concerned Shrimpers of Louisiana, Acadiana Group Sierra Club, Acadiana Redfish Association and Concerned Citizens of Terrebonne’s Environment Inc.

According to Winston Day of DNR, the shell dredging permits were well researched and are in full compliance with the state’s coastal zone regulations.

The petitioners said the majority of the income derived from shell dredging does not remain in the state but goes to Alabama and Texas companies.

The shells dredged in Louisiana waters are sold to the state for roadbeds, but are of poor quality and the state would do better to purchase gravel and limestone, they said.

The action is separate from a civil lawsuit filed earlier that week by the Sierra Club. The suit attacks the legality of the state leases to the dredgers, rather than the DNR permits.

The leases of state lands are illegal because Louisiana failed to follow public bid laws, the Sierra Club says.

Jessie Knowles, who chaired the Wildlife and Fisheries Commission when the leases were approved, said the matter received sufficient publicity so that all firms that had the capability to dredge shells were aware that the leases were being negotiated.

The shell leases call for royalties "substantially below the price that would be reasonably obtained by following the free enterprise public bid law of the state," the suit says.

Based upon the amount Texas receives for its shells, the lease, which the Wildlife and Fisheries Commission approved last year, would result in a loss of more than $7 million a year to the state, according to the suit.

A spokesman for the shell dredgers says that it is not accurate, because Texas has killed its shell dredging industry with the high royalties it demands.

The suit also says that the leases are illegal because Louisiana law restricts shell leases of state water bottoms to Louisiana residents and Louisiana corporations. One of the firms to which state water bottoms are leased is Radcliff Materials Inc., which is an Alabama Corp.

Also, state law provides for the state granting leases that permit the taking of shell deposits only from shell reefs, the suit says, but some of the leases provide for dredging of non-reef shells.